

June 1, 2011
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District (*Please refer to page 45 of the regular meeting packet.*)
4. Staff Report PL 11-59, Draft Ordinance 11-xx, East End Mixed Use (*Please refer to page 49 of the regular meeting packet.*)
5. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment



WORK SESSION Advanced Training Commission ALBERTA

1. The purpose of this session is to provide an opportunity for the Commission members to discuss the findings of the Advanced Training Commission's report and to provide input to the Commission's recommendations.

2. The Commission's report is available on the Commission's website at http://www.education.alberta.ca/advanced_training.

3. The Commission's report is also available in hard copy at the Commission's office, 100 Street, Edmonton, Alberta.

4. The Commission's report is also available in French at the Commission's office, 100 Street, Edmonton, Alberta.

5. The Commission's report is also available in Spanish at the Commission's office, 100 Street, Edmonton, Alberta.

6. The Commission's report is also available in Chinese at the Commission's office, 100 Street, Edmonton, Alberta.

7. The Commission's report is also available in Punjabi at the Commission's office, 100 Street, Edmonton, Alberta.

8. The Commission's report is also available in Urdu at the Commission's office, 100 Street, Edmonton, Alberta.

9. The Commission's report is also available in Hindi at the Commission's office, 100 Street, Edmonton, Alberta.

10. The Commission's report is also available in Bengali at the Commission's office, 100 Street, Edmonton, Alberta.



**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 5. Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

 1. Approval of Minutes of May 18, 2011 *Page 1*
 2. Time Extension Requests
 3. Approval of City of Homer Projects under HCC 1.76.030 g.
 4. KPB Coastal Management Program Reports
 5. Draft Decision and Findings for CUP 11-09, 3406 Main Street *Page 13*
 6. Draft Decision and Findings for CUP 11-07, Alaska Village Mission *Page 17*
 7. Draft Decision and Findings for CUP 11-04, 880 East End Road/Seldovia Wellness Center *Page 21*
 8. Draft Decision and Findings for CUP 11-08, Amending CUP 10-04, Kachemak Bay Campus *Page 25*
- 6. Presentations**
- 7. Reports**
 - a. Staff Report PL 11-66, City Planner's Report *Page 29*
- 8. Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

 - A. Staff Report PL 11-58, CUP 11-10, A Request for a Conditional Use Permit at 5155 Kachemak Drive, Northern Enterprises Boatyard, for more than one building containing a permitted principal use on a lot, HCC 21.24.030(k) and More than 8,000 sf of building area HCC 21.24.040(d) *Page 31*
- 9. Plat Consideration**
- 10. Pending Business**
 - A. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District *Page 45*
 - B. Staff Report PL 11-59, Draft Ordinance 11-xx, East End Mixed Use *Page 49*

11. New Business

- A. Staff Report PL 11-64, Planning Commission Work List
- B. Staff Report PL 11-65, Planning Commission Meeting Times

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12. Informational Materials

- A. City Manager's Report dated May 24, 2011

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13. Comments of The Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of The Commission

16. Adjournment

Meetings will adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."

Session 11-07, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on May 18, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DRUHOT, HIGHLAND, MINSCH, VENUTI

ABSENT: COMMISSIONER DOLMA

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

BOS/DRUHOT MOVED TO CHANGE PENDING BUSINESS ITEM D TO ITEM A.

The amended agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Kenton Bloom, city resident, commented on behalf of his client, Central Charters. He noted that the property meets the parking requirements per city code. The signs on the Central Charters boardwalk have previously been reviewed and approved by the city. The applicant is open to the Commission re-opening the public hearing to discuss possible modifications to the plan as presented. The applicant requested that the Commission take no final action on the CUP tonight and respectfully asked that final consideration of the CUP be postponed to the next Commission meeting.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the May 4, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

A. Staff Report PL11-62, City Planner's Report

City Planner Abboud commented that there is no written report. He noted that the Spit Plan went through introduction and will have public hearing and second reading at the next meeting. Planning Technician Engebretsen will be gone for the summer and staff is gearing up for the remodel and construction. The Planning office may be moving to the HERC building during the construction.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 11-55 CUP 11-08 Amending CUP 10-04, University of Alaska, Kachemak Bay Campus College Expansion

City Planner Abboud reviewed the staff report.

