

**CALL TO ORDER**

Session 24-17, a Special Meeting of the Planning Commission was called to order by Chair Scott Smith at 5:30 p.m. on October 16<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 BARNWELL, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

**ABSENT:** COMMISSIONER CONLEY (EXCUSED)

**STAFF:** CITY PLANNER FOSTER, 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 approve the agenda as amended.

SCHNEIDER/BARNWELL 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 October 2, 2024

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

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PRESENTATIONS / VISITORS**

**REPORTS**

- A. City Planner's Report, Staff Report 24-051

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

- Homer Comprehensive Plan Growth Scenarios Event at the Alaska Maritime National Wildlife Refuge Visitor Center (Islands & Oceans Visitor Center) on October 22<sup>nd</sup> from 6:00-8:00 p.m.
- Two-part Virtual Planning Commissioner Training on Sunday, October 27<sup>th</sup> hosted by the Alaska Chapter of the American Planning Association
- Next Regular Meeting is Wednesday, November 6<sup>th</sup>
  - CUP Application for Public Hearing and a Preliminary Plat
- Potential Special Meeting on Wednesday, November 20<sup>th</sup>
- Next Commissioner report to City Council is on October 28<sup>th</sup>

**B. Comprehensive Plan Steering Committee Report**

Commissioner Barnwell encouraged everyone to attend the Comprehensive Plan Growth Scenarios Event at the Islands & Oceans Visitor Center on October 22<sup>nd</sup>.

**PUBLIC HEARINGS**

- A. Conditional Use Permit 23-08 per HCC 21.24.030(f), Staff Report 24-052  
Public Comment Received  
Public Comment Received After Packet Publication

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

Chair S. Smith invited the Applicant, Zach Dunlap of Doyon, to speak to the application. Mr. Dunlap introduced himself as the Operations Director of Doyon, Limited. He reviewed the changes that had been implemented since the last time the project was seen by the Commission. He then provided an explanation for things that were heard, but not addressed in the revised version of Doyon's application.

Next, Mr. Dunlap introduced Lauren Egbert of Womer & Associates. Ms. Egbert reviewed safety and traffic measures that were in place with the current plan, in addition to providing details regarding utilities, storm water and erosion. She also summarized the architectural specifications of the hotel and condos.

Concluding the update provided by Mr. Dunlap and Ms. Egbert, Chair S. Smith opened the public hearing period.

Cooper Freeman shared that he appreciated the changes that Doyon had made with the new application, but stated that he would still support the City rejecting the right-of-way vacation. He added that he's worried about the precedent the City might set by vacating the right-of-way, and that he doesn't understand why the City would give City-owned land to a corporation.

Penelope Haas shared that her biggest issue with the project was the total size of the building, emphasizing the height of the building. She stated that Homer City Code doesn't provide any flexibility for building heights above 35 feet in this zoning district. She compared the total square footage of the proposed hotel with that of

the Aspen Suites Hotel before warning the Commission not to move too quickly on making a decision on the project.

Don McNamara, city resident, stated that the B Street right-of-way should stay intact, suggesting that it could be moved over to become the buffer between Doyon's property and the neighboring residential properties. He added that he thinks Doyon will be a great neighbor, and that they've done a fantastic job with the revised drawings. He reiterated that 35 feet is the height requirement for that zoning district, and questioned why the Commission would let this corporation take away the view that the residents currently have.

Bruce Petska, city resident, shared his support for the project, adding that what Doyon has presented seems to be a viable business opportunity for both shareholders and the City of Homer. He estimated that Doyon will contribute more than \$50 million of their funds into the community. He concluded by adding that he feels the project will bring more positives to the community than it will bring negatives.

Scott Adams, city resident, thanked Doyon for bringing back the revised plan, adding that it looks better than what they had before. He encouraged the Planning Commission to keep the building height at 35 feet, sharing concerns for the precedent that will be set if they allow the building height to be 45 feet. He emphasized his concerns for traffic, stating that moving the driveway further north will move it closer to the blind turn. He added that the issue with no coastal bluff is vague, and questioned the way the equations are plotted for the size of the building, noting that the land was plotted prior to the earthquake in 1964.

