

Session 19-20, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:34 p.m. on December 4, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONERS BOS (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

BENTZ/HIGHLAND MOVED TO AMEND THE AGENDA TO ADDRESS PENDING BUSINESS ITEM A. STAFF REPORT 19-93 CUP 19-07 IMMEDIATELY AFTER AGENDA APPROVAL.

Commissioner Bentz stated for the record that at the last meeting the public hearing on CUP 19-07 was closed but because this is a quasi-judicial action the Commission cannot take any additional information or new evidence regarding CUP 19-07. Amending the agenda allows the Commission to complete the quasi-judicial action without being subjected to new information or evidence.

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

Motion carried.

Chair requested a motion to approve the agenda as amended.

HIGHLAND/BENTZ – SO MOVED.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti introduced the Pending Business Item A. by reading of the title into the record and requested action from the Commission.

SMITH/BENTZ MOVED TO DENY CONDITIONAL USE PERMIT 19-07 WITH THE FOLLOWING FINDINGS:

FINDING 6 THE COMMISSION FINDS THE PROPOSAL WILL CAUSE UNDUE HARMFUL EFFECT UPON DESIREABLE NEIGHBORHOOD CHARACTER AS DESCRIBED IN THE PURPOSE STATEMENT OF THE DISTRICT.

FINDING 7 THE PROPOSAL WILL BE UNDULY DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF THE SURROUNDING AREA OR THE CITY AS A WHOLE.

FINDING 9 THE PROPOSAL IS CONTRARY TO THE APPLICABLE LAND USE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN.

Commissioner Bentz commented that she is in support of denial based on the testimony received, as well as several sections of the current policies including the Comprehensive Plan, Spit Comprehensive Plan, Hazard Mitigation Plan and the Kenai Peninsula Hazard Mitigation Plan.

City Planner Abboud clarified that the Decision and Findings will be on the agenda for the January 2, 2020 meeting and the Commission will still have the opportunity to review and amend and approve or not at that time.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Minutes of the November 6, 2019 Planning Commission Meeting
- B. Decisions & Findings Document for CUP 19-08, two duplexes at 4155 Pennock St.
- C. Utility Easement Vacation at 4097 Mattox Road, also known as lot 6A-1, and affecting lot 20A-1, of Virginia Lynn 2006 Replat, HM 2006020

Chair Venuti requested a motion to approve the Consent Agenda

HIGHLAND/SMITH – SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 19-95, City Planner's Report

City Planner Abboud provided a summary of Staff Report 19-95 and commented further on the following:

- HAWSP Analysis report at Council was interesting
- No further notice of appeals on Medical Clinics
- Commissioner Training is available February 9, 2019
 - o Commissioner Petska Rubalcava and Bentz were interested in attending
 - o Commissioner Davis was out of state at the time
- Council passed the moratorium on Conditional Use Permits for Professional Offices or Medical Clinics in the Residential Office District
- Natural Hazards folks will be attending the January 16th meeting

Commissioner Davis will attend the January 13, 2020 Council meeting and requested some guidance on what he should speak about. Commissioner Highland will attend the January 27th Council meeting.

Commissioner Smith expressed that he did not attend the November 25th meeting as he had just returned from vacation.

PUBLIC HEARING(S)

A. Staff Report 19-96, A request to vacate a 33 foot wide section line easement across 4097 Mattox Road, also known as Lot 6A-1 Virginia Lynn 2006 Replat, HM 2006020

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

City Planner Abboud provided a summary of Staff Report 19-96 for the Commission.

Gary Nelson surveyor and representative for the applicant came forward and provided the reason for the application, noting the encroachments and that he was available for questions.

Chair Venuti opened the public hearing seeing no one in the audience to provide testimony he closed the public hearing and opened the floor to questions from Commission.

The Applicant and Staff address the following issues, and question from the Commission:

- How long the applicant had owned the property

HIGHLAND/BENTZ MOVED TO ADOPT STAFF REPORT 19-96 AND RECOMMEND APPROVAL OF VACATING THE NORTHERN 33 FOOT PORTION OF A SECTION LINE EASEMENT

Brief discussion on the Excerpt from Kenai Peninsula Housing Initiative, Inc. objection.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report 19-98, An Ordinance amending the Homer City Zoning Map; to rezone a portion of the Residential Office Zoning District to Central Business Zoning District

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

City Planner Abboud provided a summary of Staff Report 19-98 for the Commission.

Chair Venuti opened the public hearing seeing no one in the audience he closed the public hearing and opened the floor to questions from the Commission.

There were no questions from the Commission and Chair Venuti requested a motion.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 19-98 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RESIDENTIAL OFFICE ZONING DISTRICT TO CENTRAL BUSINESS ZONING DISTRICT TO COUNCIL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. Staff Report 19-99, An Ordinance amending Homer City Code 21.70.040, Permit Terms; to require an as-built survey be submitted to the City Planner after completion of any building or structure.