Carol Swartz commented that the City Planner summed it up regarding their project. They want to relocate the dumpster from Heath Street to the south end so it won't be visible from the road. They would like to plant 5 spruce trees that are 5 to 6 feet with room for the branches to spread and replacing the fence in the original proposal. The trees would provide and meet the standard for the visual buffer. She added that there will be a six foot wood fence around the dumpster. The college is thrilled that the project is almost complete and invited anyone who was unable to attend the open house on Friday to come by and see the new facility.

Chair Minsch opened the public hearing.

There were no comments and the public hearing was closed.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-55 CUP 11-08 AMENDING CUP 10-04, UNIVERSITY OF ALASKA, KACHEMAK BAY CAMPUS COLLEGE EXPANSION WITH STAFF RECOMMENDATIONS.

Commissioner Bos commented in favor of the amended plan.

Chair Minsch commented that there was a lot of discussion about the fence in the previous CUP consideration and she is in favor of keeping the fence. Originally the fence was required as a visual buffer from the road. The trees being planted are minimal and the time for them to be grown is 10 plus years.

Discussion ensued regarding the fence and trees.

- Alders could be used to fill in until the spruce trees mature and alders are good bird habitat.
- Trees will provide better screening of the parking lot than the proposed split rail fence.
- Split rail fences can pose safety issues as kids like to climb on them.
- The fence would be costly and maintain.
- Allowing the trees will not accomplish the same things as what was approved in the original plan.

Question was raised regarding reasoning for the change to trees. Ms. Swartz responded that driving up Heath Street from the highway the elevation is such that to see the parking lot from the road you have to be pretty high up on Heath Street. They felt that the split rail fence wouldn't necessarily provide the visual barrier. The ordinance addresses landscaping which can be related to trees more than a fence. The length of the area requiring buffering isn't the whole length of Heath Street just a portion. Substituting spruce trees and planting them when they are six feet would meet the standard of a visual barrier. Spruce trees are green year round and grow about a foot per year. The trees are taller, denser, and less costly than a fence. The trees could be in a straight line or staggered. Regarding layout Ms. Swartz explained that when she and City Planner Abboud walked the area and measured it out it looked like five or six spruce trees would fit in the area where there was a gap from what was already planted. Because of the location of the bio-swale on one side and easement on the other she does not know if two rows of trees will fit, but they can look at it. They feel the trees will increase the softening effect because the trees will be thicker.

There was further discussion trying to establish what number of trees would accomplish an adequate buffer. It was noted in the discussion that 29 trees referenced in staff report include the trees along the south lot line as well. City Planner Abboud referred to the landscape plan in the packet to help the Commission understand the size of the area that is being addressed.

BOS/DRUHOT MOVED TO AMEND THE MAIN MOTION TO INCLUDE AN ADDITIONAL 8 SPRUCE TREES THAT ARE SIX FEET TALL.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

It was noted that the recommendation regarding the dumpster is still in place.

VOTE (main motion as amended): YES: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI

Motion carried.

- B. Staff Report PL 11-56, A Public Hearing on the Remand from the Board of Adjustment to the Homer Advisory Planning Commission to Consider New Conditions Regarding 1033 Skyline Drive.

City Attorney Wells reviewed the staff report for the Commission. She noted that they are trying to address a technical difficulty with the record and also to address new evidence regarding the public utility easement submitted after the appeal was taken to the Board of Adjustment. The staff recommendation is to give the applicant a "do over" and allow them to submit new evidence on the variance application criteria. It will allow for a clean clear record and ensure that Mr. Becker's rights are respected. The two issues to be dealt with are the variance and the public utility easement recorded after the Commission decision was issued. It needs to be determined if Mr. Becker's enterprises qualify as a public utility. There isn't a lot of guidance from staff except to say that it is a heavily regulated industry by the RCA and is governed by state statute. We just need to ensure that the enterprises are governed and

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therefore not handing out easements to just anyone who may label themselves as a public utility. Attorney Wells also noted that there was a request for withdrawal of the variance by Mr. Becker after the public utility easement was recorded. Because the BOA did not address this, the Commission may want to discuss with the applicant his intent in withdrawing the application for the variance given that if the variance is denied they will face enforcement proceedings from the city but she believes the intent was to emphasize that the public utility would make the variance application moot if the Commission chooses to accept the public utility easement. If the Commission does not feel they have enough evidence before them to make a decision regarding whether Mr. Becker's enterprises are public utilities, they may make a stay in proceedings to allow time for the applicant to gather evidence regarding whether or not they are governed by the RCA and qualify as a public utility under the laws of the State of Alaska.

