



City of Homer

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Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: AUGUST 19, 2020
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

REGULAR MEETING

Consent Agenda

- A. Meeting Minutes for the August 5, 2020 Regular Meeting

Unapproved Minutes for August 5, 2020

page 2

New Business

- B. Decision and Findings for CUP 20-11 allows more than one building containing a permitted principle use on a lot in the Rural Residential District to build three additional single family homes at Bunnell's Sub No 17 Lot 26-A1

Decisions and Findings revised document

page 12

Session 20-10, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:30 p.m. on August 5, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar.

PRESENT: COMMISSIONERS HIGHLAND, PETSKA-RUBALCAVA, SMITH, BARNWELL, DAVIS
VENUTI AND BENTZ

STAFF: ACTING CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Planning Commission conducted a worksession at 5:30 p.m. prior to the regular meeting and discussed the proposed Medical District, focusing discussion on sections of the draft ordinance related to purpose statement, building height, heliports and boundaries related to building heights and the proposed ordinance to amend Kenai Peninsula Borough Code Chapter 20 and Title 2

APPROVAL OF THE AGENDA

Chair Venuti requested a motion to approve the agenda.

HIGHLAND/SMITH – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Minutes of the July 15, 2020 Planning Commission Regular Meeting
- B. Decisions and Findings for CUP 20-09 for the production of wines and meads at 3657 & 3637 Main St.
- C. Decisions and Findings for CUP20-10 to build four single family dwellings at 750 Nedosik Road

Chair Venuti requested a motion to approve the Consent Agenda.

Commissioner Highland requested item B to be moved to New Business item C as there was a correction required.

Chair Venuti requested a motion to approve the Consent agenda as amended.

HIGHLAND/BENTZ – SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS REPORTS

A. Staff Report 20-42, Acting City Planner's Report

Acting City Planner Engebretsen provided a synopsis of Staff Report 20-42. Noting the expected return of Mr. Abboud to City Planner duties.

PUBLIC HEARING(S)

A. Staff Report 20-50, Conditional Use Permit 20-11 for more than one building containing a permitted principal use at 4936 Clover Lane

Chair Venuti introduced the item by reading of the title into the record.

Acting City Planner Engebretsen provided a summary of Staff Report 20-50.

Ms. Barrowcliff, Applicant, provided comment on the project regarding housing opportunities in Homer and that this project utilizes a minimal portion of the 1.4 acre parcel and is in keeping with other rental use of property adjacent to and surrounding their property.

Chair Venuti opened the Public Hearing, after confirming with the Clerk that there were no public signed up to provide testimony and no public wishing to provide testimony he closed the Public Hearing and opened the floor to questions from the Commission.

The Commission did not present any questions on the actions.

Chair Venuti requested a motion.

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 20-50 AND RECOMMEND APPROVAL OF CUP 20-11 WITH FINDINGS 1-11 AND CONDITION 1: OUTDOOR LIGHTING MUST BE DOWNWARD

DIRECTIONAL AND MUST NOT PRODUCE LIGHT TRESPASS OR GLARE PER CDM AND HCC 21.59.030

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

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

Chair Venuti introduced the item by reading of the title.

Acting City Planner Engebretsen provided a summary of Staff Report 20-51 noting that the Planning department received one letter of objection which was included in the supplemental packet. It expressed a concern that the project would change the character of the neighborhood.

There was no applicant present.

Chair Venuti opened the public comment period; After confirming with the Clerk that there were no members of the public signed up prior to comment and no one attending raised their hand icon to comment he closed the public comment period and opened the floor to questions from the Commission.

Commissioner Highland inquired about the depiction of a fence over the property line.

Acting City Planner Engebretsen responded that this was not uncommon and is something that the landowners will be able to work out for themselves. Typically a bank was not going to find issue with a temporary improvement.

Chair Venuti then requested a motion hearing no further questions from the Commission.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 20-51 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO DIVIDE A LARGER PARCEL INTO TWO SMALLER PARCELS WITH THE FOLLOWING COMMENTS:

1. CHANGE NOTE NUMBER 2 TO A 15 FOOT UTILITY EASEMENT
2. THE PROPERTY OWNER WILL NEED TO WORK WITH PUBLIC WORKS ON EITHER ENTERING INTO AN INSTALLATION AGREEMENT OR PROVIDING WATER AND SEWER SERVICE TO THE SUBDIVIDED LOT BEFORE RECORDING THE FINAL PLAT

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

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

Chair Venuti introduced the item into the record by reading of the title.

