

Session 19-20, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:34 p.m. on December 4, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONERS BOS (EXCUSED)

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK KRAUSE

### **APPROVAL OF THE AGENDA**

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

BENTZ/HIGHLAND MOVED TO AMEND THE AGENDA TO ADDRESS PENDING BUSINESS ITEM A. STAFF REPORT 19-93 CUP 19-07 IMMEDIATELY AFTER AGENDA APPROVAL.

Commissioner Bentz stated for the record that at the last meeting the public hearing on CUP 19-07 was closed but because this is a quasi-judicial action the Commission cannot take any additional information or new evidence regarding CUP 19-07. Amending the agenda allows the Commission to complete the quasi-judicial action without being subjected to new information or evidence.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair requested a motion to approve the agenda as amended.

HIGHLAND/BENTZ – SO MOVED.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti introduced the Pending Business Item A. by reading of the title into the record and requested action from the Commission.

SMITH/BENTZ MOVED TO DENY CONDITIONAL USE PERMIT 19-07 WITH THE FOLLOWING FINDINGS:

FINDING 6 THE COMMISSION FINDS THE PROPOSAL WILL CAUSE UNDUE HARMFUL EFFECT UPON DESIREABLE NEIGHBORHOOD CHARACTER AS DESCRIBED IN THE PURPOSE STATEMENT OF THE DISTRICT.

FINDING 7 THE PROPOSAL WILL BE UNDULY DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF THE SURROUNDING AREA OR THE CITY AS A WHOLE.

FINDING 9 THE PROPOSAL IS CONTRARY TO THE APPLICABLE LAND USE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN.

Commissioner Bentz commented that she is in support of denial based on the testimony received, as well as several sections of the current policies including the Comprehensive Plan, Spit Comprehensive Plan, Hazard Mitigation Plan and the Kenai Peninsula Hazard Mitigation Plan.

City Planner Abboud clarified that the Decision and Findings will be on the agenda for the January 2, 2020 meeting and the Commission will still have the opportunity to review and amend and approve or not at that time.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

#### **ADOPTION OF CONSENT AGENDA**

- A. Minutes of the November 6, 2019 Planning Commission Meeting
- B. Decisions & Findings Document for CUP 19-08, two duplexes at 4155 Pennock St.
- C. Utility Easement Vacation at 4097 Mattox Road, also known as lot 6A-1, and affecting lot 20A-1, of Virginia Lynn 2006 Replat, HM 2006020

Chair Venuti requested a motion to approve the Consent Agenda

HIGHLAND/SMITH – SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS/PRESENTATIONS**

## **REPORTS**



# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 19-98

**TO:** Homer Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Deputy City Planner  
**MEETING:** December 4, 2019  
**SUBJECT:** Draft Ordinance amending the Zoning Map to move the boundaries of the Central Business Zoning District

**Requested Action:** Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map change.

Applicant: Katherine Mitchell, property owner  
Location: 3916 Main Street, Homer AK  
Parcel ID: 17719120  
Size of Existing Lot: 0.49 acres  
Zoning Designation: Residential Office  
Existing Land Use: Vacant/parking  
Surrounding Land Use: North: Residential/storage  
South: Commercial/Retail, light manufacturing, office  
East: Vacant  
West: Residential/Vacant

Wetland Status: No mapped wetlands present  
Flood Plain Status: Zone D, flood hazards undetermined  
Utilities: Public utilities are available  
Public Notice: Notice was sent to 51 property owners of 60 parcels as shown on the KPB tax assessor rolls.

### GENERAL INFORMATION

This ordinance proposes a zoning map amendment to move the Central Business District Boundary north to encompass the subject lot. The applicant has expansion plans for the existing business to the south (Nomar) that will require the use of the subject lot as parking. The Residential Office District does not allow parking as a primary land use. (The expansion plans require a Conditional Use Permit and will be considered at a future Planning Commission meeting.)

**HCC 21.95.060 Review by Planning Commission**

- a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.
  
- b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.
  
- c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with Chapter 21.94 HCC.
  
- d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal.

**STAFF COMMENTS/RECOMMENDATIONS:**

A completed application has been received and been reviewed per HCC 21.95.050 as attached. Planning Commission to conduct a public hearing, and make recommendation to the City Council.

**Attachments**

- 1. Planning Department review of HCC 21.95.050
- 2. Rezoning application
- 3. Public Notice
- 4. Aerial Map
- 5. Draft ordinance and attachments

### **Planning Department Review**

HCC 21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

**Analysis:** Comprehensive Plan:

- Chapter 4 Land Use Goal 4-A-5: Concentrate commercial uses in the downtown,
- Chapter 4 Goal 4-A-6: Support Pioneer Avenue beautification/revitalization efforts,
- Chapter 7 Economic Vitality Goal 2: Encourage the retention and creation of more year-round and higher wage employment
- Chapter 7 Goal 3: Identify and promote industries that show capacity for growth

**Staff Finding 1:** The proposed rezone is consistent with the comprehensive plan and will further the goals of chapters 4 and 7.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

**Analysis:** The subject lot has become a parking area to serve the office space on the adjoining lot. Parking lots are not a listed use in the Residential Office District, but are allowed as a primary use in the Central Business District. Expansion of the CBD to include the subject lot will allow for expanded business uses of the commercial property on Pioneer Avenue.

**Staff Finding 2:** Conditions are expected to change on the property directly south, necessitating additional parking to serve the mixed use commercial activities of the site.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

**Analysis:** The environment, transportation, public services, and land use patterns will not be more greatly affected by the development permitted in the CBD vs the Residential Office District.

- Commercial site development in both districts is regulated by the same section of city code: HCC 21.50.030.

- The subject location is located on the corner of W Pioneer Ave and Main Street, both of which are classified as collectors in the 2005 Homer Area Transportation Plan, part of the adopted comprehensive plan.
- Land use patterns in either district require a conditional use permit for uses over 8,000 square feet, or more than one building containing a permitted principle use on a lot. Direct impacts on adjacent lands are analyzed if a proposed development requires a conditional use permit.

***Staff Finding 3:*** The rezoning of this 0.49 acre lot that is contiguous to the CBD is in the best interests of the public as it supports the concentration of commercial land uses within the core area of the community.

