

## **CALL TO ORDER**

Session 24-18, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on November 6<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 VENUTI, S. SMITH, CONLEY, SCHNEIDER, STARK & H. SMITH

**ABSENT:** COMMISSIONER BARNWELL (EXCUSED)

**STAFF:** CITY PLANNER FOSTER, ASSOCIATE PLANNER ANDERSON, PUBLIC WORKS DIRECTOR KORT & DEPUTY CITY CLERK PETTIT

## **AGENDA APPROVAL**

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

VENUTI/SCHNEIDER MOVED TO ADOPT THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA**

Penelope Haas urged the Commission to make decisions on the basis of health and safety in regards to CUP 24-12. Speaking strictly to the process for CUP 23-08, she encouraged the Commission to keep the deliberations open to the public. She added that CUP 23-08 is a bigger issue that the public should be involved in to the maximum extent possible.

## **RECONSIDERATION**

### **CONSENT AGENDA**

- A. Unapproved Special Meeting Minutes of October 16, 2024

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

SCHNEIDER/H. SMITH 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 24-053**

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

- Introduced the Commission to Associate Planner Will Anderson
- Comprehensive Plan update and open house event recap
- Planning Commissioner Training has been postponed to Sunday, November 17<sup>th</sup>
- Ordinance 24-51 to rezone a portion of Rural Residential to Medical was denied by the City Council by a vote of 5 to 0
- Special Planning Commission Meeting scheduled for November 20<sup>th</sup>
  - Title 21 Zoning Code discussions and budget requests
- Next Regular Meeting is scheduled for Wednesday, December 4<sup>th</sup>
- Next Commissioner report to Council on November 12<sup>th</sup>

#### **B. Comprehensive Plan Steering Committee Report**

City Planner Foster noted that what was provided in the City Planner's Report were the only updates he had in terms of the Comprehensive Plan Steering Committee.

### **PUBLIC HEARINGS**

#### **A. Conditional Use Permit 24-12 per HCC 21.14.030(i), Staff Report 24-054 Addendum SR 24-054 Public Comment Received**

Chair S. Smith introduced the item by reading of the title, noted the addendum and the public comments provided in the supplemental packet, and deferred to City Planner Foster. Mr. Foster provided a thorough summary of his report included in the packet.

Chair S. Smith opened the floor for the Applicant, Zane Ulin. Mr. Ulin thanked the Commissioners for their time and consideration of his project, adding that his project will be beneficial for the City of Homer.

Chair S. Smith then opened the public hearing period.

Carol Renfrew, city resident, stated that she lives on Waddell Street, adding that bank erosion is a major concern of hers in the area of the proposed project. She shared other concerns she had about increased traffic on Waddell Street, a lack of parking that will be needed for the new dwellings, and the size of the road being inadequate for emergency response vehicles.

Scott Adams, city resident, shared his concerns for coastal bluff development taking place in Homer, stating that no research has been conducted to determine what these structures are being built on. He suggested that the Commission require core sampling for future coastal bluff development.

Jack Cushing, city resident, warned the Commission that if the City is going to allow this kind of development, the City needs to be clear that it won't be sued or asked to stabilize the bluff in some manner. He shared concerns he had of the City being dragged into a lawsuit if/when the bluff erodes, and suggested that some kind of analysis be conducted on the slope in the proposed project area, referencing the slope analysis conducted behind the hospital some time ago.

Chair S. Smith closed the public hearing period and opened the floor for questions from the Commission to either the Applicant or the City Planner.

Chair S. Smith shared his concerns for the analysis of square footage used, noting that a significant portion of this property is underwater. He questioned how the Commission can address something like that when it's not prohibited by City Code. Mr. Foster stated that the project is fairly low density, reasoning that when considering the overall property and the number of units it comes out to just over half an acre per unit. He added that the coastal bluff and the setback provide tremendous benefit to the property given that they protect the property from further impact as a result of development.

Commissioner H. Smith stated that he shared the same concerns as Chair S. Smith, but added that he doesn't see a way for the Commission to deny the CUP.

Commissioner Schneider requested recusal from consideration of the CUP, noting that he lives within 100 feet of the proposed project and has fairly strong feelings about the project.

