



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

### Planning

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### HOMER ADVISORY PLANNING COMMISSION

Approved CUP 20-02 at the Meeting of January 2, 2020

**RE:** Conditional Use Permit (CUP) 20-02 modifying CUP 18-04  
**Address:** 680 Sterling Highway

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM PORTION SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  BEGINNING AT THE NE CORNER OF LOT 4 THENCE N 0 DEG 08' W 55.4 FT THENCE N 77 DEG 17' W 315 FT TO POINT OF BEG AND COR NO 1 THENCE N 0 DEG 08' W 217.5 FT TO COR NO 2 THENCE W 200 FT TO COR NO 3 THENCE S 0 DEG 08' E 217.5 FT TO COR NO 4 THENCE E 200 FT TO POINT OF BEG

### DECISION

#### Introduction

Kimberly Sangder, (the "Applicant") applied to the Homer Advisory Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.22.030(a) for more than building containing a permitted principal use on a lot in the Gateway Business District.

The applicant wishes to support a single-family dwelling, a cabin, a workshop, a garage, and 4 rental cabins on a lot in the Gateway Business District. A portion of the lot is also located within the Scenic Gateway Corridor Overlay District. This amended CUP adds a cabin to the site while reducing the proposed size of the single-family dwelling. Additional time is also provided to finish the exterior of structures under construction.

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 18 property owners of 16 parcels.

At the January 2, 2020 meeting of the Commission, the Commission voted to approve the request with seven Commissioners present. The Commission approved CUP 20-02 with unanimous consent.

#### Evidence Presented

City Planner Abboud reviewed the staff report. No public testimony was presented. Ms. Sangder was present and answered the Commission's questions.

## **Findings of Fact**

After careful review of the record, the Commission approves Conditional Use Permit 20-02 for more than building containing a permitted principal use on a lot, per HCC 21.22.030(a).

**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:** The applicable code authorizes more than one building containing a permitted principle use in the Gateway Business District.

**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 Gateway Business District and the Scenic Gateway Corridor Overlay District.

**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:** Additional dwelling units are 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 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 5:** Existing public, water, sewer, and fire services are or will be adequate to serve the additional dwelling units.

**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 or the city as a whole.

**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 in combination with meeting the standards of a zoning permit will allow the project to comply with applicable regulations.

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

**Finding 9:** The proposal incorporates infill to an area well served with public roads and utilities. 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.**

**Finding 10:** The proposal complies with the applicable provisions of the CDM.

**Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM and must be approved by the Planning Office.

**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.** Dumpsters shall be screened on three sides (Condition 2).
- 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.** Buffers displayed on site plan shall be maintained.
- 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.** Dwelling exterior finishes on "cabin 1" and "workshop" shall be completed by May 15, 2020 and exterior finishes on the "Main Residence" shall be completed by January 1, 2021. **(Condition 3).**

**Conclusion:** Based on the foregoing findings of fact and law, Conditional Use Permit 2020-02 is hereby approved, with Findings 1-10 and Conditions 1-3.

**Condition 1:** Outdoor lighting must be down lit per HCC 21.59.030 and the CDM and must be approved by the Planning Office.

**Condition 2:** Dumpsters shall be screened on three sides.

**Condition 3:** Dwelling exterior finishes on "cabin 1" and "workshop" shall be completed by May 15, 2020 and exterior finishes on the "Main Residence" shall be completed by January 1, 2021.

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Date

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Chair, Franco Venuti

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Date

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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.

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Date

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