Dan Westerburg, attorney for Mr. Becker, said he received Mr. Abboud's report this morning that contains an interesting discussion of the public utility issue. He believes they have effective responses but being that they just received the letter this morning he accepts the recommendation to stay the matter for 30 days to allow an opportunity to research, respond with analysis of their own and gather evidence.

Chair Minsch opened the public hearing.

No public comment.

The public hearing was not closed to allow further comment at a future meeting.

Chair Minsch asked for a motion to provide a 30 day stay and continue the public hearing until the regular meeting of June 15th to allow the applicant to gather evidence.

HIGHLAND/VENUTI SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-54, CUP 11-09, 3406 Main Street for Request to Build Within the 20' Setback and for More Than One Building Containing a Permitted Principle Use on a Lot" per HCC 21.12.030(n)

City Planner Abboud reviewed the staff report.

Jennifer Sonneborn, applicant, said that she was available to answer questions. Ms. Sonneborn explained that she wants to rebuild the two cabins in approximately the same location and approximately the same size. They will look nicer, be on foundations and be more energy efficient.

There was discussion of the application. Question was raised about the 5 year timeframe to complete the project. Ms. Sonneborn explained that staff advised her to include a timeframe. Her goal is to complete one cabin this summer and the other cabin next summer. Regarding

the issue with setbacks she commented that one is 12 feet from the road and the other is 10 feet. The house on the lot next door encroaches onto this property and putting the house on the corner farther from Bunnell it won't allow the fire department to get between the two houses. She wants to keep them as close to the north side of the lot to allow more southern light and increase energy efficiency. In relation to the foundations she explained she is planning to use shallow frost free foundations. It is technology she has learned about through the Cold Weather Building Research Program. Ms. Sonneborn explained that due to the size of the lot it would be impossible to get out of the setback and replace the structures where they are now. Having the houses too close together poses safety issues in the event of a fire. She considered a duplex for the project but prefers keeping the two cabins to offer inexpensive rent and more privacy than a duplex.

Chair Minsch opened the public hearing.

There were no public comments and Chair Minsch closed the public hearing.

City Planner Abboud commented that the applicant mentioned some of the principles about planning which include light and spatial aspects. This area is noted for things up to the front of the lot and according to many public meetings and deliberations in Old Town there is a motif there and they want to create a pedestrian friendly environment. You don't need a big open area in front that would push the parking places right in front. The applicant is working around the encroaching structure rather than suing to tear it down. Regarding the use of the setback City Planner Abboud reminded the Commission that there is a specific exception to allow this in CBD only.

The drawing provided as a laydown was labeled as the proposed site plan for 3406 Main Street.

BOS/DRUHOT MOVE TO ADOPT STAFF REPORT PL 11-54, CUP 11-09, 3406 MAIN STREET FOR REQUEST TO BUILD WITHIN THE 20' SETBACK AND FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPLE USE ON A LOT" PER HOMER CITY CODE AND INCLUDE THE 3406 MAIN STREET SITE PLAN.

There was clarification made that CUP's don't expire but can have conditions for completion timeframes. It was noted that a CUP stays with the land and is not transferrable.

VOTE: YES: HIGHLAND, DRUHOT, MINSCH, VENUTI, BOS

Motion carried.

D. Staff Report 11-49, 1295 Mission Road, Alaska Bible Institute, for "more than one building containing a permitted principle use on a lot" per HCC 21.12.030(n)

Commissioner Venuti advised that he may have a conflict of interest.

BOS/DRUHOT MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

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Commissioner Venuti explained that he was contacted by the applicant and has the potential to be participating in their project. There is not a contract in place at this time. The financial interest does fall within the limits outline in Homer City Code.

VOTE: YES: DRUHOT, MINSCH, BOS, HIGHLAND

Motion carried.