CONLEY/H. SMITH MOVED THAT COMMISSIONER SCHNEIDER HAS A CONFLICT OF INTEREST WITH THE APPLICATION IN FRONT OF THE PLANNING COMMISSION.

Commissioner Conley asked Mr. Schneider if the proximity of the project in relation to his residence would affect his decision on this CUP, to which Mr. Schneider confirmed that it would.

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

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

VOTE: NO: VENUTI

Motion carried.

Commissioner Schneider left the room for the remainder of this business item.

Commissioner Stark questioned if the Applicant would be willing to get soils information if the Commission were to postpone the item to the next meeting. Mr. Ulin stated that an engineer has already looked over the plan, and further that he plans to have more studies and core samples done as directed. Addressing road and parking concerns that arose earlier in the meeting, Mr. Ulin clarified that the 15-foot easement and the 5-foot setback grants a 20-foot width, noting that this is a standard width for any road and won't prevent emergency vehicles from accessing this area.

When questioned about information regarding the slope and coastal development in the area, Mr. Ulin stated that he expects the bluff to outlive him, adding that soil remediation and vegetation will help to mitigate any further sloughing. He noted that with the city sewer, he doesn't foresee any water saturation issues.

H. SMITH/CONLEY MOVED TO ADOPT STAFF REPORT 24-054 WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. INSTALL APPROVED COMMUNITY SEWER SERVICE TO THE STRUCTURES.
2. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.
3. PROVIDE DRAINAGE FLOW ARROWS ON THE FULL SITE PLAN SHOWING ALL FUTURE STRUCTURES. INDICATE IF DRIVEWAY IS PAVED.
4. THE APPLICANT WILL SUBMIT A ZONING PERMIT TO THE PLANNING DEPARTMENT AND DEMONSTRATE ALL APPLICABLE REQUIREMENTS OF HCC 21.44 SLOPE AND COASTAL DEVELOPMENT HAVE BEEN MET.

Commissioner H. Smith stated that a lot of things concern him about steep slope development, and that this project isn't unique to those challenges. He added that people who own steep slope property know the dangers they take on when they choose to develop there, and that this is not an onus that the City has to be a party to.

Commissioner Conley echoed Mr. Smith's comments, noting that development on the bluff seems to be a recurring theme for the Commission. He suggested the Commission revisit the coastal setbacks again as the town develops and infill becomes more of a topic.

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

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

Motion carried.

- B. A Proposal to Vacate the Farmwald Circle Right-of-Way within the Bridge Creek Coop. Subdivision, Located in the E 3/4, S 1/2, SW 1/4, SEC. 4 T. 6S, R13W, S.M. ALASKA, Staff Report 24-055 Addendum SR 24-055

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

Chair S. Smith stated that he needed to declare a potential conflict of interest, noting that he lives on the property to the east of Clearwater. He stated that he resides outside of the notification zone, but felt it appropriate to disclose this information. He then passed the gavel to Commissioner Venuti to consider the potential conflict of interest.

SCHNEIDER/H. SMITH MOVED THAT CHAIR S. SMITH HAS A CONFLICT OF INTEREST.

Chair S. Smith stated that his declaration was for precautionary purposes, adding that he has visual view of the property out of his front door, but that he doesn't know the applicant. He clarified that he has no financial gain from this application, just that he resides in the neighborhood.

Commissioner Venuti requested the Clerk to perform a roll-call vote.

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

Motion failed.

Commissioner Venuti returned the gavel to Chair S. Smith.

Commissioner Conley stated that he needed to declare a potential conflict of interest, stating that he owns the lot adjacent to the northwest of Mr. Farmwald's property. He added that the vacation of this right-of-way could have some perception on the effect of his property access.

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

Commissioner Stark asked Commissioner Conley if his proximity to the property would affect his vote. Mr. Conley shared that he and the Applicant have discussed access to each other's properties in the past, but he was unsure if it would affect his vote. He added that he certainly has a different perception and position than the rest of the Commission.

Chair S. Smith questioned if the potential vacation would negatively or positively affect the value of Mr. Conley's property, or work that he may have to do to access his property. Mr. Conley affirmed that this would affect his property. He then pointed out that the next agenda item also pertains to this same property.

