

**CALL TO ORDER**

Session 24-07, a Regular Meeting of the Planning Commission was called to order by Acting Chair Roberta Highland at 6:31 p.m. on April 3, 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 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.

CONLEY/SCHNEIDER 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**

**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 of March 20, 2024
- B. Decisions and Findings CUP 24-01, 1149 Virginia Lynn Way
- C. Decisions and Findings CUP 24-02, 1161 Virginia Lynn Way
- D. Decisions and Findings CUP 24-03, 1177 Virginia Lynn Way

SCHNEIDER/VENUTI 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, Staff Report 24-013

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

- Comprehensive Plan kickoff took place last week.
  - Joint Work Session with City Council and the Planning Commission took place on March 26<sup>th</sup>.
  - Regular Meeting of the Port & Harbor Advisory Commission on March 27<sup>th</sup> where the main topic was discussing the kickoff of the Comprehensive Plan.
  - Public Open House at Islands & Oceans Visitor Center on March 28<sup>th</sup> where about 75 members of the public showed up to participate.
  - All findings for the week of the Comprehensive Plan kickoff can be found at [HomerCompPlanUpdate.com](http://HomerCompPlanUpdate.com).
  - Mr. Foster anticipates that the 2<sup>nd</sup> community visit will take place during the week of May 13<sup>th</sup>.
- Mr. Foster noted that there aren't any applications for the Commission's next meeting, scheduled for Wednesday, April 17<sup>th</sup>, and recommended that the meeting be cancelled.

Acting Chair Highland requested a volunteer to deliver the report from tonight's meeting to City Council. Commissioner Stark volunteered himself to deliver the report.

Commissioner Venuti shared that at the joint work session between City Council, the Planning Commission and Agnew::Beck he raised the concern about building contractors being included as stakeholders in the Comprehensive Plan. He inquired with Mr. Foster if there was anywhere that he could get a copy of the list to ensure that his clients are involved. Mr. Foster informed him that the list that Agnew::Beck has is the list that Mr. Venuti had provided. Mr. Foster added that they're hoping to do a meeting with the development community regarding the Comprehensive Plan, preferably somewhere like Spenard Builders Supply.

### B. Comp Plan Steering Committee Report Unapproved CPSC Meeting Minutes for March 18, 2024

Acting Chair Highland stated that Commissioner Barnwell wasn't present to provide an update, but noted that the minutes were included in the packet.

## PUBLIC HEARINGS

### A. Staff Report 24-014, Request for Conditional Use Permit CUP 24-04, More than one building containing a permitted principal use on a lot and No lot shall contain more than 8,000 square feet of

building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit at 1061 East End Road.

Acting Chair Highland introduced the item by reading of the title. Commissioners Conley and Venuti stated that they each had a conflict of interest in regards to this CUP.

SCHNEIDER/VENUTI MOVED THAT COMMISSIONER CONLEY HAS A CONFLICT OF INTEREST IN THIS CUP.

Acting Chair Highland asked Commissioner Conley to explain his conflict of interest. Mr. Conley stated that he is friends with the applicant, and that he attends Church on the Rock. He added that the idea of a daycare at the church sounds good to him, and that he doesn't gain anything financially from this CUP.

Commissioner Stark pointed out that Mr. Conley's employer was in favor of the development at Lighthouse Village, noting that Mr. Conley voted against the proposal. Mr. Stark questioned if Mr. Conley could see himself voting in a biased manner. Mr. Conley answered that no, he doesn't think he would be biased.

Acting Chair Highland requested the Clerk perform a roll call vote.

VOTE: NO: VENUTI, SCHNEIDER, HIGHLAND, STARK.

Motion failed.

SCHNEIDER/HIGHLAND MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST IN THIS CUP.

Commissioner Conley asked Commissioner Venuti to explain the conflict of interest. Mr. Venuti stated that he is friends with the applicant and that they do business all the time, reasoning that it would be deemed a financial relationship between the two. He added that it would be over the amount allowed per year. Commissioner Schneider asked if Mr. Venuti's relationship with the client might sway his decision on the vote even though he's not directly involved in this particular project. Mr. Venuti insisted that he could definitely be biased.

Acting Chair Highland requested the Clerk to perform a roll call vote.

VOTE: YES: HIGHLAND, CONLEY, STARK, SCHNEIDER.

Motion carried.

Acting Chair Highland requested that Mr. Venuti excuse himself from the portion of the meeting regarding CUP 24-04.

City Planner Foster provided a summary of the staff report in the packet.

Acting Chair Highland invited the Applicant to speak to the Application.

Aaron Weisser stated that he would be speaking on behalf of Church on the Rock, and noted that Jason Weisser was the Applicant. He claimed that the CUP is exactly as described, and added that the primary

function of the building was to serve as a daycare, while the secondary use of the property is having a landing location for potential weekend gatherings.

Acting Chair Highland opened the public hearing period. With no members of the public attending in-person at Council Chambers or via Zoom, Acting Chair Highland closed the public hearing period. She then opened the floor for Commissioners to present their questions to the applicant or City Planner Foster.