Acting City Planner Engebretsen provided a summary of the worksession discussion noting that the Commission discussed the following:

- Allowing buildings up to 65 feet in a limited area north of Fairview Avenue, SOUTH OF Fairview would remain at 35 feet height limit
- Amending the purpose statement to strike language that conflicts would be resolved in favor of non-residential uses
- Tall towers and impacts to air travel, which was determined to be a worthy topic for a separate discussion and not as a blanket change for the district due to topography, they would also need to look at Residential Office
- Heliports and helipads in the district

Acting City Planner Engebretsen reminded the Commission that any changes are to be made by motion and then an additional public hearing would be required which would likely be the first meeting in September.

Commissioner Highland stated that she would start with page 86 of the packet, line 52
HIGHLAND/ MOVED TO STRIKE ON LINE 52, RESIDENTIAL AND NONRESIDENTIAL USES WITH CONFLICTS BEING RESOLVED IN FAVOR OF NONRESIDENTIAL.

Commissioner Highland then stated that Line 52 would read, "The district is meant to accommodate a mixture of uses.

Chair Venuti asked for a second. There was no second immediately forthcoming.

Commissioner Barnwell seconded.

Discussion ensued on the following by Commission and Staff:

- Removing the language on conflict resolution in this section and are there other sections that detail how conflicts would be resolved or is this the only location
- This is the only area where conflicts are called out

- Section 21.17.070 c does address Site development standards regarding non-residential construction should be screened from existing residential
- Concern was expressed for limiting the planning department by removing this language
- This could possibly weaken the commercial aspects of the district if the purpose is supposed to be commercial or mixed use then they would like to have it stated
- The purpose of the district is not to push out the residential uses but provide an area for mixed use

HIGHLAND/DAVIS MOVED TO AMEND THE MOTION TO STATE ACCOMMODATE RESIDENTIAL AND NON RESIDENTIAL USES AND STRIKE WITH CONFLICTS BEING RESOLVED IN FAVOR OF NONRESIDENTIAL USES.

There was no further discussion.

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

Motion carried.

Commissioner Smith called for a point of order to vote on the original motion.

Deputy City Clerk Krause noted that the Commission is required to vote on the main motion as amended, and the commission voted on the amendment.

Acting City Planner Engebretsen read the motion as amended, "The district is meant to accommodate a mixture of residential and nonresidential uses. Striking with conflicts being resolved in favor of nonresidential uses."

VOTE. (MAIN) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Tall Towers:

Acting City Planner Engebretsen reviewed the discussion and the Commission can have this on a later agenda as there are multiple aspects to consider and research to be done by staff for helicopter operations at or near the hospital. It should be done separately and more comprehensively.

No action is required by the Commission at this time.

Heliports and Helipads

The Commission discussed this and it was determined that it would keep the helipad use and that the residential use and fuel storage was not compatible and recommended no action.

HIGHLAND/BENTZ MOVED THAT LINE 119 BE AMENDED TO READ RESIDENTIAL AND COMMERCIAL BUILDINGS 65 FEET NORTH OF FAIRVIEW.

Discussion ensued by Staff and Commissioners on the following:

- Creating an overlay district presenting more liability for the city
- Limited area allows only two property owners
- Opens the door for property owners south of Fairview to request a code amendment
- The view shed is not defensible since you cannot own the view
- There would have to be parameters on how regulating for the viewshed and existing residential properties which is outside the scope of the town.
- Planning Department would advise on process and clarification of city code.
- Case dependent as the town grows in the future.
- Addressing the slope difference in regards to the height limitations on buildings
- If the goal is to encourage development they are not quite there since the goal in modern planning is to encourage more dense development

Commissioner Smith lost connection at 7:00 p.m. He re-joined the meeting at 7:04 p.m. He was provided the motion currently on the floor for discussion.

Continued discussion ensued by the Commission and Staff with the following points:

- Maximum height in the district is 35 feet and a CUP can be applied for, to build up to 65 feet and limiting the area to north of Fairview Avenue does preclude the ability to build a tall building due to the limited suitable property to construct a tall building
- Review of reducing the conditional uses in the district to reduce the need for a CUP
- Strike lines 118 and 119 from the ordinance and keep the building height at 35 feet
- Limiting the area for constructing tall buildings defeats the original purpose to create the district to encourage development
- Clarification on the property currently available for construction of tall buildings north of Fairview

VOTE. (Amendment). YES. HIGHLAND, DAVIS

NO. SMITH, VENUTI, BENTZ, BARNWELL, PETSKA-RUBALCAVA

Motion failed.

