

CALL TO ORDER

Session 24-10, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on June 5th, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER CONLEY, BARNWELL, HIGHLAND, SCHNEIDER, SMITH, STARK & VENUTI

STAFF: CITY CLERK JACOBSEN, CITY PLANNER FOSTER

AGENDA APPROVAL

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

SCHNEIDER/CONLEY MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes of May 15, 2024
- B. Decisions and Findings CUP 24-05, 1690 Mission Road

Chair Smith 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. He then requested a motion and second to adopt the consent agenda.

SCHNEIDER/BARNWELL 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 24-021

City Planner Foster reviewed his report that was included in the packet. Highlighting Comp plan updates, recent city council actions, and confirming the next meeting Planning Commission meeting on June 19.

B. Comprehensive Plan Steering Committee Report

Commissioner Barnwell reported regarding online opportunities for the online survey and map.

PUBLIC HEARINGS

A. Staff Report 24-022, request for Conditional Use Permit (CUP) CUP 24-06 per HCC.21.24.040 (d), No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot containing building area in excess of 30 percent of the lot area without an approved conditional use permit at 1323 & 1335 Lakeshore Drive.

City Planner Foster reviewed the Staff Report included in the packet.

Chair Smith opened the floor to the applicants Pulama and Kamahele Chow. The Chow's didn't have any additional comments and offered to be available for questions.

Chair Smith opened the public hearing.

Scott Adams, city resident, expressed concern about water runoff from the roof to the road from such a large structure.

There were no further comments and the hearing was closed.

There was no rebuttal and no additional comments were made by the applicant or staff, so Chair Smith opened the floor to questions from the Commission.

In response to questions, the Chows explained the pitch of the roof has been adjusted so the runoff will flow to the side near a natural swell that runs to the drainage near the road. They plan to include gutters on the structure and take care not to impact other properties. The material for their retaining wall will be the lego type blocks from Dibble Creek. The structure is for personal use, they plan to store their personal property in it, so the parking required is adequate and the area will be cleaned up nicely once their done.

VENUTI/SCHNEIDER MOVED TO ADOPT STAFF REPORT PC-24-022 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS: CONDITION 1. THE BAY VIEW SUBDIVISION CHOW 2024 PRELIMINARY PLAT FOR A LOT LINE VACATION TO COMBINE THE TWO PROPERTIES MUST BE APPROVED AND FINALIZED BY THE KENAI PENINSULA BOROUGH, CONDITION 2. THE APPLICANT WILL NEED TO ABANDON A WATER SERVICE OR ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY PRIOR TO RECORDING THE PRELIMINARY PLAT, CONDITION 3. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL, AND CONDITION 4. THE APPLICANT WILL PROVIDE THE CITY ENGINEER ADDITIONAL DETAIL ON THEIR PROPOSED RETAINING WALL AT THE BACK OF THE WAREHOUSE WITH THEIR ZONING PERMIT APPLICATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report 24-023, request for Conditional Use Permit (CUP) CUP 24-07 per HCC 21.16.030 (c), Medical clinics at 1224 East End Road.

City Planner Foster reviewed the staff report included in the packet.

Dr. Bill Richardson, applicant, explained his practice has outgrown the space he's been renting on Pioneer. He reviewed his plan to build a modern facility that fits into the community, is attractive, has adequate parking, and employment expansion options.

Chair Smith opened the public hearing.

Scott Adams, city resident, questioned why this isn't in the medical district and shared concerns about a medical clinic in the residential office zoning district.

There were no further comments and the hearing was closed.

There was no rebuttal and no additional comments were made by the applicant or staff, so Chair Smith opened the floor to questions from the Commission.

Dr. Richardson shared that he looked at property in the medical district but it was too small, and it's very congested up there. He explained dentistry and medicine are similar but medical clinics are typically near the hospital because that's where the patients are. For dentistry it's more common to have clinics where the clients are moving through neighborhoods and have easier access throughout their day. This location he's proposing has good access, it's near a school and there's an eye clinic within 500 yards of his property.

City Planner Foster added that a dental clinic is a conditional use in the rural office district.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT PC-24-023 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 24-024, request for CUP 24-08 per HCC 21.18.030 (m), More than one building containing a permitted principal use on a lot at 3684 Main Street.

City Planner Foster reviewed the staff report included in the packet.

