



City of Homer

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Planning

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Staff Report 20-03

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: January 2, 2020
SUBJECT: Conditional Use Permit (CUP) 20-01

Synopsis The applicant proposes to add a second story to the existing Nomar building, to increase light manufacturing capacity, and construct a four unit apartment building on the northern lot. A lot line vacation preliminary plat is in process, as well as an application to rezone the northern lot from Residential Office (RO) to Central Business District (CBD) A Conditional Use Permit (CUP) is required per 21.18.030(j) more than one building containing a permitted principal use on a lot, 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; 21.18.040(d) building over 8000 square feet.

Applicant: Hooligan Holdings, LLC
104 E Pioneer Ave, Homer AK 99603
Homer, AK 99603

Location: 104 E Pioneer Ave (primary access)

Parcel ID: 17719102, 17719120

Size of Existing Lot: 0.49 and 0.91 acres

Zoning Designation: Central Business District and Residential Office. A rezone from RO to CBD has been applied for.

Existing Land Use: General office, retail, and light and custom manufacturing. The northern lot does not have any structures and is used for parking.

Surrounding Land Use: North: Residential mobile home
South: Restaurant, vacant parking lot
East: Bar
West: Movie Theater and residential

Comprehensive Plan: Goal 1 Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.

Wetland Status: Not within a mapped wetland area.

Flood Plain Status: Zone D, flood hazards not determined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.
Public Notice: Notice was sent to 33 property owners of 37 parcels as shown on the KPB tax assessor rolls.

Introduction

The applicant proposes to build a second story on the existing Nomar building, and eventually build a four unit apartment complex on the northern portion of the project property. The second story addition would be used for light and custom manufacturing of upholstery, clothing, marine related products canvases, and other cut and sewn cloth items.

Existing Parcels and Zoning

This application encompasses two lots. The northern lot is on Main Street and has access from a single driveway on the northern portion of the lot. This lot is currently a separate lot and is also zoned RO. A preliminary plat to vacate the lot line has been recommended for approval by the Homer Planning Commission, as was the application to rezone the lot to CBD. The rezone ordinance will be considered by the Homer City Council in January 2020. The second lot is on the corner of Main Street and West Pioneer Ave.

Existing Structures and postposed changes



There are currently two structures on the lot. The first is a white two story wood frame building built in the 1930's. The use of this building has varied from grocery store, to general retail, to its current use as office space. Nonconforming status for the location of a portion of the building in the 20 foot building setback was granted on 12/20/2019 per HCC 21.61. In the proposed site changes, this building would remain the same.

The existing "Nomar" building located to the east includes retail, light manufacturing and a garage for working on boat canvas projects. The proposed change is to add a second story to the building, with an access ramp from the northern parking lot. This would allow for bolts of fabric and upholstery type materials to be delivered to the second story, which will contain the expanded light and custom manufacturing services. The existing ground floor will be used for retail space.

The existing building has a tall parapet along front wall perimeter. The second story addition will extend above this roofline, for a total building height of just under 25 feet. The addition will also unify the height by extending to include the boat garage, and will cover up the existing mansard style roof of that addition (the blue roofline in the back of this photo).



Landscaping

The site plan shows an area where pavement will be removed and replaced with grass. (see diagram) This will be the public open space as required by x in the CBD. Benches or a picnic table are envisioned for this space. This area will provide a south facing resting spot with a view of Kachemak Bay. Also between the bar parking lot and the subject property, new landscaping will be installed.

Parking

The site plan shows 45 spaces. Twenty five are in front of the main buildings and are paved. Twenty spaces are behind the main building and are gravel.

Required spaces:

4 (1 bedroom) dwellings:	4 spaces
Retail and offices:	35 spaces
Manufacturing:	10 spaces
Total	49 spaces

Code allows for a 75% parking space reduction for mixed uses. $49 \text{ spaces} \times 75\% = 37 \text{ spaces}$ required. This site plan shows 45. Parking requirements have been met.

Lot coverage and building area

The lot area of the combined parcels will be 1.4 acres, or 61,000 square feet. Building area is approximately 13,000 square feet. Lot coverage will be approximately 21%.

ANALYSIS:

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review criteria, and establishes the following conditions:

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

Finding 1: HCC 21.18.030(j) authorizes more than one building containing a permitted principal use on a lot, 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 HCC 21.18.040(d) authorizes building area over 8000 square feet in 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.

Analysis:

HCC 21.18.010 Purpose states: The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

Finding 2: The proposed development will contain a mixture of residential and non-residential uses and structures, retail, and other business uses listed in the district. The proposed uses and structures are compatible with the purpose of the Central Business District.

Condition 1: All required parking must comply with HCC 21.55.060(b) which states "Offsite-parking must be located in a zoning district where it is a permitted use." This condition can be met by a successful rezoning of the RO lot, or by securing other off-site parking located in a zoning district that allows parking lots as a permitted use.

