

**CALL TO ORDER**

Session 24-14, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on September 4<sup>th</sup>, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONER CONLEY, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

**ABSENT:** COMMISSIONER BARNWELL (EXCUSED)

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

**AGENDA APPROVAL**

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

SCHNEIDER/H. SMITH 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**

A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Consideration

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster for a brief explanation. Mr. Foster explained that the Commission originally approved the preliminary plat consideration at its August 7<sup>th</sup>, 2024 Regular Meeting. He continued, providing that Commissioner H. Smith issued a timely notice for reconsideration regarding this plat on August 9<sup>th</sup>, 2024.

VENUTI/H. SMITH MOVED TO RECONSIDER THE STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT CONSIDERATION.

Commissioner H. Smith stated that in reviewing the previous discussion and thinking about some of the public testimony from the previous meeting, it had occurred to him that the redrawing of these boundaries on the plat would effectively eliminate the road easements, preventing certain properties in the area from having access. He said that he wanted to be able to have a fuller conversation about the effect of that on the adjacent properties, and what that would mean for their ability to develop and to be usable.

Chair S. Smith shared his opinion that he feels the decision on a project like this should be reserved for after the Comprehensive Plan is adopted.

Commissioner Stark commented that he feels the Commission's original decision on the matter complies with due process.

Commissioner Conley said that it's good to get the full value of agenda items when the Commission meets and discusses them, but warned the Commission of the precedent they might set for themselves if they continue to reconsider items frequently.

With no further discussion, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: VENUTI, S. SMITH, SCHNEIDER, H. SMITH, CONLEY, STARK.

Motion carried.

### **CONSENT AGENDA**

- A. Unapproved Regular Meeting Minutes of August 7, 2024
- B. Decisions and Findings CUP 24-11, 3869 Jennifer Place

Chair S. 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.

H. SMITH/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, Staff Report 24-041

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Comprehensive Plan Survey results and Interactive Map results are being compiled, and will start to be released into the community next week
- Joint Worksession between the Planning Commission and PARCAC targeted for September 18<sup>th</sup> at 5:00 p.m.
- Planning Commissioner Training – two-part virtual Planning Commissioner Training hosted by the Alaska Chapter of the American Planning Association on Sunday, October 27<sup>th</sup>
- Next Regular Meeting is on Wednesday, September 18<sup>th</sup>

- Appeal has been submitted for CUP 24-09, 955 Sterling Highway

B. Comprehensive Plan Steering Committee Report

City Planner Foster encouraged the Commission to review the unapproved minutes from the last meeting, in addition to Commissioner Barnwell's report.

**PUBLIC HEARINGS**

- A. AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.10.030 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO MEDICAL (M) ZONING DISTRICT, Staff Report 24-042

Chair S. Smith introduced the item by reading of the title before deferring to City Planner Foster for an explanation.

Mr. Foster provided a summary overview of his staff report included in the packet. He noted that a new address will be assigned to this property in the future, but that for now the address is 4323 Main Street.

Chair S. Smith opened the floor for the Applicant.

Jeffery Murphy addressed the Commission, stating that the medical district was completed to acknowledge that the demand for medical services will increase with an aging population. He added that the property he owns couldn't be any closer to the hospital, as it abuts the hospital. He acknowledged that the property is certainly steep slope, but stated that doesn't mean that he can't do anything with it. Mr. Murphy also pointed out that most of the uses permitted in the rural residential zoning district are identical to those that are permitted in the medical zoning district, noting that the major difference is that medical offices and medical support buildings are not permitted in the rural residential zoning district. He stressed to the Commission that the best use for this piece of property was for it to be included in the medical district rather than rural residential.

Chair S. Smith opened the public hearing period. There were no comments.

Chair S. Smith opened the floor to questions and comments from the Commission.

Commissioner H. Smith questioned Mr. Murphy if he took part in any of the discussions when the medical district was formed, or if there was any consideration for that piece of property to be included in the medical district. Mr. Murphy stated that he talked with one member of the Planning Department at that time, who informed him that the property was undevelopable, and further that he never followed through on it.

Commissioner H. Smith then asked the members that were on the Commission at that time if this property was something that was considered to be included in the medical district, or had there been anything provided as a pro or con, or why it wasn't included.

Chair S. Smith noted that he and Commissioner Venuti were the only members from that time period that remain active on the Commission, and that he doesn't recall this lot ever being considered as part of the

medical district. He went as far as saying that everything that the Commission previously debated was further south. Commissioner Venuti stated that he recalled everything exactly as Mr. Smith laid it out.

Commissioner H. Smith asked if this land was appropriate for any kind of zoning designation if it isn't even appropriate for the medical district. He added that there is a land problem in Homer, and that at some point the realization needs to occur that there is a level of risk that will be incorporated into a lot of things that the Commission deals with.