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

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

Motion carried.

Commissioner Conley stepped out of the room for the remainder of this business item, as well as the plat consideration for Staff Report 24-056.

Chair S. Smith opened the floor for the Applicant, Jay Farmwald, who explained that the City previously bought Lots 6, 7, and 8 to protect the watershed, noting that Farmwald Circle and half the cul-de-sac lie on City property. As the owner of Lots 1, 2, 3, and 5, Mr. Farmwald stated that he relies on this road easement for access to Lots 2, 3, and 5. He shared that he had agreed to provide a drainage easement to protect the creek when the City purchased the lots, and also supports vacating Farmwald Circle to align with watershed protection goals.

Mr. Farmwald stated that this property was originally platted in 1981, predating the creation of the Watershed Protection District. He added that he is updating the plat to reflect watershed priorities. He said that he plans to combine Lots 1, 2, 3, and 5 into a single 29-acre lot. He concluded his statement by informing the Commission that upon the vacation of Farmwald Circle, the property will revert back to the City.

Chair S. Smith then opened the public hearing period.

Scott Adams, city resident, shared his concern that Commissioner Conley's property might be landlocked from ever being developed should the Farmwald Circle vacation be approved.

Chair S. Smith closed the public hearing period, and opened the floor to comments and questions from the Commission.

Given that Lots 1, 2, 3, 4, and 5 are owned by either Mr. Farmwald or his son, Commissioner H. Smith questioned if the City has ever shown interest in acquiring any of these lots. Mr. Farmwald stated that the City has not approached him about these properties. He added that this is a legacy property that will transfer to his son eventually, and that he has no plans of selling the land.

Addressing the comment made during the public hearing period, Mr. Farmwald insisted that the vacation won't land lock Mr. Conley's property.

SCHNEIDER/VENUTI MOVED TO RECOMMEND APPROVAL OF THE VACATION OF THE FARMWALD CIRCLE RIGHT-OF-WAY WITHIN THE BRIDGE CREEK WATERSHED DISTRICT WITH THE FOLLOWING COMMENT:

1. IN PLACE OF THE EXISTING UTILITY EASEMENT ALONG FARMWALD CIRCLE, A NEW 20-FOOT UTILITY EASEMENT WILL BE DESIGNATED ALONG THE WEST BOUNDARY OF LOT 6-A AS PART OF THE REPLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

- A. Staff Report 24-056, Bridge Creek Coop. Subdivision 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, Jay Farmwald, who mentioned that vacating the utility easement and shifting it to a 20-footer on the west side of Lot 6-A maintains the potential for utility access to the western portion of his new 29-acre lot.

Chair S. Smith opened the public hearing period. With no one wishing to speak, Chair S. Smith closed the public hearing and opened the floor to questions and comments from the Commission to either the Applicant or the City Planner. Seeing no further comments or questions, Chair S. Smith requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-056 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. THE SPELLING OF "FARMALD CIR. 50' R/W" ON BOTH THE PRELIMINARY PLAT AND THE RIGHT-OF-WAY VACATION DIAGRAM BE CORRECTED TO "FARMWALD CIR. 50' R/W."
2. THE ADDITION OF A PLAT NOTE: ALL LOTS ARE LOCATED WITHIN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT AND ARE SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.

3. IN PLACE OF THE EXISTING UTILITY EASEMENT ALONG FARMWALD CIRCLE, A NEW 20-FOOT UTILITY EASEMENT WILL BE DESIGNATED ALONG THE WEST BOUNDARY OF LOT 6-A AS PART OF THE REPLAT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair S. Smith called for a 10-minute recess at 8:20 p.m.

Chair S. Smith called the meeting back to order at 8:30 p.m.

**PENDING BUSINESS**

- A. Conditional Use Permit 23-08 per HCC 21.24.030(f), Staff Report 24-052  
Memorandum PC-24-041 from Deputy City Clerk as backup  
Memorandum PC-24-042 from Deputy City Clerk as backup

Chair S. Smith introduced the item by reading of the title.

Commissioner Conley shared that he needed to disclose a potential conflict of interest.