BENTZ/SMITH MOVED TO FORWARD THE DRAFT ORDINANCE AS AMENDED TO PUBLIC HEARING.

Brief statement clarifying the amendment to the ordinance was made by Commissioner Bentz.

VOTE. (Main)YES. HIGHLAND, BENTZ, BARNWELL, DAVIS, SMITH, VENUTI, PETSKA- RUBALCAVA

Motion carried.

NEW BUSINESS

- A. Staff Report 20-53, Kenai Peninsula Borough Proposed Ordinance to Amend KPB Chapter 2.40 Planning Commission, Title 20 Subdivisions, and Chapter 21.20 Hearing and Appeals

Chair Venuti introduced the item by reading of the title.

Acting City Planner Engebretsen provided a summary of Staff Report 20-53 for the Commission.

Commissioner Highland expressed concern on page 13 of 31 Section 20.30.290 Anadromous habitat protection district, and recommended not making any changes to this section until after the Anadromous Working Group has finished their work.

Commissioner Highland then expressed concern on the removal of sending notice by mail as shown on page 23 of 31, Section 20.70.090 Notice required.

Commissioner Highland then requested clarification on the action required by the Commission.

Acting City Planner Engebretsen explained that they would need to make a motion that includes the recommendations.

HIGHLAND/SMITH MOVED THAT THE HOMER PLANNING COMMISSION MAKES THE FOLLOWING COMMENTS TO THE KENAI PENINSULA BOROUGH AS FOLLOWS:

1. REQUEST THE BOROUGH AND CITY CLERKS WORK TOGETHER TO ENSURE THE NEW CODE IS CLEAR AS TO WHICH BODY HEARS WHAT TYPE OF APPEALS; AND
2. ALLOW DEVELOPERS MORE TIME TO CONSTRUCT SUBDIVISIONS IN CITIES WITH APPROVED CONSTRUCTION OR SUBDIVISION DEVELOPMENT AGREEMENTS IN PLACE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report 20-54, Planning Commission Elections

Chair Venuti introduced the item by reading of the title and entered into the record comments and a request on not being nominated to continue the office of Chair. He believed it was important for Commissioners to share in that responsibility. He then called for nominations for the office of Chair.

Commissioner Highland nominated Commissioner Smith. Seconded by Commissioner Petska-Rubalcava.

Commissioner Davis nominated Commissioner Bentz.

Commissioner Bentz declined the nomination.

Commissioner Smith was elected to the office of Chair.

Chair Venuti open floor for nominations for Vice Chair.

Commissioner Bentz nominated Commissioner Petska-Rubalcava. Seconded by Commissioner Highland.

Chair Venuti hearing no further nominations congratulated Commissioner Petska-Rubalcava.

Question was posed by Commissioner Highland on voting for the officers.

Chair Venuti stated that there was only one candidate nominated and confirmed with Clerk if a vote was required.

Deputy City Clerk Krause stated it would be appropriate to confirm the choices.

Chair Venuti requested the Clerk to perform a roll call vote for Chair.

VOTE. YES. HIGHLAND, BENTZ, PETSKA-RUBALCAVA, SMITH, BARNWELL, DAVIS, VENUTI

Motion carried.

Commissioner Smith was congratulated.

Chair Venuti requested the Clerk to perform roll call vote for Vice Chair.

VOTE. YES. BENTZ, DAVIS, SMITH, BARNWELL, VENUTI, HIGHLAND, PETSKA-RUBALCAVA

Motion carried.

Commissioner Petska-Rubalcava was congratulated.

Commissioner Venuti turned the gavel over to newly elected Chair Smith to finish out the meeting.

C. Decisions and Findings for CUP 20-09 for the Production of wines and meads at 3657 & 3637 Main Street

Chair Smith introduced the item by reading of the title and noted that it was pulled from the Consent Agenda by Commissioner Highland. He further noted that a corrected copy was provided in the Supplemental Packet.

HIGHLAND/BENTZ MOVED TO ADOPT THE CORRECTED COPY OF THE DECISIONS AND FINDINGS FOR CUP20-09 AS PROVIDED IN THE SUPPLEMENTAL PACKET.

There was a brief discussion on the error that was found within the document. It was noted that Commissioner Davis would not be voting or included in the vote by consensus since he was previously conflicted on this action and that designation still applies.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Report for the July 27 City Council Meetings

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Bentz advised that the Kenai Peninsula Borough will be noticing that applications will be accepted shortly for the Resilience and Security Commission which was established in June to work on various climate impact, resilient and sustainability issues. There will be a seat for the Southwest area that includes Homer and four at large seats if anyone is interested from the Commission.

