

Session 20-01, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 2, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. prior to the meeting. This was facilitated by Deputy City Planner Engbretsen regarding creation of a Medical Zoning District.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/SMITH – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of December 4, 2019
- B. Decisions and Findings document for Conditional Use Permit 19-07, to allow a parking lot expansion adjacent to the Seafarer's Memorial Park on Homer Spit Road.

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BOS – SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 20-01, City Planner's Report

City Planner Abboud provided a summary of Staff Report 20-01 and commented further on the following:

- City Manager resignation and new or interim by April 10th of this year
- Sale of the Library Lot
- Project Homeless Connect, Wednesday, January 29, 2020
- Planning Reserves will be used for a Parking Study
- Planning Department will be performing enforcement for plastic bags
- Approved the funding from HART program for a Wayfinding and Streetscape Plan
- Reminder about the landslide and erosion presentation at the next meeting
- City Attorney has the sign code and it could possibly turn into something much larger
- Reviewed Commissioner attendance at Council meetings:
 - o January 13th – Commissioner Davis
 - o January 27th – Commissioner Smith
 - o February 10th – Commissioner Highland
 - o February 24th – Commissioner Bos

City Planner Abboud responded to Commissioner Highland's question regarding hiring a Public Works Director. He reported that Public Works will be adding another position of Public Works Director. Mr. Meyer has been both the City Engineer and the Director for some time now.

Commissioner Bentz commented on the upcoming Census and the benefits that the City could receive and that it would be nice to have materials early so she can submit comments or questions.

City Planner Abboud responding to Chair Venuti regarding a question on the City Attorney asking for suggestions on the sign code, he responded that they should hire a consultant.

PUBLIC HEARING(S)

A. Staff Report 20-02, to allow Conditional Use Permit 20-02, an amendment to CUP 18-04, for multiple buildings at 680 Sterling Highway

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

City Planner Abboud provided a summary of Staff Report 20-02 for the Commission. Kimberly Sangder, applicant, provided information related to the exterior finishes to the newly constructed cabin, the workshop, the main residence and an existing cabin.

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

Commissioners posed questions for clarification from the Applicant:

- Future cabins listed on the original Conditional Use Permit – these were in response to a suggestion from planning staff to include all structures that were going to be constructed on the property even if it was in the future.
- Exterior finishes for the new structures workshop and cabin 1 are scheduled to be completed in April of this year.
- The main residence (house) will be stained and requires warmer weather to finish the exterior.
- The original cabin was going to be moved to location to be determined in the first CUP application, not be demolished. There was no location determined at the time. It just needed a new roof and painted so they will be leaving it where it is since it is also a historical building and adds character.
- The buildings will be skirted either upon completion or before the expiration of the permit.

BENTZ/SMITH MOVED TO AMEND CONDITION 3 TO EXTEND THE EXTERIOR FINISHES ON CABIN ONE AND WORKSHOP SHALL BE COMPLETED BY MAY 15, 2020 AND THE MAIN RESIDENCE TO BE COMPLETED BY 1/1/2021.

There was a brief discussion on the inclusion of the existing cabin and assurance that the dates provided the applicant with sufficient time to complete the exteriors of the Workshop, Cabin #1 and main residence.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BENTZ/SMITH - MOVED TO ADOPT STAFF REPORT 20-02 AND APPROVE CUP 20-02 AMENDING CUP 18-04 FOR MULTIPLE BUILDINGS AT 680 STERLING HIGHWAY BY EXTENDING THE TIMEFRAME FOR COMPLETION OF EXTERIOR FINISHES AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 20-03, Conditional Use Permit 20-01 to allow a second story addition to the NOMAR building & a four-plex at 104 E Pioneer Ave.

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

City Planner Abboud provided a summary of Staff Report 20-03 for the Commission.

Kate Mitchell, applicant, provided historical information on the business and how it has grown throughout the years.

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.