Sara Faulkner, city resident, stated that she was concerned about the height change above 35 feet. She shared her confusion about what will happen with the retaining wall, and whose property it encroaches onto.

Dottie Harness claimed that the easement coming down from the north along the west needs to feel like a public easement. She advocated for a buffer on the east side, noting that it's mainly driveway and parking lot right now. She referenced the lighting requirement of the community design manual, recommending the Commission use the entire community design manual in their decision-making process.

Eric Engebretsen, city resident, shared that he's the owner of Bay Weld Boats, and stated that the zoning district his building is categorized under allows for building heights of 75 feet. He noted that there is a consideration for building heights to be higher than 35 feet for a use that makes sense in a certain area.

Betti Seaman, city resident, referenced former Public Works Director Kaiser's memorandum from December 27<sup>th</sup> that recommended portions of the parcels that are part of the tidal marsh be designated for conservation. She offered a plea for the trees that are adjacent to where the lighthouse used to be, noting their resilience and how they could prove beneficial for sound mitigation.

Glenn Seaman, city resident, thanked Doyon for the changes that they've made to their application. He shared his pleasure with how open and receptive Doyon has been throughout the entire process. He emphasized the importance of the setback, noting that it's a mature forest and that many of the trees can be seen through. He suggested planting live trees on the side of the right-of-way. He advocated for the habitat in the area, suggesting that Doyon drill the pilings in the winter when the migratory birds aren't in the area. He concluded with stating that the setback and the easement through the property need to be permanent and binding.

Rika Mouw, city resident, shared her concerns for the building height, and how this would affect the view in the area. She noted that the loading dock and the back end of the kitchen will be seen on the most public end where people are walking, biking and driving from the Spit into town. She stated that she had a problem with giving up public land and access with no sidewalks that connect the project to any other parts along Ocean Drive or Kachemak Drive.

Jack Cushing, city resident, referenced his time spent serving on the Planning Commission, and how the Commission was often requested to vacate right-of-ways. He advocated for conservation easements for anything regarding pedestrian uses and any of the other lands out there that are currently zoned as conservation zoning.

Sam Weisser, city resident, shared his support for this project to help with the growing tourism. He added that he's excited that an Alaskan company wants to invest in Homer.

Mary Griswold, city resident, voiced her support for the vacation of the B Street right-of-way, adding that it's an opportunity to provide legal pedestrian and bicycle access from Bay Avenue to the Homer Spit Trail. She noted that the existing trail from Bay Avenue crosses Doyon property to the Homer Spit Road, reasoning that this access will no longer exist when Doyon builds on its property. She concluded by saying that it's a wonderful solution to put the pedestrian trail to the west and allow that vacation.

With no other members of the public wishing to comment, Chair S. Smith closed the public hearing. Upon the closure of the public hearing, Chair S. Smith called for a recess at 7:33 p.m.

Chair S. Smith called the meeting back to order at 7:43 p.m. He then opened the floor to the Applicant and City Planner Foster for any rebuttal.

City Planner Foster reiterated that a conditional use permit for a planned unit development allows flexibility over land use, density, development requirements, etc. In response to the comments regarding the 30-foot vegetation buffer next to the 20-foot pedestrian easement, Mr. Foster noted that the pedestrian easement is currently one of the conditions of approval. He addressed the comments regarding the community design manual, clarifying that the only requirement in the General Commercial One District per Homer City Code is down lit lighting.

Mr. Dunlap addressed the comments regarding the height of the roof, stating that the height is ideal in respect to the topography of the property. He also justified the height of the roof by stating that the convention space requires a higher ceiling. He reiterated that the 30-foot vegetative buffer plus the relocation of the building itself should serve as mitigation measures for the concerns of building height.

Chair S. Smith then opened the floor for questions from the Commission to either the Applicant or City Planner Foster.

Commissioner Stark asked Mr. Dunlap if he could provide any tangibles for what this project would provide to the City of Homer. Mr. Dunlap stated that the tax revenue generated from their proposed project would be significant, and added that he expects their shoulder season jobs to increase when the convention center gets adopted. He stated that Doyon's intent is to make the convention space available for user groups in Homer when it is not in use.