Chair S. Smith stated that in evaluating the legitimacy of the concerns of steep slope building he isn't certain that he views them as logical.

Commissioner Stark added that the Commission shouldn't be in fear of developing areas with steep slopes, highlighting the development that is taking place on both West Hill Road and East Hill Road.

Commissioner Schneider stated that this is an item that should be considered by the Comprehensive Plan that's being developed, as well as the forthcoming rezoning process.

Commissioner Venuti said that as an experienced inspector he couldn't imagine anything being built on that slope, whether it be residential or medical. He provided the reasoning for his statement, claiming that any negative effect of something being built up there would have a dramatic effect on the hospital.

Commissioner Conley pointed out that by rezoning this property, the Commission would likely be accelerating the timeline of the property getting developed, and questioned if that is what they want to see happen there.

STARK/H. SMITH MOVED TO RECOMMEND APPROVAL OF APPLICATION 24-042 TO CHANGE RURAL RESIDENTIAL ZONE TO MEDICAL DISTRICT ZONE.

There was no further discussion. Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: STARK, H. SMITH, S. SMITH

VOTE: NO: VENUTI, CONLEY, SCHNEIDER

Motion failed.

## **PLAT CONSIDERATION**

1. Staff Report 24-043, Thomas Court Subdivision, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster who provided a summary of his report included in the packet. Mr. Foster noted that this is the third time that this plat is being seen by the Commission.

Chair S. Smith opened the floor for the Applicant.

Karen Christopher explained that her property contains two homes, and Thomas Court runs through both of them. She mentioned that there are four families who live with her on Thomas Court, and that they drive right through her property to get to East Hill Road, stating that's the way it's always been. Ms. Christopher stated

that she and her husband are wishing to subdivide a large log home on the property given the costly payments. The subdivision would allow them to sell the log home while retaining their current residency here in Homer.

Chair S. Smith opened the floor for public comments, but there were none.

Chair S. Smith then opened the floor to questions and comments from the Commission.

Commissioner H. Smith asked Ms. Christopher if that was a private road easement or a city road that cuts through her property. Ms. Christopher answered that it's a private road. Mr. Smith then questioned if she has a road easement agreement with the people on the north side on Thomas Court that provides those people with access from East Hill Road, to which Ms. Christopher affirmed this was correct.

Commissioner Schneider inserted that he needed to declare a potential conflict of interest, claiming that the Applicant is a current client of his as they are currently in a business relationship.

VENUTI/H. SMITH MOVED THAT COMMISSIONER SCHNEIDER HAS A CONFLICT OF INTEREST.

Commissioner Conley asked if the relationship between Mr. Schneider and the Applicant would affect the way that he perceives this application, to which Mr. Schneider asserted that it would not.

Commissioner Venuti questioned Mr. Schneider on whether he had any financial interest in this project that he would gain. Mr. Schneider jokingly answered, "only that she can afford to pay me."

Commissioner H. Smith asked Mr. Schneider if any of his income would be affected if he were to vote in the negative. Mr. Schneider stated that there is no direct connection between this vote and any funds involved.

When asked if he would benefit financially as a result of the Commission potentially approving the plat, Mr. Schneider stated that he would not benefit in any way.

Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH

Motion failed.

VENUTI/CONLEY MOVED TO ADOPT STAFF REPORT 24-043 AND RECOMMEND APPROVAL OF THE THOMAS COURT SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. RECOMMEND THE SURVEYOR PROVIDES APPROXIMATE LOCATIONS OF SLOPES OVER 20 PERCENT IN GRADE OR DEMONSTRATES THAT THERE ARE NO SLOPES OVER 20 PERCENT.
2. THE OWNER WILL NEED TO ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY. A NEW WATER AND SEWER SERVICE WILL NEED TO BE PROVIDED TO LOT 1-E-1. BOTH EXISTING HOUSES WILL NEED TO BE SERVED BY THEIR OWN WATER AND SEWER SERVICES WITH NO LINES CROSSING PROPERTY LINES, EXCEPT WHERE THE LINE COMES FROM THE MAIN LINE IN THE PUBLIC RIGHT-OF-WAY TO THE PROPERTY BEING SERVED.

Chair S. Smith commented that the first time the Commission saw this application, the tenant in Lot 1-E-1 was saying that the particular lot line adjustment caused her cabin to be in violation of some sort. He questioned City Planner Foster if that issue had been resolved. Mr. Foster answered that these are two very different applications, with the prior application having a dedicated right-of-way.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-044, Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster, who provided a summary of his report included in the packet.

Chair S. Smith opened the floor for the Applicant.

Katie Kirsis stated that she is the surveyor who prepared the plats for this project. She added that it's a simple plat, claiming that they're just moving a lot line. She made herself available for questions.

Chair S. Smith opened the public comment period, but none were offered.

Chair S. Smith then opened the floor to questions and comments from the Commission, but there were none.

