



City of Homer

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Planning

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HOMER ADVISORY PLANNING COMMISSION

Approved CUP 2020-04 at the Meeting of February 5, 2020

Address: 3385 East End Road

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

DECISION

Introduction

Buck Jones (the “Applicant”) applied to the Homer Advisory Planning Commission (the “Commission”) for a Conditional Use Permit under Homer City Code HCC 21.27.040(d), which allows a lot in the East End Mixed Use District to develop more than 8,000 square feet of building area (all buildings combined).

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on February 5, 2019. Notice of the public hearing was published in the local newspaper and sent to 16 property owners of 18 neighboring parcels.

At the February 5, 2019 meeting of the Commission, four Commissioners were present and voted in unanimous consent to approve CUP 2020-04, with findings 1-10 and 1 condition.

Evidence Presented

City Planner Abboud reviewed the staff report. The Applicant testified that his plan for screening was to plant a row of spruce trees in the green areas adjacent to East End Road. There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 2020-04 with findings 1-10 and 1 condition.

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: 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.

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.

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.

Finding 4: The proposal is compatible with existing uses of surrounding.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

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.

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

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 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.

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 all applicable provisions of the Community Design Manual.

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

HCC 21.71.040(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.**
- 2. Fences, walls and screening.**
- 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. 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.
- 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.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2020-04 is hereby approved, with Findings 1-10 and Condition 1.

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.

Date

Chair, Franco Venuti

Date

City Planner, Rick Abboud

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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