The Commissioners posed the following questions for clarification:

- An engineer has reviewed the building due to the age and that it was a wood structure and found to be structurally sound and quite capable of sustaining a second story with some modifications. The 1968 design prints showed that it was designed for two stories.
- The proposed four-plex is phase three and will bring that lot into compliance and currently is not planned for more than basic architectural finishes at this time. It will offer affordable housing for employees.

BENTZ/HIGHLAND - MOVE TO ADOPT STAFF REPORT 20-03 AND APPROVE CUP 20-01 TO ALLOW A SECOND STORY ADDITION TO THE NOMAR BUILDING AND A FOUR-PLEX AT 104 E PIONEER AVENUE WITH CONDITIONS 1-3 INCLUDED IN THE STAFF REPORT.

There was a brief discussion on the project regarding the green spaces identified in the drawings.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

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

Chair Venuti introduced the item by reading of the title. He stated that the Commission discussed this during the worksession and that he did not believe there was a need for further discussion.

City Planner Abboud noted that the Commission provided directions to staff.

NEW BUSINESS

- A. Staff Report 20-07, Kenai Peninsula Borough Gated Subdivision Ordinance

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

City Planner Abboud provided a summary of Staff Report 20-07 for the Commission. He commented on the following:

- Private Streets are a separate parcel
- Must provide turnaround for those denied entry/access
- No Borough maintenance – he is checking this out with the City Attorney
- Converting public streets to private streets – this will be an issue to handle locally there is concern with the city's vacation code
- Cannot convert a road improved or created with government funds for 10 years – Will require legal input to see if the city should have a similar requirement.
- Cost to convert will have to be looked at locally
- Converting back to public from private
- Not sure if the proposed amendment of those not voting for the action do not have to pay dues or participate.
- Council can veto but the Borough has no standards on or for a veto when it concerns the vacation of dedicated rights of way

Commissioner Bentz suggested taking the previous memorandum that was sent to the Borough since it contained the general concerns for the city and they could add to that and not have to rehash those points. She then addressed the current amendments proposed by Kelly Cooper and Willy Dunne:

- On the first amendment proposed by Ms. Cooper regarding the HOA, she believed that there was a requirement of 100% participation. She did not believe that they had to address this.
- The second amendment there may be complications and not sure how to address this since the Borough has platting authority.
- Previously public ROW's being returned if they added equal or superior access to address those concerns of previous designs, would be acceptable and a direction to deal with those.
- The city may be able to limit the conversion of existing neighborhoods by not allowing it if there were CIP or RIAD roads/projects involved.

Commissioner Petska-Rubalcava requested clarification that the ordinance included in the packet was an amended ordinance and that the proposed amendments by Cooper and Dunne were to further amend the ordinance.¹

City Planner Abboud responded that he believed that it was originally at 100% but Ms. Cooper is recommending changing to a majority approval.

City Planner Abboud responded to Chair Venuti regarding submitting a recommendation of non-support of the ordinance but since the Borough has platting authority he was not sure how that would be effective. He would have to confer with the City Attorney on the best action and if it would be allowed to prohibit properties that are on the maintenance map from converting to a gated community. The city may be able to use that regulation.

¹ Note for Clarification: KPB Ordinance 2019-24 was referenced as a Substitute. Ms. Cooper and Mr. Dunne proposed amendments, if adopted, would amend the substitute ordinance.

Further comments by the commission and staff included the following:

- Proposed amendment reflected the 70% supermajority who have an interest of record
- Prohibit gated communities in Homer since it did not appear to reflect Homer values
- The Borough has platting authority over everything it would mean that the City would have to take that responsibility over.
- City regulations would be applied if a property was within city limits. The city could implement rules that would be recognized within the Borough subdivision rules.
- The term of snobbery when referencing gated communities was unfair as some of the residents in Homer that winter outside consider it a safer situation for their homes.
- residents can put a gate across there driveway or fence their property
- it would be unfair to disallow a property owner because they were out of state at the time or unavailable to sign a petition
- The 30% would not be required to pay for the services if they do not sign off on the HOA
- Keeping the 100% property owner participation was preferable since allowing even a supermajority as described in the ordinance would not allow the 30% the benefit of city (or borough) services
- Gated communities are very common in the Lower 48 in many states.
- Limiting gated communities to new development
- Lack of success for subdivisions in Homer
- The ability to care and preserve city infrastructure was a big concern
- Too divisive and not suitable for established neighborhoods