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.

Analysis: Many uses in the Central Business District have greater negative impacts than would be realized from the proposed development. Pipelines, and railroads and storage would have a greater impact on nearby property values.

Finding 3: The proposed development 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.

Applicant: This proposal fits neatly into the CBD oriented development along Pioneer Avenue. The additional parking will be helpful in alleviating demand for parking in front of the Nomar Building.

Analysis: The immediate area around the site includes a bar, residential property, vacant land, a movie theater and restaurant and parking lot.

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.

Applicant Response: Public services are currently adequate to serve the proposed uses and structures.

Finding 5: Existing public, water, sewer, and fire services are 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.

Applicant: The scale, bulk, coverage and density of the proposed development are in harmony with the neighborhood character. The addition of a second story to the existing structure will unify the architecture while being in harmony with the surrounding area. The addition of the four-plex off of Main Street is a modest structure that will provide options for affordable housing. There is not expected to be a significant increase in traffic from this proposed project.

Analysis: Desirable neighborhood character could be described by a portion of the Purpose statement for the district.

HCC 21.18.010 states: "The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged."

Light and custom manufacturing will provide products to be sold in the ground level retail store, supporting the CBD as a general retail area, as well as provide a source of finished product to be exported from the community, generating jobs and economic activity. Onsite worker housing contributes to the mixture of uses in this centrally located area of the City.

Traffic: staff estimates, with full capacity of the retail store, a total of 298 trips per day for the whole site. No hour of the day is estimated to generate 100 trips, nor is the level of service expected to degrade at local intersections or roadways. No traffic impact analysis is required. See attachments for full analysis.

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.

Applicant: This proposal is most certainly a benefit to the City of Homer on a number of levels. Additional employment opportunities, enhanced building and site development and improved universal access to mention a few. We do not envision any detriment 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.

Analysis: The applicant is not requesting anything outside of code allowance.

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.

Applicant: We feel that our proposed project is in harmony with the direction of high-quality building and site development outlined by HCP land use goal #3. It is our belief that by promoting aesthetically appealing design, the continued development of Homer's commercial districts will more and more reflect and complement Homer's natural scenic beauty. This is in accordance with HCP land use goal #2 while also addressing goal #4 through the enrichment of the existing commercial district to which Nomar is an invaluable contributor.

Maritime and outdoor activities are arguably the core of Homer's economic vitality. Nomar serves an important role in serving and supporting these interests of Homer residents which are so integral to our community. As a result of the proposed expansion in the manufacturing capacity of this business, there will be a modest increase in full-time employment offered. This project clearly identifies and promotes an industry that shows a capacity for growth. We believe that this specifically addresses HCP economic vitality goals #1 - #3.

An additional aspect to this proposal is the development of a fourplex on the property directly north of the existing Nomar building. This fourplex will provide affordable housing opportunities in the center of town, in confluence with both land use and economic vitality goals outline by HCP.

We believe that our proposed project will protect and enhance community character by expanding the production and supply of high quality and unique marine products to our local community and beyond.

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include Goal 1 Objective A: Promote a pattern of growth characterized by a concentrated mixed-use

center, and a surrounding ring of moderate-to-high density residential and mixed use areas with lower densities in outlying areas.

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 1 Objective A 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 the applicable provisions of the Community Design Manual (CDM).

Analysis: The CDM applies to the second story addition and to improvements in pedestrian circulation between buildings. When a proposal contains less than 12 residential units, the CDM does not apply; therefore the apartment building is not included in this review. A full analysis of CDM elements is attached to this staff report.

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

Condition 2: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

HCC 21.71.040(b). 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:** No specific conditions deemed necessary
- 2. Fences and walls:** The application states a 6 foot tall cedar fence will be to screen the dumpster. **Condition 3:** screen all dumpsters on three sides.
- 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.

PUBLIC WORKS COMMENTS: No comments or concerns on this project.

FIRE DEPARTMENT COMMENTS: The department reviewed the proposal and didn't have any comments or concerns.

PUBLIC COMMENTS: None received by packet publishing deadline.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP **20-01** with findings 1-10 and the following conditions.

Condition 1: All required parking must comply with HCC 21.55.060(b) which states "Offsite-parking must be located in a zoning district where it is a permitted use." This condition can be met by a successful rezoning of the RO lot, or by securing other off-site parking located in a zoning district that allows parking lots as a permitted use.

Condition 2: Outdoor lighting must be down lit per HCC 21.59.030 and the Community Design Manual.

Condition 3: Screen all dumpsters on three sides.

Attachments

Application
Staff CDM review
Staff site plan notes sheet
Site photos
Traffic analysis
Public Notice
Aerial Photograph