Chair S. Smith then requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-044 AND RECOMMEND APPROVAL OF THE BAYVIEW GARDENS SUBDIVISION ADDITION 1 JENNINGS 2024 REPLAT, PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. THE UTILITY EASEMENT IS DEPICTED AS A 10' UTILITY EASEMENT PER (HM 76-104), HOWEVER IT SPELLS IT OUT AS A 15' UTILITY EASEMENT IN NOTE #1. A 15' UTILITY EASEMENT SHOULD BE DEPICTED ON THE PLAT TOO.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

**NEW BUSINESS**

- A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration Memorandum from Deputy City Clerk as backup

Chair S. Smith introduced the item by reading of the title, and noted the motion that was on the table as a result of the reconsideration:

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Commissioner H. Smith questioned what determinations had been made that would eliminate access to some of these properties. City Planner Foster stated that if the Commission is looking to obtain more information regarding this plat that the best practice would be to postpone the item to the next meeting in order for the item to be re-noticed. This would provide a way for City Staff to provide a notification to the appropriate parties that can answer the questions that are being asked. Mr. Smith added that part of his concern is that the Commission is allowing a replat of one property that could affect several properties.

Chair S. Smith stated that he tends to agree with Commissioner H. Smith that the letter from the surveyor in the initial application gave indication that there were some things being requested with this application that jeopardized access to other lots, adding that further clarification would be helpful.

After lengthy discussion among the Commission about the cleanest way to move forward with the motion on the floor, Deputy City Clerk Pettit requested the Chair call a recess so he could determine the best way to move forward with the motion on the floor.

Chair S. Smith declared a 10-minute recess at 8:36 p.m.

Chair S. Smith called the meeting back to order at 8:46 p.m.

SCHNEIDER/VENUTI MOVED TO POSTPONE STAFF REPORT 24-045 STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION UNTIL THE NEXT REGULARLY SCHEDULED MEETING, ALLOWING CITY STAFF TO PURSUE RE-NOTIFICATION AND GATHER ANY INFORMATION NECESSARY CONCERNING THE REPLAT.

Chair S. Smith offered an amendment to the motion before being informed by Deputy City Clerk Pettit that an amendment is out of order at this time given the higher ranking motion to Postpone to a Certain Time.

There was no further discussion.

Chair S. Smith requested the Clerk to perform a roll-call vote for the postponement.

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH, SCHNEIDER.

Motion failed.

Commissioner Conley asked a clarifying question regarding the different numbers between the two staff reports that pertain to the Storm Water Works Tracts One Preliminary Plat. City Planner Foster noted that Staff Report 24-045 was associated with the reconsideration, and that the original staff report was Staff Report 24-036.

SCHNEIDER/CONLEY MOVED TO POSTPONE STAFF REPORT 24-036 UNTIL THE NEXT REGULARLY SCHEDULED MEETING SO THAT STAFF CAN RE-NOTICE AND PROVIDE THE PLANNING COMMISSION WITH ADDITIONAL INFORMATION, INCLUDING THE IMPACT THAT THE REPLAT WILL HAVE ON THE NEIGHBORING PROPERTY OWNERS IN REGARDS TO ACCESS.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **INFORMATIONAL MATERIALS**

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines
- C. Comprehensive Safety Action Plan – Safe Streets and Roads Flyer

Chair Smith noted the informational materials included in the packet.

### **COMMENTS OF THE AUDIENCE**

#### **COMMENTS OF THE STAFF**

City Planner Foster thanked everyone for their hard work tonight.

Deputy City Clerk Pettit thanked the Commission for always teaching him new things and testing his knowledge.

#### **COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)**

#### **COMMENTS OF THE COMMISSION**

Commissioner Venuti thanked everyone for serving tonight, and noted that the training session with City Clerk Krause was interesting.

Commissioner H. Smith thanked everyone for their time this evening, and thanked Deputy City Clerk Pettit for including the larger plats as part of the packet.

Commissioner Stark thanked City Planner Foster for his analysis and guidance, and thanked Deputy City Clerk Pettit for his work tonight. He also thanked the Commissioners for their hard work tonight.

Commissioner Conley thanked the Commission and City Staff.

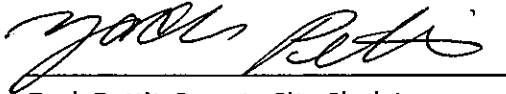
Commissioner Schneider echoed all of the previous comments, and noted that he always learns so much at these meetings.

Chair S. Smith thanked the City Staff, and noted that he will likely be out for the October 16<sup>th</sup> meeting.



**ADJOURN**

There being no further business to come before the Commission Chair S. Smith adjourned the meeting at 9:00 p.m. The next Regular Meeting is **Wednesday**, September 18, 2024 at 6:30 p.m. A worksession is scheduled for 5:30 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.



Zach Pettit, Deputy City Clerk I

Approved: Sept. 18, 2024