## SEABRIGHT SURVEY+DESIGN

1044 East Road Suite A  
Homer, Alaska 99603  
(907) 299-1091  
seabrightz@yahoo.com

November 12, 2019

City of Homer  
Planning Dept.  
491 E. Pioneer Avenue  
Homer, Alaska 99603

RE: NOMAR Rezone Application Submittal

Dear City Planners,

Please find enclosed the submittal for the Nomar Rezone Application. We have attached the application, petition and map for your review. Also, we have included a check for \$500 to cover the fee. Please call me anytime with comments or questions.

Cordially,



Kenton Bloom, PLS  
Seabright Survey+Design

**RECEIVED**

NOV 14 2019

**CITY OF HOMER  
PLANNING/ZONING**



# City of Homer

www.cityofhomer-ak.gov

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603  
Planning@ci.homer.ak.us  
(p) 907-235-3106  
(f) 907-235-3118

## Rezoning Application

For Staff Use Only

<b>Fee Amount:</b> \$500	<b>Received by:</b> TPB 11/14/19	<b>Planning Commission Public Hearing Date:</b>
<b>Date application accepted as complete:</b>		<b>HAPC approval or denial date:</b>

### APPLICANT INFORMATION

Name: Hooligan Holdings, LLC Kate Mitchell, Managing Member

Phone Number: 907-235-8363

Address: 104 East Pioneer Ave. Homer, AK 99603

Property Owner (if different than applicant)

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

### PROPERTY INFORMATION (if more than one lot, list on separate page)

Street Address: 104 East Pioneer Ave Lot size: 0.49 AC Tax parcel number: 17719120

Legal Description: Lot 9 Tract A Nils O.Svedlund Amended

Circle one: Is City water available? **YES/NO** City Sewer? **YES/NO** Electrical Service? **YES/NO**

What is the existing use of the property? Parking lot

What is the proposed use of the property? Retail/Manufacturing/Office and Residential (including parking)

What structures or land uses exist on the neighboring properties? (Examples: residential, commercial, vacant) List the zoning of these adjacent lots.

Structures/land use

Zoning

North: Residential/shop

Residential/ Office

South: Retail/Manufacturing/Office

East: Vacant

Residential/ Office

West: Vacant/Residential/Commercial

Residential/ Office

1. What is the public need and why is this rezone justified?

This rezone is needed as part of a property consolidation with the lot to the south. The rezone to Central Business District will put the entirety of the two lots into the same zoning.

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2. Describe the benefits and detriments of this proposed rezoning to:

- (a) the community.
- (b) the neighboring landowners.
- (c) you, the property owner.

The benefits to the community are both the property being in conformance with City code and establishing the future uses of the property. The neighbors will benefit from the upgraded property development and improved parking. The owner benefits as being in conformance with City code will support the proposal to add a second floor to NOMAR and add a four-plex to the northerly portion of the property.

There are no detriments to this proposed rezone.

3. Can the proposed land use be developed in a manner that is compatible with development in adjacent zoning districts? If so, how? What effect will this change have on the surrounding properties?

The proposed land use is in harmony with development adjacent to the property. The biggest change will be the property improvement. Little change or impacts are expected to effect surrounding properties.

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4. Can the existing public facilities, services, and utilities accommodate the proposed use without any detrimental affect on adjacent zoning districts? If so, how?

All utilities and public access are existing and available

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5. Would rezoning to a district allowing the proposed use permit other uses, which would not be compatible with adjacent land use?

The CBD is adjacent to the south. The RO is to the north, east and west. There is no issue with compatibility that we know of. The proposed improvements are in alignment with permitted uses

6. How does this proposal relate to the Comprehensive Plan and purposes of the zoning regulations?

We feel that the zoning change is in harmony with the Comprehensive Plan

7. How would the proposed change affect the public health safety and welfare of the surrounding area?

We feel the overall impact will be to enhance public health and safety in the surrounding area by giving the property a facelift including a well lit area to park.

OTHER REQUIREMENTS

1. The applicant shall provide a map showing the area to be rezoned.
2. The applicant shall provide a petition, signed by a majority of the landowners within the proposed zoning area saying that they support the proposed change.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

Owner of record  Lessee \_\_\_\_\_ Contract purchase duly authorized to act for a person who has the following legal interest, \_\_\_\_\_ and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission Agenda only if all application materials are submitted.

Applicant Signature:

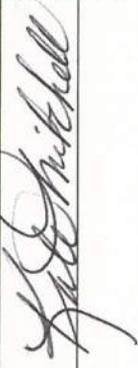
*Kate Mitchell*

Property Owner Signature:

*Robison Holding LLC*

Petition

Proposed amendment:	<p><b>The at 104 E. Pioneer Ave. consists of one parcel which is 0.49 acres. Currently the parcel is zoned Residential Office. This request is to change the zoning of the entire property, Lot 9 Nils O. Svsedlund Amended to the Central Business District.</b></p>	
HCC 21.95.020 (e) (3) (a)	<p>"Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."</p>	
Statement of Justification	<p>Click here to enter text. As a natural part of the growth and development of the downtown area, Nomar is expanding with a second story addition. This parcel is being replatted with Lot 8 into a single unified parcel. This will enable additional parking and a residential four-plex to be constructed.</p>	

Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Katie Mitchell		LOT 9 TRACT A NILS O. SVEDLUND AMENDED	17719120

**MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT**

☆ NILS O SVEDLUND SUB AMD

**17719120**

**Private  
Accessory Building**

**Owner:**  
HOOLIGAN HOLDINGS LLC  
104 E PIONEER AVE  
HOMER, AK 99603

[Add to Results](#) | [View Additional Details](#)

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**PUBLIC HEARING NOTICE**  
**&**  
**NOTICE OF SUBDIVISION**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE OFFICIAL ZONING MAP BY EXPANDING THE CENTRAL BUSINESS DISTRICT TO INCLUDE THE HALF-ACRE LOT DIRECTLY NORTH OF 104 E. PIONEER AVENUE KNOWN AS LOT 9, TRACT A, AMENDED PLAT OF NILS O. SVEDLUND SUBDIVISION W ½, NW ¼, SEC. 20, T. 6 S., R. 13 W., S.M., HM 0540251. THE LOT IS CURRENTLY ZONED RESIDENTIAL OFFICE DISTRICT.**