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

City Planner Abboud provided a summary of Staff Report 19-99 for the Commission.

Chair Venuti opened the Public Hearing seeing no one in the audience coming forward to provide testimony he closed the hearing.

The Commission discussed the following points with input from the City Planner:

- Requiring As-builts after construction will not prevent encroachments
- Providing assistance to the public to assure that it constructs a proposed structure within the property lines
- General points during previous meetings on when to require as-builts

Chair Venuti requested a motion.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-99 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO REQUIRE AN ASBUILT SURVEY BE SUBMITTED TO THE CITY PLANNER AFTER COMPLETION OF ANY BUILDING OR STRUCTURE TO COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 19-97, Fairview Subdivision 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-97 for the Commission.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and opened the floor to questions from the Commission.

Commissioner Smith inquired if this property would be considered within the area under a moratorium.

City Planner Abboud responded that it is considered within that area designated but the moratorium does not apply to this action.

Chair Venuti requested a motion hearing no further comments or questions from the commission.

BENTZ/RUBALCAVA MOVE TO ADOPT STAFF REPORT 19-97 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH COMMENTS 1 AND 2:

1. DEPICT A FIFTEEN FOOT UTILITY EASEMENT ALONG ALL ADJACENT RIGHTS-OF-WAY.
2. REMOVE PLAT NOTE STATING, "THERE ARE NO WET AREAS ON THE PROPERTY."

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-101, Section-line Easement Vacation Plat Preliminary Plat associated with Virginia Lynn 2006 Replat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-101 noting that the Kenai Peninsula Borough informed the Planning Staff that a Preliminary Plat review is required.

Gary Nelson, surveyor for the applicant provided some clarification on the action requested to vacate the section line noting that it was a small holdover section.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and opened the floor to questions from the Commission.

Commissioner Davis requested some clarification on the process of vacating the section line easement and then doing a preliminary plat after the fact.

City Planner Abboud tried to provide some clarification of the process and stated that if this action was done in error it can be corrected after the fact. He reiterated that the Planning staff received the direction from the Borough.

Mr. Nelson provided information that the Department of Natural Resources requires the action by plat.

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

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 19-101 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO VACATE THE SECTION LINE EASEMENT ACROSS LOT 6A-1 VIRGINIA LYNN 2006 REPLAT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 19-100, Nomar 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-100 from the Commission noting the review of the nonconforming status.

There was no applicant present.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and open the floor for questions from the Commission.

There was no questions from the Commission.

Chair Venuti requested a motion.

RUBALCAVA/DAVIS MOVED TO ADOPT STAFF REPORT 19-100 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO REMOVE A COMMON LOT LINE WITH THE FOLLOWING COMMENT:

1. DEDICATE A 15 FOOT UTILITY EASEMENT ALONG RIGHTS-OF-WAY WHERE BUILDINGS DO NOT ENCROACH

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- B. Staff Report 19-98, Medical Zoning District

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-98 and noted the number of CUP's for medical facilities in the area and the recently approved moratorium. He did note that he plans to inventory the number of multi-family and single family residences in the Hohe/Main Street area so that they have better data available.

Discussion ensued by the Commission and City Planner Abboud on the following topics:

- Defining the borders of the proposed district
- If a conditional use permit would or would not be required
- Traffic Impact to the area with the existing medical services versus multi-family structures, etc.
- Potential Land Value and appeal to investors but there are some considerations on the amount of vehicles that would impact the area
- The fabric of the neighborhood is already interjected with medical facilities
- Proposed discussion on parking design to facilitate a residential feel
- Landscaping designs and alternatives
- Stormwater runoff
- Do not go east past Hohe since that is smaller lots and fairly residential
- What impact would there be if they leave it RO but allow Medical Clinics outright
- Review Medical Districts in similar communities
- Changing to a Mixed Use District zoning
- Defining the term Medical Clinic versus Professional Office
- Adding Small Café's or similar businesses
- Creating a guiding statement on why they are creating a Medical District
- This is a symptom of existing problems and this is to address those issues of parking

Further comment from the Commissioners on the following was conducted:

- Articulate it as proactive to create long term solutions and respond to residents' concerns
- This issue has been identified in the previous Comprehensive Plans to address anticipated growth in services
- Possibly promoting second Medical District near or in the area of SVT since it was apparent that they would eventually run out of space

City Planner Abboud will draft a document and bring it back before the Commission for additional work.

