

CALL TO ORDER

Session 24-03, a Special Meeting of the Planning Commission was called to order by Chair Scott Smith at 5:37 p.m. on January 31, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. The start of meeting was delayed to allow the arrival of Commissioner Conley.

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

STAFF: DEPUTY CITY CLERK KRAUSE, CITY PLANNER FOSTER

CONSULTING: KEN CASTNER, MAYOR

AGENDA APPROVAL

Chair Smith requested a motion and second to approve the agenda.

SCHNEIDER/BARNWELL MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CONSENT AGENDA

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.

- A. Unapproved Special Meeting Minutes for January 17, 2024

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

- A. Unapproved Special Meeting Minutes for January 3, 2024

Chair Smith introduced the item by reading of the title and requested a motion and second.

HIGHLAND/BARNWELL MOVED TO APPROVE THE MINUTES FOR THE SPECIAL MEETING ON JANUARY 3, 2024.

Commissioner Highland requested clarification on a point under the City Planner's rebuttal, page 24 of the packet, "Zoning the property for a park, these lots are private property and zoned for rural residential and General Commercial 1, parks are not allowed" It should read "on this CUP." In order to be correct since parks are allowed in this zoning district.

HIGHLAND/BARNWELL MOVED TO APPROVE THE MINUTES AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested declarations of ex parte communication from the Commission. He then turned the gavel to Vice Chair Barnwell stating that he had ex parte communication with a member of the public.

Commissioner Smith declared that he received a phone call from a member of the public on other issues unrelated to this project but then the caller asked what the commission was talking about and started to ask questions about the CUP 23-08. Mr. Smith stated that he informed the caller that the issue is still pending and he was unable to speak about the project.

Vice Chair Barnwell requested a motion and second.

HIGHLAND MOVED THAT COMMISSIONER SMITH HAD A CONFLICT OF INTEREST.

Commissioner Venuti called a point of order noting that they needed a motion for ex parte communication not conflict of interest.

Deputy City Clerk Krause noted that there was a suggested language in the Commission's special agenda.

BARNWELL/SCHNEIDER MOVED TO RECUSE COMMISSIONER SMITH DUE TO EX PARTE COMMUNICATION.

There were no requests from the Commission for additional information.

Vice Chair Barnwell requested the Clerk to perform a roll call vote.

VOTE. NO. VENUTI, SCHNEIDER, HIGHLAND, CONLEY, STARK, BARNWELL.

Motion failed.

Vice Chair Barnwell turned the gavel back to Chair Smith.

Chair Smith requested additional declarations.

Commissioner Schneider declared that he also had received a phone call from a member of the public who had participated via Zoom but did not stay for the entire meeting due to the late hour and asked if the Commission made any decisions and if they did what the decision was. He told the caller that the Commission did not make a decision and that was the end of the discussion.

BARNWELL/HIGHLAND MOVED TO RECUSE COMMISSIONER SCHNEIDER DUE TO EX PARTE COMMUNICATION.

There was no further discussion.

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

VOTE. NO. SMITH, HIGHLAND, CONLEY, STARK, BARNWELL, VENUTI.

Motion failed.

NEW BUSINESS

A. Memorandum PC 24-002 from Deputy City Clerk re: Conditional Use Permit CUP 23-08 for a Planned Unit Development at 1563 Homer Spit Road, 1663 Homer Spit Road and 1491 Bay Avenue

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

City Planner Foster did not have anything further to add and deferred to the Clerk.

Deputy City Clerk Krause stated that the memorandum was in the packet and if the Commission desires she can read the memo into the record.

Commissioner Highland stated her preference to have the memorandum read into the record.

Deputy City Clerk Krause read Memorandum PC-24-002 into the record in its entirety.

VENUTI/SCHNEIDER MOVE TO RECESS INTO DELIBERATIVE SESSION ON CONDITIONAL USE PERMIT (CUP) 23-08 FOR A PLANNED UNIT DEVELOPMENT AT 1563 HOMER SPIT ROAD, 1663 HOMER SPIT ROAD AND 1491 BAY AVENUE.

Debate on the motion ensued with Commissioners discussing the pros and cons of deliberating in private or debating the motion in the public with clarification that they are within the 45 day deadline making a decision at the next meeting if they cannot conclude tonight; recording the deliberative process would defeat the purpose of the Commission recessing into a Deliberative Session; the process would be transparent since the Commission would return to the meeting and state their vote and findings on the record; a deliberative session was similar to City Council's Executive Session and would allow the Commission to compare apples to apples and the public would not have to listen to the haggling part.

Commissioner Highland called for the vote.

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

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

Motion carried.