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

**NOMAR 2019 REPLAT PRELIMINARY PLAT**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

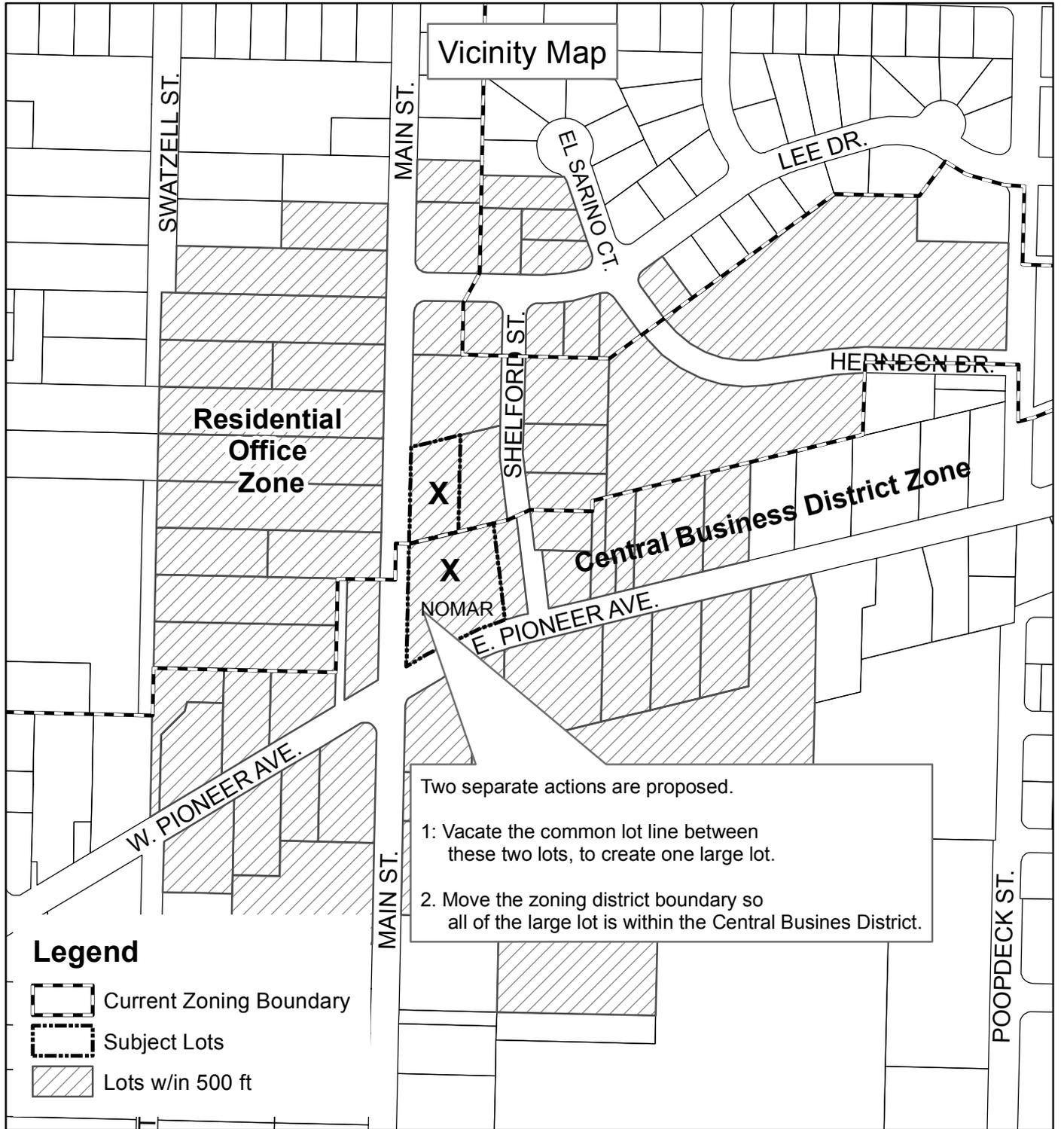
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**



**VICINITY MAP ON REVERSE**

Vicinity Map



Residential Office Zone

Central Business District Zone

Two separate actions are proposed.

- 1: Vacate the common lot line between these two lots, to create one large lot.
2. Move the zoning district boundary so all of the large lot is within the Central Business District.

**Legend**

-  Current Zoning Boundary
-  Subject Lots
-  Lots w/in 500 ft



City of Homer  
Planning and Zoning Department

November 19, 2019

**Request for a lot line change,  
and zoning change**

Shaded lots are w/in 500 feet  
and property owners notified.



*Disclaimer:  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*

**NOTES**

1. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

2. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.

3. THIS LOT IS SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

**NOTARY'S ACKNOWLEDGMENT**

FOR: \_\_\_\_\_

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

**LEGEND**

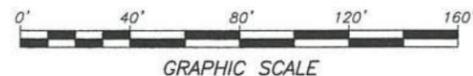
- ① FND 2" AC 1301S 1992
- ② FND 3/4" IRON PIPE
- ⊗ FND ETCHED "X" ON UTILITY BOX
- (C) COMPUTED FROM RECORD BEARINGS & DISTANCES
- (F) FIELD BEARINGS & DISTANCES
- (R) RECORD BEARINGS & DISTANCES
- ▨ SLOPES OF 20% OR GREATER (KPB GIS)
- OVERHEAD POWERLINE
- UTILITY POLE
- - - EDGE OF GRAVEL
- — — EDGE OF PAVEMENT