Robert Bornt commented regarding struggles he has with the parking requirement. His tenants are low income and there is a need for more housing that qualifies for housing programs and he feels 34 spaces is excessive and takes away from space that could be used for more housing. Half of his tenants don't have vehicles, because of the location in the central business district (CBD) they can walk to services in the area. He expressed other challenges to get work done related to hiring contractors for small projects like this, and noted a lot of the things on his property are resources he's collected to be used for building the cabins. He'll get rid of connexes when the work is done.

Chair Smith opened the public hearing.

Scott Adams, city resident, commented this application lacks a lot of information, and asked if this is what we want to see in the CBD. He feels it should be drawn to scale with better information.

Jason Davis, city resident and property owner across the street, supports application if it meets the requirements code. He agrees there's a need for affordable housing in CBD, they're great neighbors, and he supports a reduction on parking. He's glad to hear the applicant is planning to spruce things up. He noted his written comments and shared regarding his thoughts that there should be a way for the Planning Commission to be able to ensure an applicant is in compliance with code prior to considering an application.

There were no further comments and the hearing was closed.

City Planner Foster noted work underway for the Comprehensive Plan and future work on updating the zoning code as it could relate to parking and compliance with city code. The only thing that can be done at this time regarding parking is a variance, an application for an exception to the code. He explained because the property is in the CBD, there can be a 25% reduction in the required parking, which has been applied here so it went down from 37 to 28 parking spaces.

Mr. Bornt reiterated challenges with parking and with storing materials, and also with finding contractor's to assist. He explained removing the items accumulated on his lot would be an unfair burden to him because most of it is materials he's accumulated for this project. His preference is to reduce the number of parking spaces and allow him to build two more units.

In response to questions about an as-built survey as a condition that could be a tool for confirming removal of certain things, City Planner Foster explained that when a zoning permit is issued it's good for 18 months and an as-built is required for the file on completion of the work. Temporary structures wouldn't likely show up on the as-built.

Commissioner Venuti noted the staff report comment that the property is underutilized, he disagrees, noting the accumulation of items shown in the photos. He expressed is opinion of the deterioration of the property, the need for Fire Marshall involvement. He doesn't support this.

In response to this and other Commissioner questions, Mr. Bornt shared he's invested in a Fire Marshall approved sprinkler system, new plumbing and electrical, and other interior work, as his first focus has been the interior of the existing building. He's heard feedback from others on the outside appearance and repeated the challenges to get a contractor for small jobs. He has Fire Marshall approval for the project. The outside will take time and money, but will improve what people are complaining about. He has a dumpster that's dumped regularly, and there will be landscaping on the property. He confirmed he can accommodate the 28 parking

spaces and reviewed pages 81 and 82 in the packet identifying project materials and other assorted items on his property. The proposed units are elevated 9 feet off the ground to utilize the two tiered lot and would allow parking underneath. He realizes now that he has space between the units that would accommodate parking so he could put the units at ground level, which would save costs. The proposed cabins are 24' x 12', with a 4' deck on one end and 8' deck on the other.

City Planner Foster explained the CUP is for the additional dwellings, the cabins, on this property. If approved, a zoning permit is required that entails a full check-list of items necessary for review before issuance of the zoning permit, including Fire Marhsall review, and compliance with the Community Design Manual criteria.

There was brief discussion about enforcement to ensure the conditions of the permit are met. City Planner Foster explained that given current staffing capabilities, staff isn't able to go out and monitor ongoing projects so enforcement is complaint driven. Given the location of the property it would be self-evident if requirements weren't being met.

STARK/HIGHLAND MOVED TO ADOPT STAFF REPORT PC-24-024 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. THE PROPERTY OWNER NEEDS TO CONTACT AND WORK WITH ADEC FOR AN ENGINEERED COMMUNITY SEWER DESIGN.
2. THE APPLICANT MUST DEMONSTRATE COMPLIANCE WITH CHAPTERS 1-3 OF THE COMMUNITY DESIGN MANUAL WITH THE SUBMISSION OF A ZONING PERMIT.
3. A MORE DETAILED SITE PLAN BE PROVIDED, SHOWING LANDSCAPING PLAN, SUBJECT TO CITY'S REVIEW & APPROVAL.
4. SAID LANDSCAPING SHALL BE KEPT IN GOOD CONDITION WITH REASONABLE MAINTENANCE
5. AREA FOR GARBAGE CONTAINMENT AND DISPOSAL COLLECTION SHALL BE ESTABLISHED AND SCREENED.
6. NO DISABLED VEHICLES, NO DISABLED EQUIPMENT AND CONTAINERS BE STORED ON SITE AND THAT ALL DISABLED VEHICLES AND DISABLED EQUIPMENT AND CURRENT CONTAINERS BE REMOVED BY COMPLETION OF THE PROJECT.
7. PROPERTY SHALL NOT BE USED FOR STORAGE OF BOATS OR RVS. BOATS/RVS SHALL BE CONSIDERED VEHICLES FOR PURPOSES OF PARKING. IF BOATS/RVS ARE STORED ON THE PROPERTY, THEN EXTRA PARKING NEEDS TO BE PROVIDED.
8. LOWER BOTTOM ELEVATION OF CABINS TO BE APPROVED BY THE CITY PLANNER.
9. SPACES BETWEEN CABINS BE ALLOCATED FOR PARKING.