Chair Minsch noted that five yes votes are needed to adopt a CUP and the excusal of Commissioner Venuti leaves only four Commissioners. There was discussion of procedure in relation to exercising the rule of necessity. City Attorney Wells assisted Deputy City Clerk Jacobsen in ensuring the process was understood by the Commission. The Commission was advised that pursuant to HCC 1.18.048 the rule of necessity may be used only when no other body of the city has jurisdiction and authority to take the official action on the matter, when the official action cannot be set aside to a later date, within a reasonable time and when the body could obtain the minimum number of members to take action who are not excused for partiality. Deputy City Clerk Jacobsen advised the Commission that at this time there are no applications pending for Planning Commissioner appointments. The Commission was advised that there needs to be an opportunity for the applicant or public to express any disagreement to the conflicted Commissioner's participation. City Attorney Wells stated that the rule of necessity is highly suspect in the legal world but is necessary at times in our small communities. She expressed that it needs to be very necessary before it is used. Erring on the side of caution is encouraged and if the action can be postponed for three to six months that would be best to allow for the vacancy on the Commission to be filled.

The Commission acknowledged that per HCC 21.71.040(a) they are the only body who will act on a conditional use permit. They discussed the issue of Commissioner Dolma's absence Commissioner Druhot's pending resignation. Commissioner Druhot explained that she had contacted the Planning office to express her intent to resign immediately, but she was asked to stay on for this meeting to assist in getting through the CUP. She agreed that she could stay on for one more meeting if needed. Chair Minch explained that Commissioner Dolma had to leave the state unexpectedly because his father is ill and it is unknown to the Commission or to staff when he might be returning. Chair Minsch called upon the applicant for more information regarding their timeframe.

Lance Prouse, representative for Alaska Village Missions, explained that they have volunteers from all over the country who have spent money to get here to start this building. They are supposed to break ground this coming week. The CUP was put off at the last meeting because of this situation. If reasonable is 3 to 6 months then they can't break ground this year. It puts them in a bad situation when all the people have gone through a lot of work and expense to get here for this project.

Chair Minsch asked if there was any person who objects to the Commission proceeding with Commissioner Venuti participating. There was no objection or opinion expressed from the audience.

Mr. Prouse stated he has no objection to Commissioner Venuti participating

Commissioner Highland noted that all these arrangements have been made for this project before the applicant even had their CUP in hand, and it has pushed the Commission into

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having to make these decisions. This process could have been done earlier, but since we are here we will do what we have to do.

City Attorney Wells encouraged the Commission to check in with all Commissioners to make sure they are not going to be able to participate within the next month. Chair Minsch explained that they received an email from Commissioner Dolma that he was leaving state to be with his ailing father. There was discussion that Commissioner Dolma probably won't know if he will be back for the next meeting because it will be determined by the status of his father. It was also pointed out that he may be back at the next meeting and Commissioner Druhot will have to resign because of her circumstances, leaving the Commission in the same situation. It was discussed whether to attempt to make contact with Commissioner Dolma. Commissioner Bos expressed that he would not want to be part of the action of calling Commissioner Dolma to ask him whether he thinks he will be here or not. The other Commissioners were in agreement with Commissioner Bos.

BOS/DRUHOT MOVED TO INVOKE THE RULE OF NECESSITY.

Commissioner Bos stated he doesn't know that anyone has any idea when we are going to have a fifth Commissioner without Commissioner Venuti. Commissioner Dolma's father is ill and he may not be back in two or three weeks.

Commissioner Highland expressed that they have no clue when they might have the appropriate number of Commissioners to act. She stated that there is no other body who can act on this.

Commissioner Druhot added that not only is there no other body who can act on this but also that we have only six Commissioners at this time with no applicants waiting to be appointed. With one person out she does not see any time that we will have enough people to vote without a non conflicted member.

Chair Minsch expressed that she does not want to use the rule of necessity but there is no expectation of when they can have a full Commission. The best guess is what we have tonight and if the group wants to proceed she will support the motion.

VOTE: YES: MINSCH, HIGHLAND, BOS, DRUHOT

Motion carried.

Deputy City Clerk Jacobsen noted for the record that Commissioner Venuti would participate in the action.

Chair Minsch called for a short break at 9:03 p.m. The meeting resumed at 9:08 p.m.

City Planner Abboud recommended that based on the events with Mr. Venuti that all deliberations and decisions be held in public on the record. He reviewed the staff report.