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE: \_\_\_\_\_



LOT 46  
BUNNELL'S SUBD.  
HM 0000049

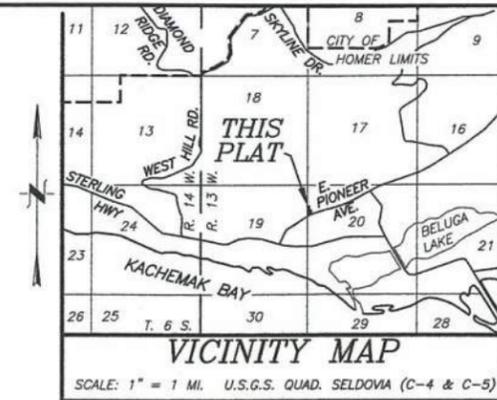
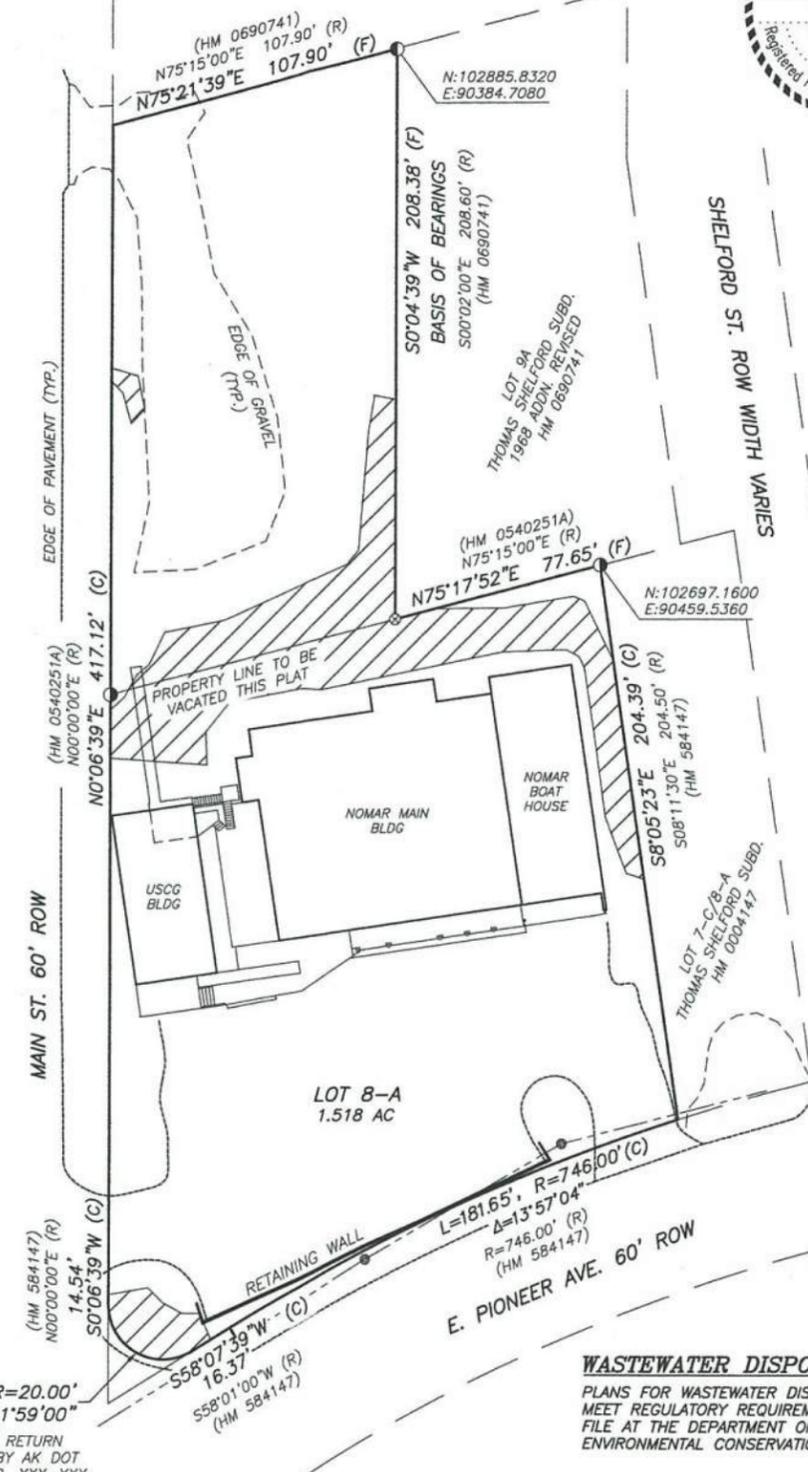
LOT 47  
BUNNELL'S SUBD.  
HM 0000049

LOT 48  
BUNNELL'S SUBD.  
HM 0000049

LOT 49  
BUNNELL'S SUBD.  
HM 0000049

LOT 55A BUNNELL'S  
RESUBD. LOT 55  
HM 0790026

LOT 7H  
THOMAS SHELFORD  
SUBD. 1968 ADDN.  
REVISED  
HM 0690741



**CERTIFICATE OF OWNERSHIP**

I HEREBY CERTIFY THAT HOOLIGAN HOLDINGS LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF HOOLIGAN HOLDINGS LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

SIGNATORY  
HOOLIGAN HOLDINGS LLC  
104 E. PIONEER AVE.  
HOMER, AK 99603

**GPS CONTROL DATA**

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USC&GS TRISTATION "HOMAIR".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USC&GS TRISTATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USC&GS TRISTATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

HOMER RECORDING DISTRICT KPB FILE NO. 2019-XXX

**NOMAR 2019 REPLAT**

A REPLAT OF NILS O. SVEDLUND SUBD. AMENDED LOTS 8 & 9 TRACT A (HM 0540251A) EXCLUDING ANY PORTION WITHIN LOT 8A THOMAS SHELFORD SUBD. (HM 584147) & LOT 9A THOMAS SHELFORD SUBD. 1968 ADDN. (HM 0690741), LOCATED WITHIN THE NW 1/4, SEC 20, T. 6 S., R. 13 W., CITY OF HOMER, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 1.518 ACRES