Commissioner Venuti expressed appreciation for the Commissioners to hold the office of Chair and Vice Chair. He noted that since they have been conducting meetings via Zoom he has been, as Chair, submitting a written report for the Council meetings and will forward the template to Chair Smith. Mr. Venuti added that it has been an honor to serve the Commission as Chair for the last several years.

Commissioner Highland thanked Commissioner Venuti for doing such a great job as Chair and welcomed Commissioner Smith as the new Chair. She added that the appointees for the new

Borough Commission would be appointed during the latter part of August. She hoped everyone was surviving as it is really interesting times.

Commissioner Barnwell agreed with Commissioner Highland and echoed her sentiments that everyone was doing well during this stressful time and gave a shout out to the Staff and all they do for the Commission. Thank you.

Commissioner Petska Rubalcava thanked Commissioner Venuti noting it was he who recruited her for the Commission. This has been a very rewarding experience for her and she thanked Franco for his service and dedication to the Commission as Chair. She would like to simplify her name and make it easy for everyone that they can refer to her as Petska, or Ms. Kalie as she knows the two names together are a lot of vowels or Kalie is fine too. This has been an interesting meeting and she stated she was happy to be moving forward on the Medical District since they have been working on it a long time.

Commissioner Davis thanked Commissioner Venuti for his service as Chair, congratulated Chair Smith and Vice Chair Petska Rubalcava and stated he thought her name was easy to pronounce. Thanked everyone for a good meeting.

Commissioner Bentz added that she wanted to congratulate Acting City Planner Engebretsen on her 18 years with the City of Homer and executing the Tsunami emergency response.

Chair Smith commented that he had big shoes to fill and hoped he was up for the challenge in running the meetings as effectively as Commissioner Venuti has. He really admired his calmness and wisdom and his actions were brilliant to watch. Mr. Smith complimented the Staff on a wonderful job the tremendous amount of work on several different topics and hope that they feel comfortable moving ahead.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:45 p.m. The next Regular Meeting is scheduled for Wednesday, August 19, 2020 at 6:30 p.m. All meetings are scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____

HOMER PLANNING COMMISSION

Approved CUP 2020-11 at the Meeting of August 5, 2020

RE: Conditional Use Permit (CUP) 20-11
Address: 4936 Clover Lane
Legal Description: Bunnell's Sub No 17 Lot 26-A1

DECISION

CUP 20-11

Introduction

Property owner Adam Barrowcliff (the "Applicant") applied to the Homer Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.12.030(m) which allows more than one building containing a permitted principle use on a lot in the Rural Residential District.

The applicant proposes to build three additional single family homes, for a total of six dwelling units on the property. The property already contains a duplex and one single family home.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on August 5, 2020. Notice of the public hearing was published in the local newspaper and sent to 49 property owners of 37 parcels.

At the August 5, 2020 meeting of the Commission, the Commission voted to approve the request with seven Commissioners present. The Commission approved CUP 20-11 with unanimous consent.

Evidence Presented

Acting City Planner Engebretsen reviewed the staff report. The applicant's wife was available to answer any questions.

There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 20-11 to build more than one building containing a permitted principal 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: More than one single family dwelling on a lot is authorized by conditional use permit.

Finding 2: The 1.4 acre lot served by public water and sewer per HCC 21.12.040(a)(3), may have up to six dwelling units based on dimensional requirements of the code.

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

Finding 3: The proposal is compatible with the purpose of the district by meeting density requirements and providing residential development in the City.

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 4: The value of adjoining property will not be negatively affected greater than a conditionally permitted kennel or a commercial greenhouse.

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

Finding 5: The proposal is compatible with the 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 6: Existing public, water, sewer, and fire services will be adequate to serve the proposed development.

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 7: 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.

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 8: 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 addressed 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 9: The proposal will comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

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

Analysis: This proposal promotes Chapter 4 Land Use, 1-C-1: Promote infill development in all housing districts and 1-C-2, Encourage inclusion of affordable housing in larger developments and affordable housing in general.

Finding 10: The proposal does not appear to contradict any applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns Goal 1 Objective C and no evidence has been found that it is 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.

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Finding 11: Condition 1 will assure that the proposal complies with level one lighting standards and the Community Design Manual

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 20-11 is hereby approved, with Findings 1-11 and Condition 1.

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Date

Chair, Scott Smith

Date

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:

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