



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

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# Memorandum

## Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION  
FROM: TRAVIS BROWN, PLANNING TECHNICIAN  
DATE: August 5, 2020  
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

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### **REGULAR MEETING**

#### **Consent Agenda**

- A. CORRECTED Decisions and Findings for CUP 20-09 for the production of wines and meads at 3657 & 3637 Main St. **page 2**

#### **Plat Consideration**

- A. Staff Report 20-51, Kapingen Subd. Unit 2 Block 2 Lot 12 2020 Preliminary Plat

Public Comments **page 7**

#### **Pending Business**

- A. Staff Report 20-52, Medical Zoning District Draft Ordinance

Public Comments **page 8**

## HOMER PLANNING COMMISSION

### Approved CUP 2020-09 at the Meeting of July 15, 2020

**RE:** Conditional Use Permit (CUP) 20-09  
**Address:** 3657 and 3637 Main Street

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB, Lots 59 and 60

## DECISION

### CUP 20-09

#### Introduction

Landowner Jason Davis (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a conditional use permit under Homer City Code HCC 21.18.030(h) Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building, and HCC21.18.030 (j) More than one building containing a permitted principal use on a lot in the Central Business District.

The applicant is seeking a CUP for light and custom manufacturing for the making of wine and mead products, and a conditional use permit for more than one building containing a permitted principle use on a lot.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on July 15, 2020. Notice of the public hearing was published in the local newspaper and sent to 15 property owners of 32 parcels.

The Applicant is a Homer Planning Commission member. The Commission found he had a conflict of interest as the land owner. He did not participate as a Commissioner during the proceedings.

At the July 15, 2020 meeting of the Commission, the Commission voted to approve the request with five Commissioners present. The Commission approved CUP 20-09 with unanimous consent.

### **Evidence Presented**

Acting City Planner Engbretsen reviewed the staff report. The applicant was available to answer any questions.

There was no public testimony.

### **Findings of Fact**

After careful review of the record, the Commission approves Conditional Use Permit 20-09 for light and custom manufacturing for the making of wine and mead products, to allow more than one building containing a permitted principle use on a lot.

**The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.**

**a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.**

**Finding 1:** HCC 21.18.030(h) authorizes light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building, and HCC21.18.030 (j) authorizes more than one building containing a permitted principal use on a lot if approved by a Conditional Use Permit.

**b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.**

**Finding 2:** The purpose of the Central Business District includes providing for general retail shopping, entertainment establishments, and encourages pedestrian-friendly design and amenities.

**c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.**

**Finding 3:** The wine production and continuation of the existing structures is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

**d. The proposal is compatible with existing uses of surrounding land.**

**Finding 4:** The proposal is compatible with existing uses of surrounding land.

**e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.**

**Finding 5:** Existing public, water, sewer, and fire services are adequate to serve the proposed beverage production operation.

**f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.**

**Finding 6:** The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

**g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.**

**Finding 7:** The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

**h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.**

**Finding 8:** The proposal shall comply with applicable regulations and conditions specified in Title 21.

**i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.**

**Finding 9:** The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Goal 3 Objective B and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

**j. The proposal will comply with all applicable provisions of the Community Design Manual.**

**Finding 10:** Project complies with the applicable provisions of the CDM.

**Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

**HCC 21.71.040(b).** In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces.**
- 2. Fences, walls and screening.**
- 3. Surfacing of vehicular ways and parking areas.**
- 4. Street and road dedications and improvements (or bonds).**
- 5. Control of points of vehicular ingress and egress.**

6. **Special restrictions on signs.**
7. **Landscaping.**
8. **Maintenance of the grounds, buildings, or structures.**
9. **Control of noise, vibration, odors, lighting or other similar nuisances.**
10. **Limitation of time for certain activities.**
11. **A time period within which the proposed use shall be developed and commence operation.**
12. **A limit on total duration of use or on the term of the permit, or both.**
13. **More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.**
14. **Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.**

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2020-09 is hereby approved, with Findings 1-10 and Condition 1.

**Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

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Date

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Chair, Franco Venuti

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Date

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Acting City Planner, Julie Engebretsen

**NOTICE OF APPEAL RIGHTS**

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on \_\_\_\_\_, 2020. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Travis Brown, Planning Technician

Applicant:

Jason Davis  
693 Rangeview Ave  
Homer, AK 99603

Michael Gatti  
Jermain, Dunnagan & Owens  
3000 A Street, Suite 300  
Anchorage, AK 99503

Rick Abboud, Interim City Manager  
491 E Pioneer Avenue  
Homer, AK 99603

**From:** Lori Murray <lorijmurray@yahoo.com>  
**Sent:** Tuesday, August 4, 2020 9:53 AM  
**To:** Department Planning  
**Subject:** Kapingen Subdivision of Unit 2 Block 2 Lot 12 2020 Replat - Comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I received your packet concerning this replat since I own a property within 500 feet.

I want to go on record as opposed to this replat. All of the lots in that block boarded by E Bayview Ave., Calhoun St., E Danview Ave. and Main St. are generously sized, which sets a standard for that neighborhood. Allowing one lot to be subdivided and an additional house built, will begin to change the nature of that neighborhood which I oppose.

Lori Murray  
PO Box 1910  
Homer, AK 99603



Administration  
4300 Bartlett Street  
Homer, AK 99603  
907-235-0325~ 907-235-0253 fax

July 31, 2020

Julie Engebretsen  
Deputy City Planner  
City of Homer

Julie,

For your information as the Planning Commission and staff review information in regards to helipads in the proposed medical district. The recent annual volume of “medical evacuations” or helicopter transports from South Peninsula Hospital is:

2018=**167**

2019=**196**

2020 through July 28: **102**

Let me know if you have any other informational needs and thank you for all the thoughtful work in the development of the proposed medical district.

Sincerely,

Derotha Ferraro  
Public Information Officer  
South Peninsula Hospital  
(907) 399-6212