Commissioner Stark inquired about the hours during which the building would be occupied. Mr. Weisser answered that all of their facilities have multiple uses, and further that the mission at Church on the Rock Homer has always been to ensure that their properties are heavily utilized rather than sporadically. He added the primary intent is to have a fully operational daycare preschool that has regular hours Monday-Friday, and that Church on the Rock Homer will continue to operate as owners and landlords with the use of the space after hours and over the weekends.

Commissioner Schneider asked for clarification on whether or not the daycare will be run by an independent contractor. Mr. Weisser stated that the operation of the daycare preschool has to fit within the organizational 501(c)(3) nonprofit purpose, adding that there are a couple of financial and tax reasons why it makes more sense to have the daycare separately incorporated. He provided that it will fall under the mission and prerogative of Church on the Rock Homer and that there'll be a significant amount of overlap. Mr. Schneider then asked if the services will be available to the general public, and if so, will there be any secular presentations as part of the daycare. Mr. Weisser replied that as a religious nonprofit, everything the daycare does will fall under the 501(c)(3) incorporated mission statement. He added that the daycare, as with all of the services of the Church on the Rock Homer, are open to anyone in the public that would want to apply without discrimination.

Commissioner Conley asked City Planner Foster if he foresaw any drainage issues with the property. Mr. Foster stated that he didn't foresee any potential issues at this time provided that the project site is relatively flat. He added that drainage is looked at more in-depth at the time when the zoning permit is applied for. Mr. Conley then asked the Applicant if there were any issues with the increase in parking and traffic. Mr. Weisser stated that Church on the Rock Homer applied for a State permit to expand the access to two lanes since they're limited by the curb opening on East End Road, which is a State road. After some back and forth with the State, the State came back and informed Church on the Rock Homer that the other driveway that has been there for many years isn't permitted. In requesting a permit to expand the existing access, they still need to permit the other existing access to the smaller property which doesn't connect to the larger property. There are a couple of different things to consider in addressing that concern. First, if the State doesn't grant permission to expand the access onto East End Road, the Church will likely have to have an exit and an entrance, with the entrance being on East End Road and the exit being on Pennock Street, or vice versa. Given that the Church is still in the process with the State of trying to get permission to expand that driveway entrance from East End Road, they would still do the Pennock side as well. Mr. Weisser stated that it's already a bit of a problem if they get more than 10 vehicles in the parking lot that are trying to leave simultaneously onto East End Road. He added that they've been in the process of trying to bring some correction to the traffic concerns for several months, independent of the project.

Commissioner Schneider asked a final question to the Applicant regarding the capacity of the childcare center. Mr. Weisser informed him that the target was a max occupancy of 60 people throughout the duration of the project, and that they've landed somewhere between 50 and 60.

Hearing no further questions from the Commissioners, Acting Chair Highland requested a motion and a second.

SCHNEIDER/CONLEY MOVED TO ADOPT STAFF REPORT PC-24-014 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 AND CONDITION 2 OUTDOOR PLAY AREAS MUST BE FENCED PER HCC 21.16.20(U).

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **PLAT CONSIDERATIONS**

### **PENDING BUSINESS**

### **NEW BUSINESS**

- A. Review of Draft Transportation Plan with Planning Commission Comments  
Memorandum from Economic Development Manager as backup

Acting Chair Highland introduced the item by reading of the title and deferred to City Planner Foster. Mr. Foster noted that he didn't have any additional information regarding this, and that it was probably ready for the Commission to weigh in regarding the comments discussed at the work session.

STARK/SCHNEIDER MOVED TO AMEND THE DRAFT TRANSPORTATION PLAN TO REFLECT THE 4 CHANGES IN STAFF REPORT 24-16.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **INFORMATIONAL MATERIALS**

- A. PC Annual Calendar 2024
- B. City Manager's Report for City Council March 26, 2024
- C. 2024 Meeting Dates & Submittal Deadlines

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

### **COMMENTS OF THE AUDIENCE**

**COMMENTS OF THE STAFF**

City Planner Foster thanked Acting Chair Highland for chairing the meeting for the second time in a row.

**COMMENTS OF THE MAYOR/COUNCIL MEMBERS**

**COMMENTS OF THE COMMISSION**

Commissioner Stark thanked Acting Chair Highland for conducting a good meeting, in addition to thanking staff and the other Commissioners for a good meeting. He asked City Planner Foster what the status was in regards to the additional training that the Commission was to receive on planning and zoning. Mr. Foster answered that it is on the to-do list, and that at the very least it would likely occur in August.

Commissioner Conley thanked Acting Chair Highland for stepping in and taking the lead.

Commissioner Schneider thanked Acting Chair Highland for stepping up and filling in. He also thanked the Commissioners and City Staff.

Commissioner Venuti congratulated Acting Chair Highland for her work tonight, and thanked the other Commissioners for serving.

Acting Chair Highland asked City Planner Foster if someone would be answering Alan Parks questions, which Mr. Foster informed her had already happened. She shared concerns about preventing meetings from running too late, and thanked the Commissioners and staff.

**ADJOURNMENT**

There being no further business Acting Chair Highland adjourned the meeting at 7:26 p.m. The next regular meeting is scheduled for **Wednesday, April 17, 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: May 3rd, 2024