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

Commissioner Conley stated that there are business connections between the company that he works for and the Chief Financial Officer of Doyon. He added that there's a common group of people that he gets closely attached to that are involved in the project.

Commissioner Stark noted that the Commission voted that Mr. Conley didn't have a conflict of interest the last time that this came up. He asked Mr. Conley if the reasons that he had provided for the potential conflict of interest would impact his vote one way or another. Mr. Conley stated that it would not affect his vote.

Chair S. Smith questioned if Mr. Conley's relationship with anyone at the hotel would cause him any monetary gain in any form. Mr. Conley insisted that he would have no monetary gain as a result of this project.

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

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

Motion failed.

The Commission worked its way through the potential motion, discussing various edits that could be implemented for the final wording of the motion.

SCHNEIDER/H. SMITH MOVED TO EXTEND THE MEETING FOR ONE HOUR.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There were lengthy discussions regarding the building height of the proposed project.

SCHNEIDER/CONLEY MOVED TO ADOPT STAFF REPORT 24-052 AND RECOMMEND APPROVAL OF CUP 23-08 WITH FINDINGS 1-26 AND THE FOLLOWING CONDITIONS AS DISCUSSED AND AGREED UPON.

There was discussion about the best path forward in terms of wording of the final motion. Commissioner Schneider requested to withdraw his motion, and unanimous consent was granted to do so.

Motion withdrawn.

SCHNEIDER/CONLEY MOVED TO ADOPT STAFF REPORT 24-052 AND RECOMMEND APPROVAL OF CUP 23-08 WITH FINDINGS 1-26 AND THE FOLLOWING CONDITIONS AGREED UPON AND AS READ BY THE CLERK:

1. THE PROPERTY AT 1491 BAY AVENUE MUST BE REZONED TO AN AUTHORIZED ZONING DISTRICT, GENERAL COMMERCIAL 1, TO ALIGN WITH THE PROPOSED COMMERCIAL USES.
2. THE B STREET RIGHT-OF-WAY, SOUTH OF BAY AVENUE MUST BE VACATED. THE FINAL APPROVAL OF THIS VACATION IS DECIDED BY THE HOMER CITY COUNCIL.
3. A 20-FOOT PEDESTRIAN EASEMENT MUST BE DEDICATED AS DEPICTED ON ARCHITECTURAL SITE PLAN AS0.01.
4. CONTACT THE FAA BEFORE CONSTRUCTION BEGINS AND CONFIRM IF THEY REQUIRE A PERMIT FOR CONSTRUCTION CRANES ON THE PROJECT.
5. OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.
6. THE MAXIMUM BUILDING HEIGHT FOR THE HOTEL ARE THOSE DEPICTED IN THE PLANNED UNIT DEVELOPMENT PLANS SUBMITTED FOR THE CONDITIONAL USE PERMIT.
7. THE FOLLOWING RECOMMENDATIONS FROM THE TRAFFIC IMPACT ANALYSIS MUST BE IMPLEMENTED BEFORE OCCUPANCY AND OPERATIONS CAN OCCUR, CONTINGENT UPON APPROVAL BY THE ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES:
  - IMPLEMENT IMPROVEMENTS TO ENHANCE ACTIVE TRANSPORTATION MODES AND POTENTIALLY REDUCE VEHICLE DEMAND AT INTERSECTIONS AND ROADWAYS.
  - INSTEAD OF THE FRONTAGE ROAD BETWEEN THE NORTH AND SOUTH ACCESS DRIVEWAYS SHOW IN FIGURE 4 ON PAGE 17, CONSTRUCT A PATHWAY FRONTING THE LIGHTHOUSE VILLAGE DEVELOPMENT TO CONNECT THE SITE TO THE CROSSING AT KACHEMAK DRIVE-HOMER SPIT ROAD CROSSWALK. THE PATHWAY SHOULD MEET DOT&PF STANDARDS AND BE LOCATED FOR COMPATIBILITY WITH FUTURE PEDESTRIAN IMPROVEMENT PROJECTS ALONG HOMER SPIT ROAD.
  - CONSTRUCT A CONNECTION BETWEEN THE LIGHTHOUSE VILLAGE DEVELOPMENT TO BAY AVENUE USING THE B STREET RIGHT-OF-WAY TO ALLOW WALKING AND BIKING TRIPS TO USE THE LOWER VOLUME, LOW SPEED BAY AVENUE, FOR NON-MOTORIST TRIP SEGMENTS.