City Planner Abboud confirmed that the Commission's role tonight was to offer comment on the proposed ordinance and the City will have six months to create regulations within the city. He did not think the Borough will be concerned with the city infrastructure. He provided some process on the possibility of what would need to be done if someone wanted to create a gated community in the city.

Chair Venuti call for a recess at 8:11 p.m. to allow the Clerk to access and print off the prior memorandum for the Commission. The meeting was called back to order at 8:18 p.m. after the Commission reviewed the previous memorandum that was submitted to the Kenai Peninsula Borough Assembly regarding the proposed regulations in October 2019.

Commissioner Petska-Rubalcava departed the meeting at 8:11 p.m. due to illness.

Chair Venuti requested recommendations from the Commission after review of the memorandum.

BENTZ/BOS MOVED TO DRAFT A NEW MEMORANDUM TO THE CITY COUNCIL INCLUDE PORTIONS OF THE PREVIOUS MEMORANDUM OUTLINING THE GENERAL CONCERNS OF THE CITY AND INCLUDE LANGUAGE REGARDING THE CONCERNS FOR THE PROPOSED AMENDMENTS.

There was a brief discussion on the necessity to copy the Borough Planning Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion by the Commission and staff on the memorandum being drafted and ready for the Planning Commission review at the next meeting and then forwarded to Council in a timely manner to be submitted to the Borough by the deadline.

Commissioner Bentz suggested content for the memorandum as follows:

The Homer Planning Commission has concerns with the ordinance amendments related to:

- Percentage Requirements for owners of record when creating a gated community
 - o It is the recommendation of the Homer Planning Commission that it should be a 100% of record property owners before any vacation of public streets since having a 70/30 supermajority would deprive those owners of records who did not sign the petition, of city or borough services, even if those same record owners did not pay HOA fees.
- Significant issues with converting existing neighborhoods and properties into gated subdivisions and private streets
 - o Homer Planning Commission would pursue methods within municipal policy to reduce the capability of the conversion of public streets into private streets within city limits.
- In the event of a transition from a private, gated community to public
 - o Homer Planning Commission recommends including the reference to city requirements in tandem to KPB 20.80.020

There was no dissent expressed by the Commission on the recommendations as stated by Commissioner Bentz.

INFORMATIONAL MATERIALS

A. City Manager Report for December 9, 2019 City Council Meeting

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Bos commented that it was great to be back, thankful for the snow but was not expecting single digits.

Commissioner Bentz requested excusal for the next meeting. She departed the meeting at 8:25p.m. due to a prior commitment.

Commissioner Smith reminded everyone to clean out the pipes to their woodstoves. He stated that they had frost at the joint. He commented that it was a good meeting.

Chair Venuti inquired about the status of the Town Center Project and if they could not resurrect that plan.

City Planner Abboud responded that there is a plan collecting dust and there is a need to make a substantial investment in that area. CIRI will not sell they would be interested in a trade depending on location.

Deputy City Clerk Krause reported that there was ample land to create a park it was the cost of constructing the infrastructure that was required that made the Town Center project prohibitive.

Chair Venuti said that it would be really nice to create a central park with benches and trails and the like and he commented on the parking and shopping experience at Safeway the past week and was wondering if they should not revisit the large retail code since Homer has grown quite a bit since then and it may be worthwhile to look at again.

City Planner Abboud will add that to the worklist as he had an interest in that also.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:37 p.m. The next regular meeting is scheduled for Wednesday, January 15, 2020 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: _____