Commissioners discussed conditions 3 through 9 and proposed modifications of the verbiage.

STARK/BARNWELL MOVED TO AMEND THE MOTION TO READ CONDITIONS 1 AND 2 AS PRESENTED,

3. A MORE DETAILED SITE PLAN BE PROVIDED
4. IS STRICKEN
- 5 AND 6 COMBINED INTO ALL GARBAGE CONTAINERS, CONNEXES, ABANDONED VEHICLES, AND EQUIPMENT SHALL MEET HOMER CITY CODE IN ACCORDANCE WITH THE ZONING PERMIT
7. STORAGE OF RV'S AND BOATS SHALL COMPLY WITH HOMER CITY CODE AND COMMUNITY DESIGN MANUAL.
8. IS STRICKEN
9. APPLICANT EVALUATE PARKING POSSIBILITIES BETWEEN CABINS PER HOMER CITY CODE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Stark noted the Commission can't approve or deny a CUP based on whether or not they think it will be enforced.

VOTE: YES: SMITH, SCHNEIDER, HIGHLAND, CONLEY, STARK, BARNWELL
NO: VENUTI

Motion carried.

SCHNEIDER/CONLEY MOVED TO EXTEND THE MEETING 60 MINUTES.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 24-025, Mountain Park 2024 Preliminary Plat

City Planner Foster reviewed staff report included in the packet.

No applicant was present and there were no public comments.

SCHNEIDER/CONLEY MOVED TO ADOPT STAFF REPORT 24-025 AND RECOMMEND APPROVAL OF THE MOUNTAIN PARK 2024 PRELIMINARY PLAT WITH COMMENTS 1 AND 2.

There was brief discussion on notes included on the agenda.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 24-026, Bay View Subdivision Chow 2024 Replat

City Planner Foster reviewed the staff report included in the packet.

The Chow's commented briefly this action is needed to accommodate their CUP that was approved earlier in the meeting. They're working with Public Works to abandon the water service as required.

There were no public comments.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT 24-026 AND RECOMMEND APPROVAL OF THE BAY VIEW SUBDIVISION CHOW 2024 PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. THE PROPERTY OWNER WILL NEED TO ABANDON A SET OF WATER AND SEWER SERVICES PRIOR TO RECORDING THE FINAL PLAT, OR ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY.
2. RECOMMEND THE SURVEYOR PROVIDE THE APPROXIMATE LOCATION OF KNOWN EXISTING MUNICIPAL WASTEWATER AND WATER MAINS, AND OTHER UTILITIES WITHIN THE SUBDIVISION AND IMMEDIATELY ABUTTING THERETO OR A STATEMENT FROM THE CITY INDICATING WHICH SERVICES ARE CURRENTLY IN PLACE AND AVAILABLE TO EACH LOT IN THE SUBDIVISION TO THE PRELIMINARY PLAT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. PC Annual Calendar
- B. 2024 Meeting Dates & Submittal Deadlines

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Foster had no comment.

City Clerk Jacobsen thanked everyone for a good meeting and clarified some process comments from earlier in the meeting.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Highland thanked everyone for a good meeting.

Commissioner Venuti thanked everyone.

Commissioner Stark thanked the applicants who attended this evening and thanked the group.

Commissioner Schneider thanked everyone.

Commissioner Conley wished everyone good night.

Commissioner Barnwell thanked everyone.

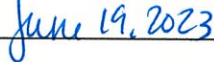
Chair Smith thanked everyone.

ADJOURN

There being no further business to come before the Commission Chair Smith adjourned the meeting at 9:40 p.m. The next Regular Meeting is **Wednesday**, June 19, 2024 at 6:30 p.m. 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.



Melissa Jacobsen, MMC, City Clerk

Approved:  _____