- INSTALL A MARKED MEDIAN REFUGE, AND A POTENTIAL MARKED CROSSWALK ON THE HOMER SPIT ROAD APPROACH TO THE OCEAN DRIVE-HOMER SPIT ROAD-FAA ROAD INTERSECTION. THE CROSSWALK WOULD ONLY BE INSTALLED IF THE CROSSING DEMAND COULD BE ESTABLISHED AS 20 VEHICLES PER HOUR OR MORE AT THIS LOCATION. HOWEVER, THE MEDIAN REFUGE COULD BE IMPLEMENTED WITHOUT THE CROSSWALK. THIS IS PRESENTED IN THE FOLLOWING FIGURE 23 ON PAGE 75.
- CONSIDER IMPLEMENTING A RAPID RECTANGULAR FLASHING BEACON AT THE MARKED CROSSWALK AT KACHEMAK DRIVE FOR THE HOMER SPIT ROAD CROSSING.
- THE NORTH ACCESS DRIVEWAY AND SOUTH ACCESS DRIVEWAYS MAY BE CONSTRUCTED WITH TWO LANES, ONE LANE OUTBOUND AND ONE LANE INBOUND. IT IS STRONGLY RECOMMENDED THAT IF THERE IS AN OUTBOUND LANE ON THE NORTH ACCESS DRIVEWAY THAT IT BE A RIGHT TURN ONLY EXIT. DRIVEWAYS MUST COMPLY WITH THE RECOMMENDATIONS IN THE DOT&PF HIGHWAY PRECONSTRUCTION MANUAL (SECTION 1190).
- IN ADDITION TO THE ABOVE, THE FOLLOWING RECOMMENDATIONS WERE EXPLICITLY REQUESTED BY DOT&PF AFTER REVIEW OF THE DRAFT REPORT:
  - CONSTRUCT INTERNAL PEDESTRIAN CONNECTIVITY BETWEEN THE HOTEL AND THE CONDOMINIUMS.
  - REVISE THE SITE PLAN TO REALIGN THE SOUTH ACCESS DRIVEWAY DIRECTLY ACROSS FROM THE KACHEMAK DRIVE APPROACH TO FUNCTION AS A FOUR-LEG INTERSECTION. MOREOVER, IT IS ESSENTIAL TO ALIGN THE SOUTH ACCESS DRIVEWAY WITH KACHEMAK DRIVE TO ASSURE THAT REQUIRED 35 MPH DRIVEWAY SPACING DISTANCE BETWEEN THE NORTH AND SOUTH ACCESS DRIVEWAYS, CITED AS 260 FEET IN THE DOT&PF HIGHWAY PRECONSTRUCTION MANUAL TABLE 1190-3, IS ACHIEVED (SEE ADDITIONAL DISCUSSION ON SEPARATION BELOW). INSTALL STOP SIGN CONTROL FOR THE SOUTH ACCESS DRIVEWAY.
  - CONSTRUCT A RAPID RECTANGULAR FLASHING BEACON AT THE EXISTING CROSSWALK ACROSS HOMER SPIT ROAD JUST SOUTH OF KACHEMAK DRIVE.
  - FOLLOWING THE DRAFT REPORT, WE EVALUATED DRIVEWAY SPACING. THE DOT&PF HIGHWAY PRECONSTRUCTION MANUAL TABLE 1190-3 REQUIRES DRIVEWAY SPACING TO BE 260 FEET FOR ROADWAY SPEEDS OF 35 MPH. THE DISTANCE IN TABLE 1190-3 IS MEASURED BETWEEN THE EDGE OF DRIVEWAYS AS DEPICTED IN FIGURE 1190-2. WITH THIS REQUIREMENT, IT IS ESSENTIAL TO ALIGN THE SOUTH ACCESS DRIVEWAY WITH KACHEMAK DRIVE AS WELL AS REALIGN/REPOSITION THE NORTH ACCESS DRIVEWAY TO THE NORTH TO ACHIEVE THE FULL 260 FEET OF SEPARATION REQUIRED IN TABLE 1190-3. THE NORTH ACCESS DRIVEWAY COULD BE RELOCATED ABOUT 20 TO 25 FEET TO THE NORTH AND STILL MEET MINIMUM DRIVEWAY SIGHT DISTANCE STANDARDS.
- THE MAY 2012 TRANSFER OF RESPONSIBILITIES AGREEMENT (TORA) BETWEEN THE CITY OF HOMER AND DOT&PF FOR PARKING AND PEDESTRIAN FACILITIES NEAR THE PROJECT AREA APPLY TO THE IMPROVEMENTS RECOMMENDED IN THIS TRAFFIC IMPACT ANALYSIS. OWNERSHIP AND MAINTENANCE OF THE PROPOSED PATHWAY