Chair Venuti called for a 5 minute recess at 8:39 p.m. The meeting was called back to order at 8:42 p.m.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager Report for November 25, 2019 City Council Meeting
- B. Letters from Paul Sayer & Jonathon Young

COMMENTS OF THE AUDIENCE

Chair Venuti read into the record a Memorandum from Mayor Castner regarding the HAWSP fund into the record at his request:

"I am sorry I can't attend your meeting this evening as there are two topics that I hope to enlist your immediate interest. I spoke today with your Chairman, Rick and Julie so they might add some comments to this memo. Please take note of an ordinance being introduced at Monday's meeting that re-establishes the HAWSP Fund which is the Homer Accelerated Water and Sewer Projects. There will shortly be money and a dependable revenue stream coming into the Fund. For many years the fund had been living in negative territory which has negated any new projects for expanding the city's infrastructure. That will change in early 2020. This means new SAD's (Special Assessment Districts) and requests from Public Works. You may want to examine the utility of maximizing the leverage of low interest loans as opposed to paying cash other than the SAD match.

Second, I am determined to try and help the Baycrest Subdivision from sliding into Cook Inlet. I have drafted a project proposal to place a storm water drainage system involving proper catchment and discharge features upon further consideration of the topic of current hillside drainage and ditching I believe it should be more comprehensive and city-wide. I have set aside some scoping study money in the 2019 budget and perhaps the Planning department can get together with the Public Works and a smart consultant for a day and draft an outline then precede an expensive planning document. Thank you, for thinking about this, I will try to attend your next meeting.

City Planner Abboud responded to the Mayor's commented that they may have reached critical mass and can now consider applying for funding. He then commented on the HAWSP

analysis and the actual process of the SAD's. He expressed his concerns on the cost of expansion versus the number of actual properties that sign on to receive services adding additional expense burden to the city.

Chair Venuti noted that there were many areas of the city that that did not have the ability to hook up to city water and sewer.

A brief discussion on HAWSP ensued regarding the previous discussions by the Commission and City Planner Abboud will forward those previous staff reports that were presented on the subject to the Commission in response to question from Commissioner Davis and Chair Venuti's statement.

Commissioner Highland asked about the extension of water services outside city limits and if the Regulatory Commission had approved that for the city and if that money was part of the funds the Mayor was referring to for the HAWSP.

City Planner Abboud did not have any updated information about that at this time on the action but then stated that the Water and Sewer Funding was the result of the Analysis that was done on the HAWSP and cleaning up the projects.

Commissioner Bentz directed the Commission to the second item from the Mayor on addressing the natural hazards and hazard overlay zone and expanding that citywide and recommended having the Mayor attend the meeting on January 16th when they have the people from DGGs come and that questions to address at that meeting is how the information they do have can be applied; what information do we need; what do we need a consultant to do; do we need to have the consultant find funding sources for a comprehensive stormwater master plan and hazards mitigation or overlay maps; is there already established funding sources for those things? How can we maximize the impact and move forward without leap frogging and piecing things together.

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Highland inquired about the process for the CUP on the Spit Parking and then referenced the parking study that was recommended in the Spit Comprehensive Plan and wondered if this commission was supposed to do that.

City Planner Abboud responded that he thought that was directed at the Port according to the Plan. He did note that Council did present a budget request for funding a Parking Study. He noted that everyone was so hot for the parking and that they needed to define the goal.

Commissioner Highland opined that Port and Harbor should have consulted with the Planning Commission before this CUP since in her opinion it was not the best solution and now they have spent a lot of money and now they have no solution. Then that leads to the next question, if she would have participated in this discussion at the Port & Harbor

Commission would she have had to excuse herself from the CUP action when it was brought before this Commission.

City Planner Abboud responded that was a good question, noting the awkwardness of the whole situation.

Commissioner Petska-Rubalcava questioned conflict of interest on the ordinance for asbuilt requirements if her father came in to testify to the ordinance. Would she have to excuse herself?

City Planner Abboud provided clarification that generally there is the consideration of monetary gain or loss and bias. That can be a bit trickier but if it is in your best interest there may be a conflict. He then proceeded to explain the process to the Commission as a whole.

Commissioner Petska-Rubalcava then asked if she would have a conflict with the Plats since she is paid whether they are approved or not.

City Planner Abboud explained that technically they are not approving the Plats, but generally if she is paid over \$1000 to conduct the work, it could be perceived that she may have a conflict.

Commissioner Bentz informed the Commission that she would miss the January 15th meeting and possibly the first meeting in February. She will confirm that absence with the City Planner.

Commissioner Smith commented on the replacement of new exterior lighting fixtures after painting his house and his concerns with the downward lighting not providing enough light during winter. He wanted to report that they worked beautifully and provided the necessary light he needed to back into his driveway with no problems.

Commissioner Davis had no comments.

Chair Venuti commented that it was a good meeting. He then expressed some concerns about a quorum for the first meeting in February. He noted it was a good meeting couple of bumps to start, but good meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Wednesday, December 4, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____