Voicing concerns for building height, Commissioner Venuti questioned why the gables shown on page 87 of the packet were necessary, adding that they aren't required for structural integrity. City Planner Foster clarified that per Homer City Code, the top of the building is determined by the height of the parapet, thus things like gables and rooftop utilities wouldn't be considered in measuring the height of a building.

There was brief discussion regarding the process to vacate the right-of-way, and how the ownership of that property transfers to Doyon upon vacation of the right-of-way.

Commissioner Barnwell asked how Doyon felt about granting public access to the pedestrian pathway that will be constructed on what is now B Street and meander its way through Doyon's property. Mr. Dunlap answered that if it was a condition that was added by the Commission, Doyon would comply.

There were more comments from Commissioner Barnwell and Commissioner H. Smith regarding their concerns for the traffic in the area of the proposed development.

With no other questions posed by the Commission, Chair S. Smith requested a motion from the Commission.

SCHNEIDER/VENUTI MOVED TO POSTPONE CONDITIONAL USE PERMIT 23-08 TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 6<sup>TH</sup>, 2024.

Commissioner H. Smith stated that if half of the members here are opting to postpone, then the postponement is probably appropriate.

Chair S. Smith clarified that if the CUP is postponed, it doesn't provide another opportunity for the public to weigh in.

Commissioner Schneider reassured the Commissioners that his reason for wanting to postpone would have enough standing to back the Commission's decision should they decide to postpone.

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

VOTE: YES: VENUTI, SCHNEIDER, H. SMITH, BARNWELL

VOTE: NO: S. SMITH, STARK

Motion carried.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

## **NEW BUSINESS**

## **INFORMATIONAL MATERIALS**

A. PC Annual Calendar 2024

B. 2024 Meeting Dates & Submittal Deadlines

Chair S. Smith noted the informational materials included in the packet. Commissioner H. Smith volunteered to deliver the report to City Council on October 28<sup>th</sup>.

#### **COMMENTS OF THE AUDIENCE**

Jack Cushing, city resident, agreed with the Commission's decision to postpone CUP 23-08. He commented regarding context on what the easement should contain.

Glenn Seaman, city resident, addressed the comments about people not having enough time with the plans to form an opinion, adding that he was proactive and suggesting that not everyone had the benefit of getting the plans early. He commented on the process for this development, and how it should differ from the process of a smaller, less complex conditional use permit.

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

Deputy City Clerk Pettit joked that he was glad he didn't have to sit in the meeting until 1 a.m. like City Clerk Krause had in the past.

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

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

Commissioner Venuti thanked everyone for serving, and thanked former Mayor Jack Cushing for his input.

Commissioner H. Smith shared his appreciation for the public input tonight. He also thanked Doyon for the work that they've put into their revised plan. He noted the changes that have taken place throughout his time spent in Homer, and suggested taking a measured and balanced approach to the way the City considers things.

Commissioner Stark thanked the public for their thoughtful input. He thanked Doyon and Womer & Associates for their responsiveness to the public comments. He urged striking a balance between wise and balanced development.

Commissioner Schneider thanked the City Staff and the members of the public who participated. He commended Doyon for being responsive to the community's concerns.

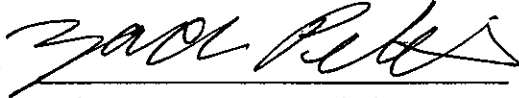
Commissioner Barnwell concurred with Chair S. Smith's comment about the public in Homer honoring each other during the public process. He noted that the project is taking a long time for good reasons.

Chair S. Smith thanked everyone for a great meeting, and thanked Doyon for not throwing the Commission under the bus after they cited the wrong portion of City Code upon the original denial of the CUP. He added that he was in favor of the revisions that Doyon made to their application, and thanked City Planner Foster for his presentation of the staff report that accompanied the CUP. Mr. Smith shared a brief note about the passing of Sanford Beachy and his contributions to the community of Homer.

#### **ADJOURN**

There being no further business to come before the Commission, Chair S. Smith adjourned the meeting at 8:46 p.m. The next Regular Meeting is scheduled for **Wednesday, November 6<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: Nov. 6, 2024