AND PEDESTRIAN CROSSINGS WILL BE FINALIZED BETWEEN THE CITY OF HOMER, DOT&PF, AND THE DEVELOPER PRIOR TO FINAL PERMITS BEING ISSUED.

8. INCORPORATE THE RECOMMENDATIONS PROVIDED IN THE PUBLIC WORKS COMMENTS IN THIS STAFF REPORT.
9. THE APPLICANT WILL NEED TO SUBMIT THEIR ENGINEERED WATER, SEWER AND STORM DRAIN DESIGN TO PUBLIC WORKS FOR COMMENT. AFTER PUBLIC WORKS' COMMENTS HAVE BEEN MADE AND IMPLEMENTED, THEY WILL NEED TO SUBMIT THEIR ENGINEERED DESIGN TO ADEC FOR APPROVAL.
10. PER HCC 21.52.070 TIME LIMIT: AFTER A PUD CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN ARE APPROVED BY THE COMMISSION, CONSTRUCTION OF THE PLANNED UNIT DEVELOPMENT MUST BEGIN WITHIN TWO YEARS OF THE APPROVAL OF THE CONDITIONAL USE PERMIT.
11. ANY CHANGES OF USE FROM THOSE IN THE SUBMITTED PLANNED UNIT DEVELOPMENT WOULD REQUIRE A NEW OR REVISED CONDITIONAL USE PERMIT.

Commissioner H. Smith suggested that the motion be amended to include language to clarify that the 20-foot pedestrian easement be a public easement. There was brief discussion whether Condition 3 defined the easement as public.

H. SMITH/VENUTI MOVED TO AMEND CONDITION 3 TO INSERT "PUBLIC" AFTER "20-FOOT."

There was no discussion.

VOTE (AMENDMENT): NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

SCHNEIDER/H. SMITH MOVED TO EXTEND THE MEETING 30 MINUTES.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Stark noted the changes that Doyon has implemented with their revised application, and added that no applicant should be expected to remedy the traffic issues in Homer. He noted that the application is in compliance with City Code, and provided a list of potential benefits that the development would provide to the City.

Commissioner H. Smith shared his appreciation for the public input throughout the entire process. He also shared his appreciation for Doyon's responsiveness to concerns made by members of the public. He recognized the need for Homer to grow in order to thrive in the future.

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

VOTE (MAIN MOTION): YES: STARK, VENUTI, S. SMITH, SCHNEIDER, H. SMITH, CONLEY.

Motion carried.

## **NEW BUSINESS**

### **A. Memorandum PL 24-040, Request for Initiation of a Zoning Code Amendment**

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

H. SMITH/SCHNEIDER MOVED TO SUSPEND THE RULES TO ALLOW MS. BERRYMAN TO ADDRESS THE COMMISSION.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Ms. Berryman provide a brief background of herself and her history with dancing. She added that it's been really difficult to find anywhere to rent in the zoning districts that allow dance studios.

There was a brief discussion whether the Commission should wait until the Title 21 rewrite to implement the code change. City Planner Foster asserted that this edit should be fairly simple, and that he feels the Planning Department can handle the request. He noted that dance studios are very limited in the zoning districts. Mr. Foster then explained the process for initiating a code amendment.