**SEABRIGHT SURVEY + DESIGN  
KENTON T. BLOOM, P.L.S.**

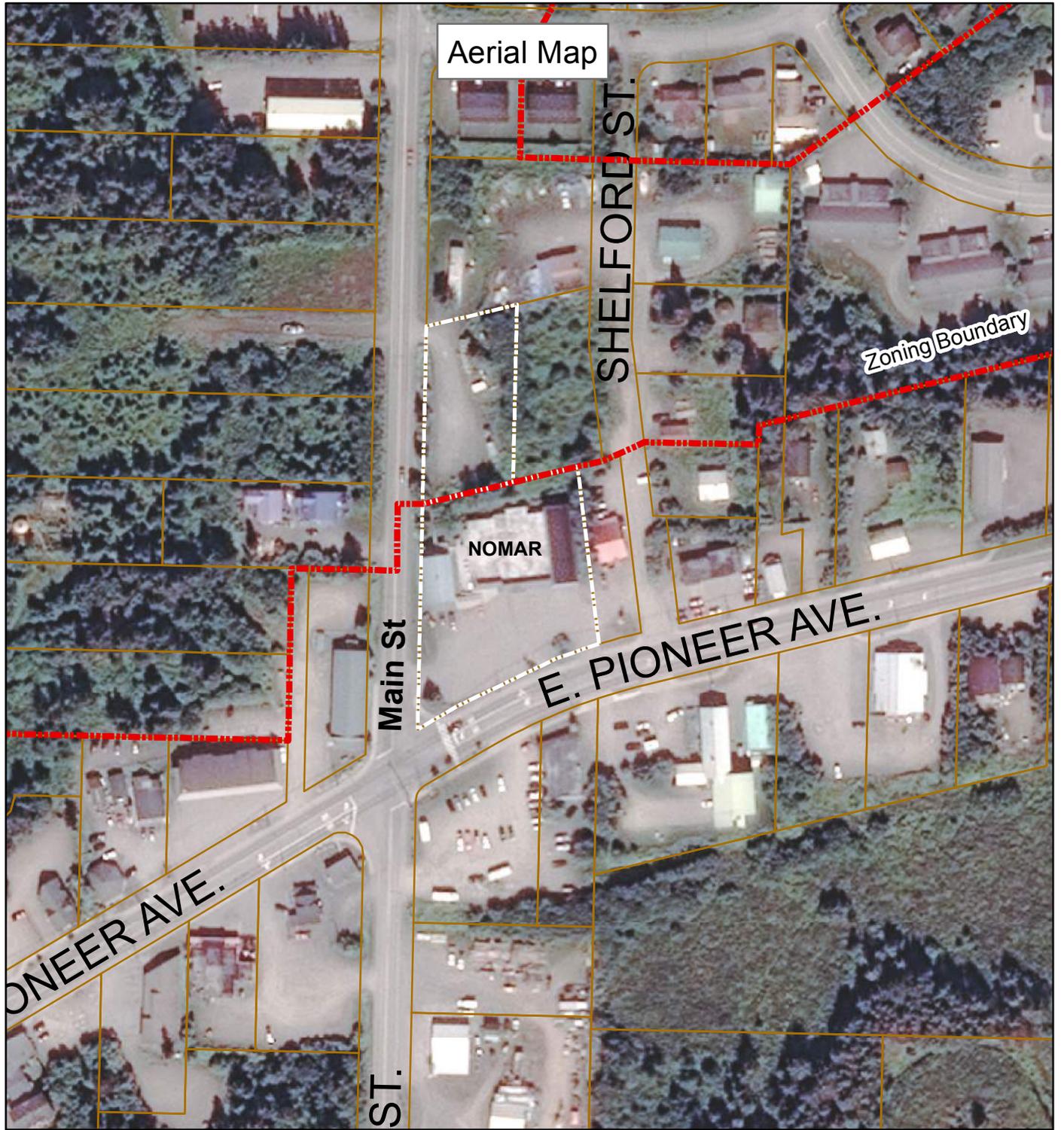
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1091

CLIENT: HOOLIGAN HOLDINGS LLC  
104 E PIONEER AVE. HOMER, AK 99603

DRAWN BY: KK	CHKD BY: KB	JOB #2019-43
DATE: 11/2019	SCALE: 1"=40'	SHEET #1 OF 1

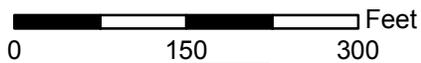
**WASTEWATER DISPOSAL**  
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KENTON T. BLOOM, P.L.S. 7968-S



City of Homer  
 Planning and Zoning Department

November 19, 2019



*Disclaimer:*  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 20-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT TO CENTRAL BUSINESS (CB) ZONING DISTRICT

WHEREAS, Katherine Mitchell, land owner, filed a petition application seeking to amend the zoning map to rezone 3916 Main Street in Homer, Alaska, LEGAL 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 from partially RO to CBD; and

WHEREAS, the Homer Planning Department reviewed the petition, found that the petition application was complete and the criteria for amending the zoning map had been met; and

WHEREAS, the Homer Planning Commission held a public hearing on the amendment to the zoning map described herein on \_\_\_\_\_, 2019 as required by Homer City Code 21.95.060(c); and

WHEREAS, The Homer Planning Commission found that (i) the proposed amendment to the zoning map is consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed amendment to the zoning map applies a zoning district that is better suited to the property that is the subject of the amendment than the districts that the amendment will replace; and (iii) the amendment to the zoning map is in the best interest of the public, considering the effect of development resulting from the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns; and

WHEREAS, the City Council adopts the findings by the Homer Planning Commission and has determined that these findings are sound;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcel listed on the attached Exhibit A from RO zoning district to the CB zoning district as shown on the attached Exhibit B.

Section 2. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 3. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_  
2020.

CITY OF HOMER

\_\_\_\_\_  
Ken Castner, MAYOR

ATTEST:

\_\_\_\_\_  
Melissa Jacobsen, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

