



City of Homer

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Office of the City Clerk

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Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: MAY 20, 2020
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

REGULAR MEETING

Consent Agenda

- B. Decision and Findings for CUP 19-05 to allow a harbor overslope development at 4081A Freight Dock Road

Decisions and Findings revised document **page 1**

Public Hearings

- B. Staff Report 20-28 Conditional Use Permit 20-08 for more than one building containing a permitted principle use on a lot at 151 W. Bayview Avenue

Public Comments **page 6**

New Business

- A. Staff Report 20-31 Vacation of utility and drainage easements with Lillian Walli Estate Subdivision

Memorandum from Deputy City Planner re: Public Works Recommendations on Drainages **page 7**

HOMER PLANNING COMMISSION

Approved CUP 20-05 at the Meeting of April 29, 2020

RE: Conditional Use Permit (CUP) 20-05
Address: 1081A Freight Dock Road

Legal Description: T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 5.220920050
HOMER SPIT SUB NO TWO AMENDED LOT G-8

DECISION

Introduction

Suvi Bayly (the “Applicant”) applied to the Homer Planning Commission (the “Commission”) for a conditional use permit under Homer City Code 21.46.040(a), Overslope Development and 21.28.030(d), Lodging. The applicant proposes to develop a restaurant with upstairs nightly rentals on the harbor overslope consisting of a 70’ x 40’ platform to support a 40’ x 24’ two-story structure. The proposed structure is found within the Marine Commercial and Small Boat Harbor Overlay Districts.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on April 29, 2020. Notice of the public hearing was published in the local newspaper and sent to 1 property owners of 1 parcel. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform in an effort to comply with the Governor of Alaska Health Mandate Number 11: Social Distancing.

Commissioner Petska-Rubalcava declared that she had a conflict of interest that was affirmed with a vote of the Commission. Commissioner Petska-Rubalcava then muted her mic, stopped displaying video, and did not participate in the hearing.

At the April 29, 2020 meeting of the Commission, the Commission voted to approve the request by unanimous consent of the six Commissioners present.

Evidence Presented

City Planner Abboud reviewed the staff report. The Applicant made a presentation reviewing the proposal and answered questions of the Commission.

There was no public testimony.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines that Condition Use Permit 20-05 at 1081A Freight Dock Road is hereby approved.

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: Overslope development and lodging are permitted with an approved CUP.

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 proposed uses and structures are compatible with the district in which they are found.

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 proposal 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 proposal.

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 will comply with applicable regulations and conditions specified in Title 21 upon gaining an approved CUP and Zoning Permit.

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 Homer Spit Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

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

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:** No specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.

- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific conditions deemed necessary.
- 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 2020-05 is hereby approved, with findings 1-10 and condition 1.

Condition 1: Trash containers shall be screened on three sides and electrical boxes shall be screened.

Date

Chair, Franco Venuti

Date

City Planner, Rick Abboud, AICP

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 Clerk

Suvi Mirja Bayly
824 Ocean Drive Loop
Homer, AK 99603

Marvin Yoder, Interim City Manager
491 E Pioneer Avenue
Homer, AK 99603

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

From: [Munns via City of Homer Alaska Official Website](#)
To: [Renee Krause](#)
Subject: Written Testimony Submittal for Planning Commission
Date: Wednesday, May 20, 2020 3:50:35 PM

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

Written Testimony for Planning Commission

Name: Linda Munns
Email: munnski51@gmail.com
Phone: 9072358361
Residency: City Resident

Planning Commission Meeting to Participate In:

Regular Meeting

Wed, 05/20

Public Hearings - Citizens may comment on items scheduled for public hearing. Request for CUP 20-08 Lot 4 Block 1 Fairview Subdivision Sec 18,T.6S,R.13W,S.M.

Written Testimony:

I am writing in opposition to a request for a CUP 20-08 at 151 W Bayview Ave. in Homer, AK. I live right next door and there are already two houses on the property. Adding another with 6 designated parking spaces is a source of concern. In the winter, vehicles have a difficult time on the driveway, creating a need for more vehicles parked on the street. I can hear their conversations when I'm inside my house and the potential for more human and vehicle noise is very high. The lot is simply too small for such a compound. Thank you for your consideration ~ Linda Munns

Electronic Signature: Linda Munns

Submitted on Wednesday, May 20, 2020 - 3:50pm

The results of this submission may be viewed at: <https://www.cityofhomer-ak.gov/node/60481/submission/42011>



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Planning

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Memorandum

TO: Homer Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: 5/19/20
SUBJECT: RE: Staff Report 20-31 Vacation of utility and drainage easements with
Lillian Walli Estate Subdivision

When staff wrote Staff Report 20-31 regarding the drainage easement vacations, Public Works had not responded with comments.

Planning staff discussed the drainage easements with Public Works on Monday, May 18. Public Works recommends retaining the easements marked C, D and E on the 'Water Resources Map,' as they feed into the designed drainage system for Eric Lane. The other easements do not appear to serve a purpose or have any water associated with them.

Revised Staff Recommendation:

Retain drainage easements C, D and E. Vacated easements A, B and F.