Commissioner H. Smith requested that the Planning Commission initiate a code amendment process to consider additional zoning districts that would allow for a dance studio.

### **B. Planning Commission 2025 Meeting Schedule Memorandum PC-24-043 from Deputy City Clerk as backup**

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who directed everyone to the Planning Commission's meeting schedule in the draft resolution.

H. SMITH/CONLEY MOVED TO APPROVE THE RESOLUTION AS IS AND RECOMMEND ADOPTION BY CITY COUNCIL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **INFORMATIONAL MATERIALS**

### **A. PC Annual Calendar 2024**

B. 2024 Meeting Dates & Submittal Deadlines

Chair S. Smith noted the informational materials.

**COMMENTS OF THE AUDIENCE**

Scott Adams, city resident, questioned why the 30-foot vegetative buffer that was a part of Doyon's plan for CUP 23-08 wasn't included in the conditions that the Commission approved for the CUP. He cautioned the Commission to be careful of issuing a moratorium for all CUPs. He shared his frustration regarding the subdivisions in western Homer that don't have sidewalks, adding that he's been advocating for these areas to get sidewalks for the past 5-6 years.

SCHNEIDER/CONLEY MOVED TO EXTEND THE MEETING TO 11:15 P.M.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Jack Cushing, city resident, asked if the 20-foot easement would connect Bay Avenue to the Spit Road Crosswalk. He thanked the Commissioners for their time.

Glenn Seaman, city resident, thanked the Commission for their persistence in handling CUP 23-08, and thanked Doyon for going through the process. He stated that he had hoped the conditions of the CUP would be more aligned with concerns that were given during public testimony. He reiterated that the 30-foot vegetative buffer is something that needs to be permanent that sticks to the property.

Zach Dunlap thanked the Commission and the public for their time and feedback. He added that Doyon is looking forward to bringing a world-class project to Homer.

**COMMENTS OF THE STAFF**

City Planner Foster thanked everyone for their hard work.

Associate Planner Anderson thanked the Commission for allowing him to sit in on the meeting.

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

**COMMENTS OF THE COMMISSION**

Commissioner Venuti paid his respects to the late Sam Beachy, and he thanked all veterans of the armed forces. He noted that there will be a State of the City Presentation hosted by the Chamber of Commerce at the Kenai Peninsula College on Tuesday, November 12<sup>th</sup>.

Commissioner H. Smith stated that it was a great meeting. He thanked the Commission and City Staff for their work, and he thanked the public for participating in the process.

Commissioner Stark thanked Chair S. Smith and Zach Dunlap of Doyon. He also gave his appreciation to City Staff and the rest of the Commissioners for their work. He noted that Homer is in a stage of development, and that it can be a process to implement changes that the public is asking for.

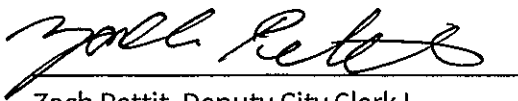
Commissioner Conley thanked the Commission and City Staff for their work. He shared that it's been encouraging to watch Doyon's response to the concerns of the public. He added that it's great to have an Alaskan company that has an investment in the State and its people.

Commissioner Schneider welcomed Associate Planner Anderson. He shared his appreciation for City Staff and the rest of his fellow Commissioners.

Chair S. Smith stated that the evaluation of a moratorium on some CUPs is appropriate. He added that he will be requesting a new business item regarding a moratorium for CUPs on the next Regular Meeting agenda. He urged Commissioners to be more expedient with making motions and following along in the packet during meetings. He referenced former Public Work Director Kaiser's comments about Homer desiring qualitative increase rather than quantitative increase, reasoning that Doyon is absolutely nailing this notion. Lastly, he welcomed Associate Planner Anderson and thanked the City Staff.

#### ADJOURN

There being no further business to come before the Commission, Chair S. Smith adjourned the meeting at 11:13 p.m. A Special Meeting is scheduled for **Wednesday, November 20<sup>th</sup>, 2024 at 5:30 p.m.** The next Regular Meeting is scheduled for **Wednesday, December 4<sup>th</sup>, 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: Dec. 4, 2024