



City of Homer

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Planning

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Staff Report 20-11

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: February 5, 2020
SUBJECT: Conditional Use Permit (CUP) 20-03

Synopsis The applicant proposes the addition of a 7,200 square foot structure for the storage of materials and equipment at 3385 East End Road. A Conditional Use Permit (CUP) is required per HCC 21.27.040(d) "no lot shall contain more than 8,000 square feet of building area (all buildings combined) nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit."

Applicant: Buck Jones
P.O. Box 1723
Homer, AK 99603

Location: Mile 3 East End Road. 3385 East End Road

Parcel ID: 17419105

Legal Description: T 6S R 13W SEC 11 Seward Meridian HM 0850122 PUFFIN ACRES SUB LOT 4 BLK 1

Zoning Designation: East End Mixed Use

Existing Land Use: Material storage and shop/apartment

Surrounding Land Use: North: Commercial
South: 1-acre commercial/industrial lots
East: Boat yard and rental property
West: Coastal Freight/Bay Welding

Wetland Status: Jurisdictional determination, no permit required

Flood Plain Status: Not in a floodplain.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Lot is served by City water and sewer.

Public Notice: Notice was sent to 16 property owners of 18 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant proposes to construct a 7,200 square foot building for the storage of materials and equipment. The new building will increase the total building area on the lot to

12,200 square feet. A CUP is required per HCC 21.27.040(d) for more than 8,000 square feet of building area on the lot.

Building coverage

The 12.5 acre lot currently has a 5,000 square foot shop with apartment. A newly proposed building will be 7,200 square feet, bringing the total building coverage on the lot to 12,200 square feet. The building area of the lot is approximately 2.2%.

Impervious coverage

Development in the East End Mixed Use District must meet the level-two site development standards found in HCC 21.50.030. The lot has an approximate impervious coverage of 100,000 square feet of the 546,678 square foot lot that was established prior to being subject to storm water regulations. This equates to roughly 18% of the lot. The additional proposed impervious to be added is negligible in consideration of the requirements of a storm water plan that starts with the addition of 25,000 square feet or greater than 60% of the lot area. No storm water plan is required.

Parking

In consideration of the availability of vast areas that can currently be utilized for parking and the fact that the structure is unlikely to create a need for any additional spaces, no further parking spaces shall be required.

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:

Analysis: Per HCC 21.27.040(d), no lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.

Finding 1: Applicable code authorizes over 8,000 square feet of building area with an approved CUP.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Purpose: The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with nonresidential uses. When a conflict exists between

residential and nonresidential uses conflicts shall be resolved in favor of nonresidential uses.

Finding 2: The proposed building expands the use of a business that requires motor vehicle access and a larger land area and is, therefore, compatible with the purpose of the East End Mixed Use 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.

Analysis: The addition of a commercial building will likely not have a greater negative effect on the value of the neighboring commercial lots compared to permitted uses such as, manufacturing, fabrication, and assembly or a conditionally allowed use, such as junk yards or extractive enterprises.

Finding 3: The addition of a commercial building is not expected to have a negative effect on property values more so than other permitted or conditionally permitted uses in this district.

d. The proposal is compatible with existing uses of surrounding land.

Analysis: This property does not abut land within an RO, RR, or UR District and conflicts are to be resolved in favor of nonresidential uses over residential use, per the purpose statement of the EEMU District. The established and propose uses are permitted outright.

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.

Analysis: The property is well served by existing utilities, roads, and emergency services.

Finding 5: Public services and facilities are adequate to serve the existing and proposed uses and structures.

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.

Analysis: The nature of the lot as a equipment/material site with a shop will not change and the increased intensity of use and bulk of the proposal is in line with the

commercial nature of the district. The proposed building will be mostly placed on an existing graveled area and will therefore not change the lot coverage in any sort of regulatory manner.

Finding 6: The proposal is not expected to cause undue harmful effect upon desirable neighborhood character.

Condition 1: Screening shall be required on green areas of the lot adjacent to East End Road, per HCC 21.27.040(f), screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Analysis: The addition of a commercial building is an infill to an existing commercial/industrial lot and will make a positive addition to 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.

Analysis: Compliance with an approved CUP and subsequent zoning permit will allow the proposal to comply with applicable regulations and conditions.

Finding 8: An approved CUP along with the zoning permit process addresses applicable regulations 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.

Analysis: Goal 1 of the Land Use chapter of the Homer Comprehensive Plan encourages infill. The proposal allows for additional infill of an underutilized industrial lot.

Finding 9: No evidence has been found that the proposal is 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).

Finding 10: The Community Design Manual does not apply in the East End Mixed Use District.

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:** No specific conditions deemed necessary
- 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:** See condition 1.
- 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.

FIRE DEPARTMENT COMMENTS: No objections.

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 19-06 with findings 1-10 and the following condition.

Condition 1: Screening shall be required on existing green areas of the lot adjacent to East End Road, per HCC 21.27.040(f), screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

Attachments

Application
Public Notice
2016 Aerial Imagery