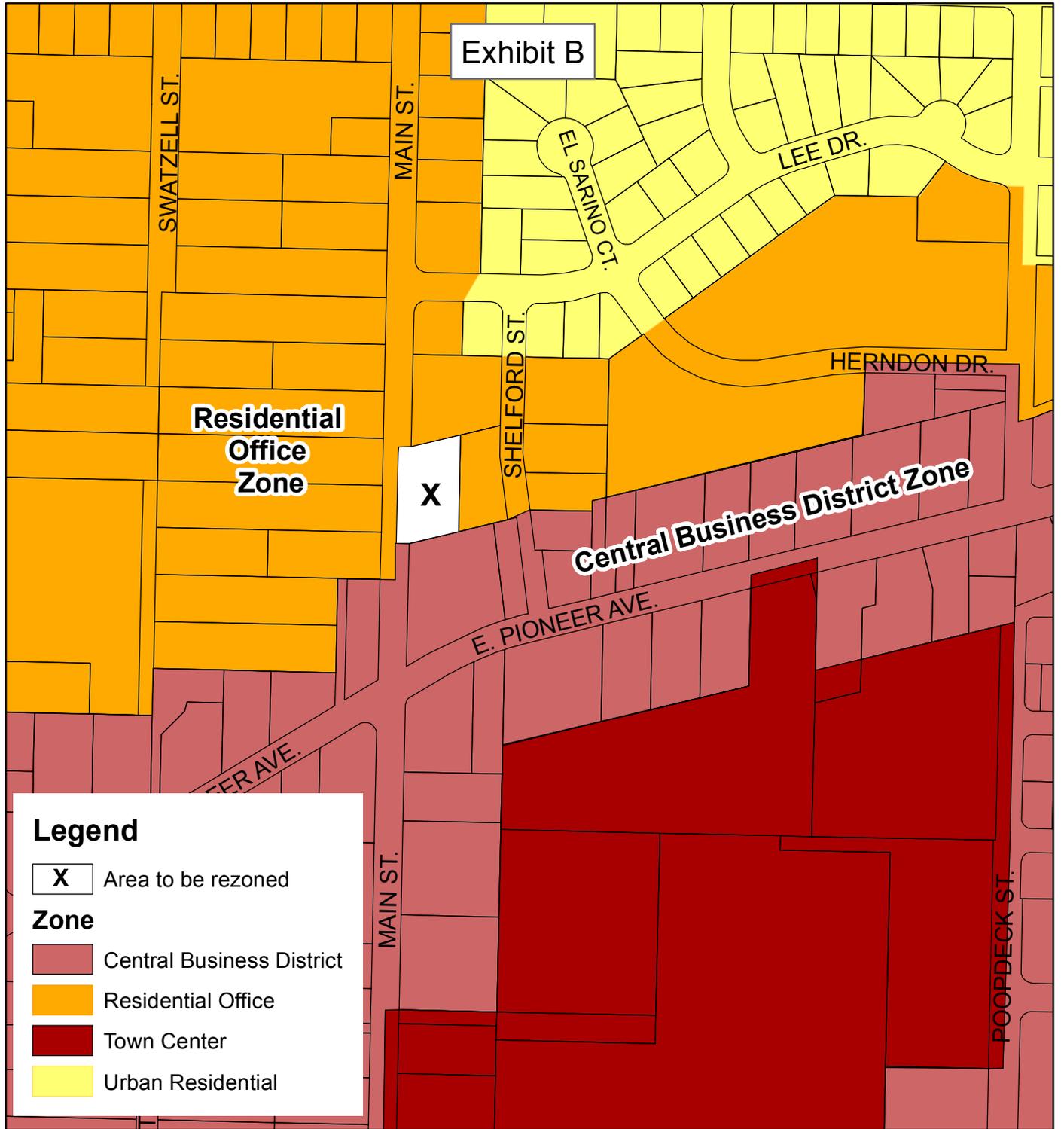
Effective Date:

## **Exhibit A**

Tax Parcel 17719120. Rezone from Residential Office District to Central Business District.

Legal Description: 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

Exhibit B



Legend

X Area to be rezoned

Zone

Central Business District

Residential Office

Town Center

Urban Residential

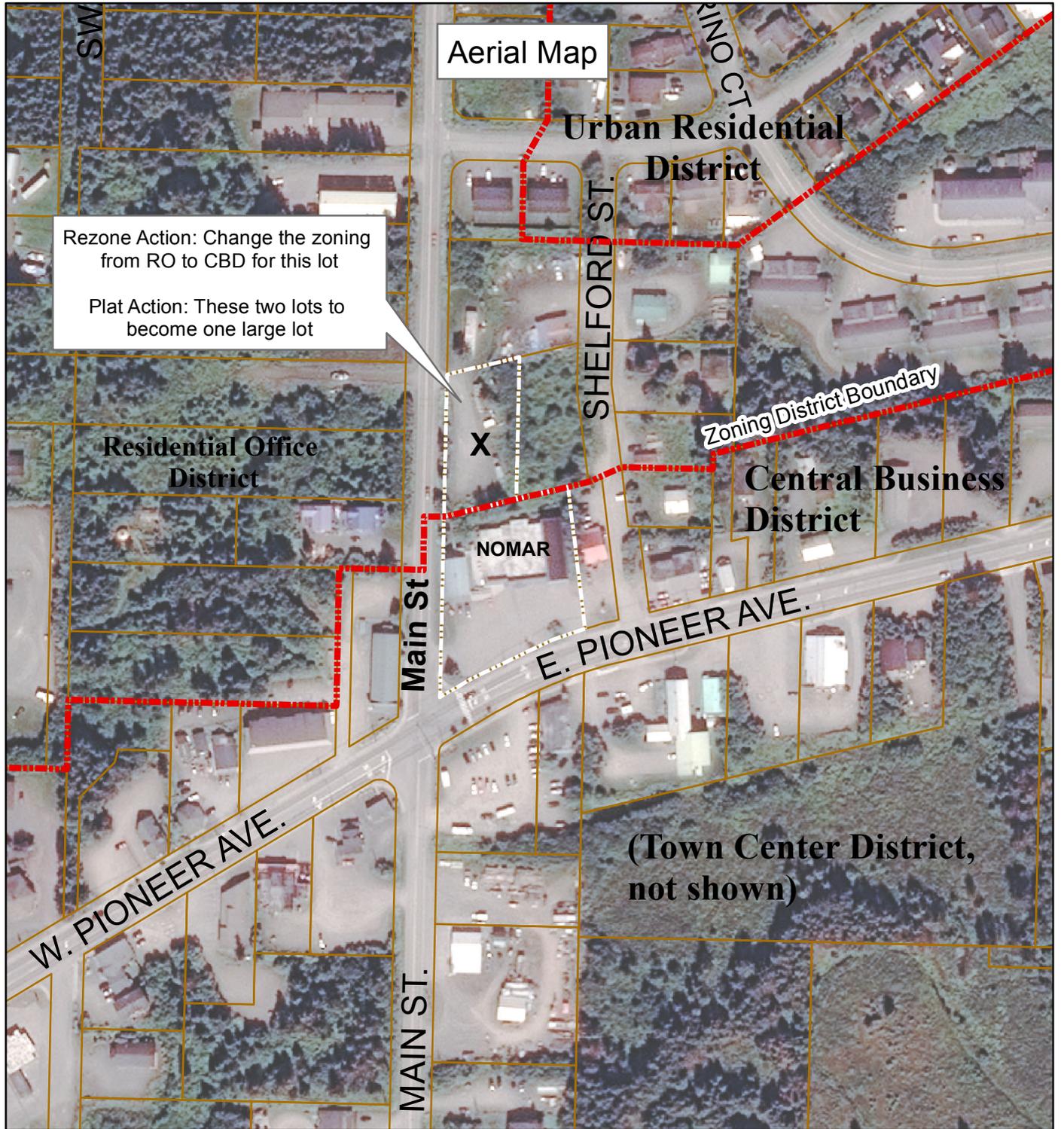


City of Homer  
Planning and Zoning Department

November 26, 2019

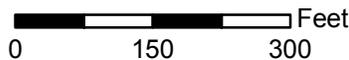


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*City of Homer*  
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A. Staff Report 19-95, City Planner's Report

City Planner Abboud provided a summary of Staff Report 19-95 and commented further on the following:

- HAWSP Analysis report at Council was interesting
- No further notice of appeals on Medical Clinics
- Commissioner Training is available February 9, 2019
  - o Commissioner Petska Rubalcava and Bentz were interested in attending
  - o Commissioner Davis was out of state at the time
- Council passed the moratorium on Conditional Use Permits for Professional Offices or Medical Clinics in the Residential Office District
- Natural Hazards folks will be attending the January 16<sup>th</sup> meeting

Commissioner Davis will attend the January 13, 2020 Council meeting and requested some guidance on what he should speak about. Commissioner Highland will attend the January 27<sup>th</sup> Council meeting.

