



City of Homer

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Planning

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HOMER ADVISORY PLANNING COMMISSION

Approved CUP 2020-01 at the Meeting of January 2, 2020

Address: 104 E Pioneer Ave & 3916 Main St

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O SVEDLUND SUB AMD LOT 8 TRACT A EXCL ANY PTN WITHIN LOT 8A THOMAS SHELFORD SUB 58-4147 & EXCL SLOPE EASEMENT

T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O SVEDLUND SUB AMD LOT 9 TRACT A EXCL ANY PTN WITHIN LOT 9A THOMAS SHELFORD SUB '68 ADDN 69-741

DECISION

Introduction

Kate Mitchell (the "Applicant") applied to the Homer Advisory Planning Commission (the "Commission") for a Conditional Use Permit under Homer City Code HCC 21.18.030(j), for more than on building containing a permitted principle use in the Central Business District (CBD); HCC 21.18.030(h), for 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) building over 8000 square feet.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on January 2, 2020. Notice of the public hearing was published in the local newspaper and sent to 33 property owners of 37 neighboring parcels.

At the January 2, 2020 meeting of the Commission, the Commission voted with the unanimous consent of the seven commissioners present to approve CUP 2020-01, with findings 1-10 and conditions 1-3.

Evidence Presented

City Planner Abboud reviewed the staff report. The Applicant testified and there was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 2020-01 with findings 1-10 and conditions 1-3.

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(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.

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.

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.

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 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 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: An approved CUP along with the zoning permit process will address applicable regulations including Fire Marshal approval of the proposed structure prior to construction.

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 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 all applicable provisions of the Community Design Manual.

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.

- 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.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2020-01 is hereby approved, 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.

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 the Homer City Clerk on the same date.

Date

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