Lance Prouse, representative for Alaska Village Missions, explained their proposal to add three tri-plex units to the lower campus. They won't be seen from the road, there is plenty of access, and there won't be any problem accommodating the parking. The cap for the campus has been set at 100 people so meeting that condition is not a problem. Tobin Strickland

provided a letter that was given to the City Planner this evening to comply with the third condition. This is a long term plan, about two years per unit, perhaps with time in between to recoup finances. A lot of the married students end up staying in Homer and participating in local jobs and add to the community. The facility has its own treated public water system. They have a licensed person, as required by the state, to monitor the treatment of the water and send in water samples for testing. The sewer and wastewater system has been redesigned with DEC and Tobin Strickland. It was specifically designed to handle 100 people on campus.

Chair Minsch opened the public hearing.

Mike Arno, excavating contractor for the project, thanked the Commission for moving forward with this. He is volunteering his time for the project and later in the season when he is buried with work would make it more difficult. He commented regarding pre-planning for these projects with an organization like this there are a lot of donations and volunteers involved and it is difficult to pre-plan when you don't know when funds are going to be available and when things come together you have to act quickly, and our building seasons aren't like the rest of the world. Regarding the water he explained there is a DEC monitored public water system. Because they have gone so many years with the water tests passing requirements, they only have to turn in samples once a month. The septic system is DEC approved to operate. There are bio-cycle units designed to handle more than 100 people and they can expand the leach field to accommodate more in the future. Mr. Arno is unsure if all the paper work has been sent back from DEC yet but the paper work has been turned in and the design has been approved. It has been installed so it is a matter of DEC time getting the paper work back.

In response to questioning Mr. Arno commented that there is plenty of clearance for fire department access to the units. There is some slope but it levels out at the parking lot. The angle of the roads to other buildings is well within the required grades. He pointed out the location of the septic on the aerial photo.

There were no further public comments and Chair Minsch closed the public hearing.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT 11-49, CUP 11-07 1295 MISSION ROAD, ALASKA BIBLE INSTITUTE, FOR "MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPLE USE ON A LOT" PER HOMER CITY CODE WITH STAFF RECOMMENDATIONS AND CONDITIONS.

Commissioner Bos commented that this is a good project for Homer, it is in line with the Comprehensive Plan, the staff and the applicant has done their due diligence, and he trusts DEC.

Chair Minsch noted that she didn't make any decision tonight based on the need for the applicant to move this along. She feels staff did a good job and she is confident with the Bio-Cycle and DEC approval. She asked if they will have DEC approval before they start. City Planner Abboud said he has an approval to operate.

VOTE: YES: VENUTI, BOS, DRUHOT, MINSCH, HIGHLAND

Motion carried.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

- A. Staff Report PL 11-48, CUP 11-06, 4721 Homer Spit Road, Central Charters Boardwalk Expansion for HCC 21.28.030 (a) Restaurants and drinking establishments HCC 21.28.030(i) More than one permitted principal use on a lot, HCC 21.28.030(j) Planned unit development, and HCC 21.28.040(d) More than 8,000 sf of building area

Chair Minsch advised the following motion is on the floor:
BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-48 CUP 11-06, 4721 HOMER SPIT ROAD, CENTRAL CHARTERS BOARDWALK EXPANSION.

BOS/HIGHLAND MOVED TO TABLE THE EXISTING MOTION.

It was noted that this is to get more information from the applicant.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

No objection.

Chair Minsch announced they would open deliberations regarding the Central Charters Boardwalk CUP and noted that some deliberations have already been held. They would like the opportunity to have some information from the applicant before they continue deliberating. The general feeling is that the project is not in harmony with the scale, bulk, coverage, and density of the Marine Commercial District. The flat roof design and lack of architectural features doesn't integrate with features currently found on the existing structure to promote harmony with the scale, bulk, and coverage of the lot. They want architectural features designed to integrate varied roof pitches or better match the existing structures on the lot.

She explained that another issue is the setback and after initial deliberations the project will have to come into compliance. It would be helpful for the applicant to show that they can meet the standards for the setback.

Chair Minsch asked if staff could provide some additional information. The applicant referenced their signage wasn't in compliance with current code and there was no information in the packet to discuss it.

It was noted that in the applicant said the color palate will include muted grays and blues. The picture showed brown.

BOS/DRUHOT MOVED TO SCHEDULE A SECOND PUBLIC HEARING TO ACCEPT NEW EVIDENCE FROM THE APPLICANT REGARDING OUR DELIBERATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District

C. Staff Report PL 11-59, Draft Ordinance 11-xx, East End Mixed Use

D. Staff Report PL 11-57, Internally Illuminated Signs

HIGHLAND/BOS MOVED TO POSTPONE THE REMAINING AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

No new business items were scheduled.