Chair Smith restated that the motion to recess into deliberative session on CUP 23-08 was adopted, confirmed with Commissioner Highland who was attending the meeting electronically, that she will be signing off of this meeting and signing in to the meeting established by the Clerk for the deliberative session. He then stated the process for the record on what will occur when the Commission concludes their deliberations for the benefit of the members of the public attending the meeting.

Chair Smith recessed the meeting at 6:07 p.m.

Deputy City Clerk Krause proceeded to escort the Commission to the Conference Room upstairs and assured that Commissioner Highland connected to the deliberative session. Due to minor technical issues the main meeting was disconnected at approximately 6:25 p.m. The public portion of the meeting was reconnected at 6:45 p.m. A message was entered on the city website meeting page to advise the public that the meeting was currently recessed into deliberative session, members of the public can wait on Zoom or email the Clerk to check on the status of the meeting. There were twelve members of the public attending via Zoom and six members present in Council Chambers. Ms. Krause amended the meeting webpage when the Commission returned to Council Chambers at 10:04 p.m.

Chair Smith requested a motion and second.

SCHNEIDER/BARNWELL MOVED TO EXTEND THE MEETING TO 11:00 P.M.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith called the meeting back to order in Council Chambers at 10:10 p.m. He noted that the Clerk has provided suggested language for a motion but the Commission has findings that differ from those. He then clarified with the Clerk that she will call the vote, each Commissioner can state their vote and independent findings.

Commissioner Highland questioned the Clerk, if the Commission has a statement for the record how should it be handled.

Deputy City Clerk Krause confirmed that the Commission will state the motion in the affirmative as suggested and can vote that motion down stating their findings on the record for doing so. In response to Commissioner Highland she was quite frankly unsure how to respond since that has never happened in her time as a Clerk.

She continued advising that the Commission address the motion that's recommended and once that action is done the Chair can put forth the Commission's statement.

Chair Smith requested a motion and second.

SCHNEIDER/HIGHLAND MOVED TO ADOPT STAFF REPORT 23-060 AND RECOMMEND APPROVAL OF CUP 23-08 PLANNED UNIT DEVELOPMENT AT 1563 & 1663 HOMER SPIT ROAD AND 1491 BAY AVENUE WITH FINDINGS 1-15 AND CONDITIONS 1-10

Chair Smith stated for the record that the Commission has evaluated the application, Staff Report 23-060 from the City Planner and heard and read public testimony and based on the Commission's deliberations are ready to vote.

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

NO. HIGHLAND. Commissioner Highland stated she agreed with Chair Smith's findings as well as the following, finding that the proposal is not compatible with existing uses of surrounding land with rural residential, protected wetlands and conservation zone.

NO. CONLEY. Commissioner Conley stated the inconsistency with using the application of a Planned Unit Development for the Conditional Use Permit.

YES. STARK. Commissioner Stark stated he found that the Economic Development, Socio-economic jobs, housing, and Non-Motorized pathway benefits for the overall Homer well-being and quality of life for individual residents and visitors.

NO. BARNWELL. Commissioner Barnwell stated he agreed with Chair Smith's finding as well as these additional findings: Citing 21.24.010 traffic transportation, Airport proximity and safety, the Department of Transportation designated approach surface that is shown in the 2022 Homer Department of Transportation Airport Layout Plan clearly shows an approach surface that is directly over this proposed development and Commissioner Barnwell expressed concern on the environmental location of this development as there is a part of the 2018 Comprehensive Plan referring to the Green Infrastructure Map very clearly showing this hotel location in an area called critical green infrastructure.

NO. VENUTI. Commissioner Venuti stated that he based his decision, among other things, on the fact that this project does not comply with Homer City Code 21.44.030¹ (c) (1) (a) which requires no structure can be closer to the top of a ravine, steep slope or bluff than the lesser of forty feet. He then cited the definition of a "bluff" as stated in code, "is an abrupt change in elevation for at least 15 feet" and also finding that city code states the maximum building height for GC1 district "shall be 35 feet" and this project exceeds that 35 feet.

NO. SMITH. Chair Smith stated that the concerns expressed by the other Commissioners could be addressed by using additional conditions and did not agree with their assessments of the city code, however there was one finding that was presented in the deliberations that he felt responsible to the city for to prevent litigation and stated the following: The Commission appreciates Doyon's development proposal and believes that it would be a great benefit to the Homer community. After thorough evaluation of CUP Application 23-08, City

¹ 21.44.040 is the incorrect citation it has been amended to read 21.44.030 (c)(1)(a)

Planner Report 23-060, and weighing public comment, the Homer Planning Commission finds against the application with the following finding: Page 59 of the application (Drawing AS 0.01) which lists the total square footage of the hotel structure as 80,505 square feet. This exceeds allowances in Homer City Code 21.24.040 *Dimensional Requirements (e) Building Area & Dimensions – Retail and Wholesale (4) No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of subsections (e)(1), (2) and (3) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsections (e)(1), (2) and (3) of this section; and cited Homer City Code 21.24.040 (e)(1) In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.*² Chair Smith continued by summarizing, therefore, the footprint of the hotel is larger than what is allowed by code.