Commissioner Smith expressed that he did not attend the November 25<sup>th</sup> meeting as he had just returned from vacation.

**PUBLIC HEARING(S)**

A. Staff Report 19-96, A request to vacate a 33 foot wide section line easement across 4097 Mattox Road, also known as Lot 6A-1 Virginia Lynn 2006 Replat, HM 2006020

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

City Planner Abboud provided a summary of Staff Report 19-96 for the Commission.

Gary Nelson surveyor and representative for the applicant came forward and provided the reason for the application, noting the encroachments and that he was available for questions.

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

The Applicant and Staff address the following issues, and question from the Commission:

- How long the applicant had owned the property

HIGHLAND/BENTZ MOVED TO ADOPT STAFF REPORT 19-96 AND RECOMMEND APPROVAL OF VACATING THE NORTHERN 33 FOOT PORTION OF A SECTION LINE EASEMENT

Brief discussion on the Excerpt from Kenai Peninsula Housing Initiative, Inc. objection.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-98, An Ordinance amending the Homer City Zoning Map; to rezone a portion of the Residential Office Zoning District to Central Business Zoning District

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

City Planner Abboud provided a summary of Staff Report 19-98 for the Commission.

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.

There were no questions from the Commission and Chair Venuti requested a motion.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 19-98 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RESIDENTIAL OFFICE ZONING DISTRICT TO CENTRAL BUSINESS ZONING DISTRICT TO COUNCIL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 19-99, An Ordinance amending Homer City Code 21.70.040, Permit Terms; to require an as-built survey be submitted to the City Planner after completion of any building or structure.

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

City Planner Abboud provided a summary of Staff Report 19-99 for the Commission.

Chair Venuti opened the Public Hearing seeing no one in the audience coming forward to provide testimony he closed the hearing.

The Commission discussed the following points with input from the City Planner:

- Requiring As-builts after construction will not prevent encroachments
- Providing assistance to the public to assure that it constructs a proposed structure within the property lines
- General points during previous meetings on when to require as-builts

Chair Venuti requested a motion.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-99 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO REQUIRE AN ASBUILT SURVEY BE SUBMITTED TO THE CITY PLANNER AFTER COMPLETION OF ANY BUILDING OR STRUCTURE TO COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**PLAT CONSIDERATION**

A. Staff Report 19-97, Fairview Subdivision 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-97 for the Commission.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and opened the floor to questions from the Commission.

Commissioner Smith inquired if this property would be considered within the area under a moratorium.

City Planner Abboud responded that it is considered within that area designated but the moratorium does not apply to this action.

Chair Venuti requested a motion hearing no further comments or questions from the commission.

BENTZ/RUBALCAVA MOVE TO ADOPT STAFF REPORT 19-97 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH COMMENTS 1 AND 2:  
1. DEPICT A FIFTEEN FOOT UTILITY EASEMENT ALONG ALL ADJACENT RIGHTS-OF-WAY.  
2. REMOVE PLAT NOTE STATING, "THERE ARE NO WET AREAS ON THE PROPERTY."

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-101, Section-line Easement Vacation Plat Preliminary Plat associated with Virginia Lynn 2006 Replat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-101 noting that the Kenai Peninsula Borough informed the Planning Staff that a Preliminary Plat review is required.

Gary Nelson, surveyor for the applicant provided some clarification on the action requested to vacate the section line noting that it was a small holdover section.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and opened the floor to questions from the Commission.

Commissioner Davis requested some clarification on the process of vacating the section line easement and then doing a preliminary plat after the fact.

City Planner Abboud tried to provide some clarification of the process and stated that if this action was done in error it can be corrected after the fact. He reiterated that the Planning staff received the direction from the Borough.

Mr. Nelson provided information that the Department of Natural Resources requires the action by plat.

Chair Venuti requested a motion hearing no further questions or comments from the Commission.

**BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 19-101 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO VACATE THE SECTION LINE EASEMENT ACROSS LOT 6A-1 VIRGINIA LYNN 2006 REPLAT.**

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 19-100, Nomar 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-100 from the Commission noting the review of the nonconforming status.

There was no applicant present.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and open the floor for questions from the Commission.

There was no questions from the Commission.

Chair Venuti requested a motion.

RUBALCAVA/DAVIS MOVED TO ADOPT STAFF REPORT 19-100 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO REMOVE A COMMON LOT LINE WITH THE FOLLOWING COMMENT:

1. DEDICATE A 15 FOOT UTILITY EASEMENT ALONG RIGHTS-OF-WAY WHERE BUILDINGS DO NOT ENCROACH

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PENDING BUSINESS**

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

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-98 and noted the number of CUP's for medical facilities in the area and the recently approved moratorium. He did note that he plans to inventory the number of multi-family and single family residences in the Hohe/Main Street area so that they have better data available.

Discussion ensued by the Commission and City Planner Abboud on the following topics:

- Defining the borders of the proposed district
- If a conditional use permit would or would not be required
- Traffic Impact to the area with the existing medical services versus multi-family structures, etc.
- Potential Land Value and appeal to investors but there are some considerations on the amount of vehicles that would impact the area
- The fabric of the neighborhood is already interjected with medical facilities
- Proposed discussion on parking design to facilitate a residential feel
- Landscaping designs and alternatives
- Stormwater runoff
- Do not go east past Hohe since that is smaller lots and fairly residential
- What impact would there be if they leave it RO but allow Medical Clinics outright
- Review Medical Districts in similar communities
- Changing to a Mixed Use District zoning
- Defining the term Medical Clinic versus Professional Office
- Adding Small Café's or similar businesses
- Creating a guiding statement on why they are creating a Medical District
- This is a symptom of existing problems and this is to address those issues of parking

Further comment from the Commissioners on the following was conducted:

- Articulate it as proactive to create long term solutions and respond to residents' concerns
- This issue has been identified in the previous Comprehensive Plans to address anticipated growth in services
- Possibly promoting second Medical District near or in the area of SVT since it was apparent that they would eventually run out of space

City Planner Abboud will draft a document and bring it back before the Commission for additional work.

Chair Venuti called for a 5 minute recess at 8:39 p.m. The meeting was called back to order at 8:42 p.m.

## **NEW BUSINESS**

### **INFORMATIONAL MATERIALS**

- A. City Manager Report for November 25, 2019 City Council Meeting
- B. Letters from Paul Sayer & Jonathon Young

### **COMMENTS OF THE AUDIENCE**

Chair Venuti read into the record a Memorandum from Mayor Castner regarding the HAWSP fund into the record at his request:

*"I am sorry I can't attend your meeting this evening as there are two topics that I hope to enlist your immediate interest. I spoke today with your Chairman, Rick and Julie so they might add some comments to this memo. Please take note of an ordinance being introduced at Monday's meeting that re-establishes the HAWSP Fund which is the Homer Accelerated Water and Sewer Projects. There will shortly be money and a dependable revenue stream coming into the Fund. For many years the fund had been living in negative territory which has negated any new projects for expanding the city's infrastructure. That will change in early 2020. This means new SAD's (Special Assessment Districts) and requests from Public Works. You may want to examine the utility of maximizing the leverage of low interest loans as opposed to paying cash other than the SAD match.*

*Second, I am determined to try and help the Baycrest Subdivision from sliding into Cook Inlet. I have drafted a project proposal to place a storm water drainage system involving proper catchment and discharge features upon further consideration of the topic of current hillside drainage and ditching I believe it should be more comprehensive and city-wide. I have set aside some scoping study money in the 2019 budget and perhaps the Planning department can get together with the Public Works and a smart consultant for a day and draft an outline then precede an expensive planning document. Thank you, for thinking about this, I will try to attend your next meeting.*

City Planner Abboud responded to the Mayor's commented that they may have reached critical mass and can now consider applying for funding. He then commented on the HAWSP

analysis and the actual process of the SAD's. He expressed his concerns on the cost of expansion versus the number of actual properties that sign on to receive services adding additional expense burden to the city.

Chair Venuti noted that there were many areas of the city that that did not have the ability to hook up to city water and sewer.

A brief discussion on HAWSP ensued regarding the previous discussions by the Commission and City Planner Abboud will forward those previous staff reports that were presented on the subject to the Commission in response to question from Commissioner Davis and Chair Venuti's statement.

Commissioner Highland asked about the extension of water services outside city limits and if the Regulatory Commission had approved that for the city and if that money was part of the funds the Mayor was referring to for the HAWSP.

City Planner Abboud did not have any updated information about that at this time on the action but then stated that the Water and Sewer Funding was the result of the Analysis that was done on the HAWSP and cleaning up the projects.

Commissioner Bentz directed the Commission to the second item from the Mayor on addressing the natural hazards and hazard overlay zone and expanding that citywide and recommended having the Mayor attend the meeting on January 16<sup>th</sup> when they have the people from DGGs come and that questions to address at that meeting is how the information they do have can be applied; what information do we need; what do we need a consultant to do; do we need to have the consultant find funding sources for a comprehensive stormwater master plan and hazards mitigation or overlay maps; is there already established funding sources for those things? How can we maximize the impact and move forward without leap frogging and piecing things together.

#### **COMMENTS OF THE STAFF**

#### **COMMENTS OF THE COMMISSION**

Commissioner Highland inquired about the process for the CUP on the Spit Parking and then referenced the parking study that was recommended in the Spit Comprehensive Plan and wondered if this commission was supposed to do that.

City Planner Abboud responded that he thought that was directed at the Port according to the Plan. He did note that Council did present a budget request for funding a Parking Study. He noted that everyone was so hot for the parking and that they needed to define the goal.

Commissioner Highland opined that Port and Harbor should have consulted with the Planning Commission before this CUP since in her opinion it was not the best solution and now they have spent a lot of money and now they have no solution. Then that leads to the next question, if she would have participated in this discussion at the Post & Harbor

Commission would she have had to excuse herself from the CUP action when it was brought before this Commission.

City Planner Abboud responded that was a good question, noting the awkwardness of the whole situation.

Commissioner Petska-Rubalcava questioned conflict of interest on the ordinance for asbuilt requirements if her father came in to testify to the ordinance. Would she have to excuse herself?

City Planner Abboud provided clarification that generally there is the consideration of monetary gain or loss and bias. That can be a bit trickier but if it is in your best interest there may be a conflict. He then proceeded to explain the process to the Commission as a whole.

Commissioner Petska-Rubalcava then asked if she would have a conflict with the Plats since she is paid whether they are approved or not.

City Planner Abboud explained that technically they are not approving the Plats, but generally if she is paid over \$1000 to conduct the work, it could be perceived that she may have a conflict.

Commissioner Bentz informed the Commission that she would miss the January 15<sup>th</sup> meeting and possibly the first meeting in February. She will confirm that absence with the City Planner.

Commissioner Smith commented on the replacement of new exterior lighting fixtures after painting his house and his concerns with the downward lighting not providing enough light during winter. He wanted to report that they worked beautifully and provided the necessary light he needed to back into his driveway with no problems.

Commissioner Davis had no comments.

Chair Venuti commented that it was a good meeting. He then expressed some concerns about a quorum for the first meeting in February. He noted it was a good meeting couple of bumps to start, but good meeting.

### **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Wednesday, December 4, 2019 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.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_

**From:** Jamie <1jamiesutton@gmail.com>  
**Sent:** Friday, December 27, 2019 1:19 PM  
**To:** Travis Brown  
**Subject:** 104 E. Pioneer Ave

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I appreciate that the Nomar Building and property have asked for Re-Zoning and for a Conditional Use Permit to add a second story and more parking.

I am the owner of the Homer Theatre and I heartily endorse both applications and I wish them good luck.

And Thanks you to the Planning Department and the City Council for all of their hard work and for making Homer better.

Jamie

Jamie Sutton  
Homer Theatre  
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907-235-1969 (theatre)