NO. SCHNEIDER. Commissioner Schneider stated that he is voting in this manner for the reasons articulated by Chair Smith.

Motion failed.

COMMENTS OF THE AUDIENCE

Bette Seaman, city resident, thanked the Commission for taking a very difficult job while everyone watched and doing it with integrity and honesty. She appreciated it.

Penelope Haas, non-resident, echoed the sentiments of Ms. Seaman and expressed her thanks to the Commission for who knew how many collective hours they contributed to this decision, but it was a lot and she understands that they each have other things to do but really appreciates their dedication to Homer and our collective wellbeing.

Richard Rosenbloom, Bay Avenue resident, concurred with his neighbor, noting the Commission had a very difficult task, but he could tell from their conduct here this evening that the Commission gave it a rigorous evaluation and deliberation and appreciated it very much.

Scott Adams, city resident, expressed his appreciation for the Commission looking at this as a major project that was coming into the City of Homer and I am hoping that they (Doyon) come back with something that will fit in with our codes. He really appreciates it.

Rika Mouw, city resident, she wanted to ditto what others have said and stated that it has been a tortured extended process and the integrity that each of the Commissioners have shown, I just want to express my appreciation and thank you. I know that this will eventually lead to a much better project, and my words fall short, as everyone else was more articulate, but thank you very, very much all of you.

Zach Dunlap, Applicant, expressed his appreciation for the city staff and echoed the sentiments expressed by the public here tonight on the work of the Commissioners with the deliberations and the work that has been done here in these chambers, they appreciate that and thank you.

² Amended to reflect correct language from HCC 21.24.040 (e) (1) (4)

COMMENTS OF THE STAFF

City Planner Foster expressed his appreciation for the work and long hours everyone put into this and was glad to see that it was not 1:00 a.m. and everyone will be able to get to bed earlier.

Deputy City Clerk Krause had no additional comments.

COMMENTS OF THE MAYOR/COUNCIL MEMBERS

COMMENTS OF THE COMMISSION

Commissioner Highland commented expressed her appreciation for everyone's time and effort, especially the staff and wished them safe driving home.

Commissioner Venuti commented that early in the process he asked if they would come back with a better idea and so they are looking forward to seeing a better idea.

Commissioner Stark commented his appreciation for the guidance and input from the Clerk and the professional analysis from the City Planner, comment provided by the public on the project, the applicant for attending each meeting in person, the potential investment and consideration in Homer and the Chair for leading the Commission and conducting the meetings.

Commissioner Conley commented that the tone is that we are wrapping this up but he actually felt that it's the other way. He wanted to reflect what the Community echoed by welcoming Doyon in with their business and interest in Homer and he could actually see a lot of late nights but this is the start of the process of working with the applicant and figuring out a path forward. Commissioner Conley expressed his appreciation of the hard work everyone put in and is very interested to see where this goes.

Commissioner Schneider commented his appreciation for his fellow Commissioners hard work, and especially for their guidance during this process as he is still pretty new and "tossed to the wolves" was a term he heard more than once. He expressed his appreciation for the staff and the public for coming forward and expressing their feelings in a positive way throughout the process. Commissioner Schneider then stated his appreciation for the applicant and their interest in Homer and looks forward to working with them more in the future.

Commissioner Barnwell echoed the sentiments of Commissioner Schneider stating he appreciates the applicant for a spirited proposal, he would not quite agree that it was a "tortured" process as Ms. Mouw said but it has been a lot of hard work and he spent many, many hours analyzing all this stuff, noting it was a very hard decision but frankly as Commissioner Conley noted let's move on to something better, hopefully. Mr. Barnwell then expressed his thanks for the work that the staff has done on this project.

Chair Smith commented, "I'm announcing my resignation" He then laughingly stated he was just joking and did not think that would go over so well. Chair Smith then echoed the sentiments previously expressed by the other Commissioners, stating it has been a pleasure working with the applicant and meeting each member of the team, it was an exceptional presentation and believed that Doyon thoroughly sought to understand the community and expressed his hope to see them in the near future. He expressed his appreciation for the City Planner and the guidance from the Clerk and keeping them on track as always. He noted that their deliberations

did get a little heated tonight from time to time but that just means that people are passionate and they care, he appreciated everyone's efforts and work on this project.

ADJOURNMENT

There being no further business Chair Smith adjourned the meeting at 10:16 p.m. The regular meeting and worksession scheduled for Wednesday, February 7, 2024 has been canceled. The next regular meeting is scheduled for **Wednesday, February 21, 2023 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.

Renee Krause

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: Feb. 21, 2024