INFORMATIONAL MATERIALS

A. City Manager's Report May 9, 2011

B. Memo Dated May 9, 2011 from Deputy City Clerk Jacobsen to HAPC Regarding Renewal of a Motion

C. Letter dated May 11, 2011 from Dotti Harness-Foster Planning Technician, to Property or Business Owners Regarding Sandwich Board Signage

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud commented that this was a challenging packet. There was a lot of stuff and it was tough, even for him. He received two calls, and expected more, but said that if they feel like they want to change something write it down and let him know. We operate in a lot of areas that are opinions and while he gives it his best shot, if Commissioners disagree then talk to him about it, be prepared to present an alternative, and be ready with a motion to satisfy the change. He appreciates their work and is glad they got as far as they did tonight.

COMMENTS OF THE COMMISSION

There were no Commission comments.

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ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:55 p.m. The next regular meeting is scheduled for June 1, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer Planning & Zoning

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HOMER ADVISORY PLANNING COMMISSION DECISION

May 18, 2011 Approved

RE: Conditional Use Permit (CUP) 11-09 at 3406 Main Street
Lot 5 W R BENSON SUB AMENDED

Introduction

Jennifer Sonneborn, on behalf of the property owners, David and Alexandria Sonneborn, applied to the Homer Advisory Planning Commission (the "Commission") for more than one building (HCC 21.18.030(k)) and an exception to the building setback (HCC 21.18.040(b)(4)). This CUP allows the applicant to rebuild two existing cabins in the Central Business District pursuant to Homer City Code 21.18. The lot and the two existing structures are nonconforming due to the fact that the lot is 5000 sf, lot and platted (as amended) in 1967 and the structures were built in 1960.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on May 18, 2011. Notice of the public hearing was published in the local newspaper and sent to 48 property owners of 64 parcels.

At the May 18, 2011 the Commission approved CUP 11-09 with five (5) Commissioners present and five (5) Commissioners voted in favor of the conditional use permit.

After due consideration of the evidence presented, the Homer Advisory Planning Commission, hereby makes the following findings of fact and conclusions of law

FINDINGS OF FACT

Homer City Code §21.71.030 provides:

Review Criteria. The applicant must produce evidence sufficient to enable meaningful

A. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district .

Finding 1: HCC 21.18.030 (k) allows more than one building containing a principle permitted use and HCC 21.18.040 (b) (1) allows exceptions from the 20' setback required from a dedicated right-of-way with an approved conditional use permit.

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: This project is compatible with the purpose of the Central Business 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: No evidence has been found that the project will have a negative impact greater than that anticipated from other permitted or conditionally permitted use permitted in the district.

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

Finding 4: The improvement of the existing residential development 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.

Finding 5: Public services and facilities are adequate to serve the project.

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: This project is in harmony with the scale, bulk, coverage, density, and traffic generation of the surrounding Central Business District.

Finding 7: This project will not have an undue harmful effect upon the character of the Central Business 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 8: The proposed project will not be detrimental to the health, safety or welfare of the surrounding area or 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 9: The proposed project will comply with the applicable regulations.

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

Finding 10: The project meets goals and objectives of the 2008 Homer Comprehensive Plan.

J. The proposal will comply with all applicable provisions of the Community Design Manual. (Ord. 08-60 §2008; Ord. 08-29, 2008).

Finding 11: All outdoor lighting shall conform to the Outdoor Lighting section of the Community Design Manual.

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.

Finding 12: The development, as proposed, will decrease the total amount of structures in the 20' rights-of-way setback.

Finding 13: The structures may not be located any closer to the rights-of-way than depicted in the "3406 Main Street, Site Plan, Proposed Structures" document submitted and presented to the HAPC.

CONCLUSION

Based on the foregoing findings, Conditional Use Permit 11-09 is approved to build within the twenty (20) foot setback and for more than one building containing a permitted principal use based on 3406 Main Street Site Plan. Attached.

Date: _____

Chair, Sharon Minsch

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 _____, 2011. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date: _____

Shelly Rosencrans, Planning Assistant

Walt Wrede, City Manager
491 E Pioneer Avenue
Homer, AK 99603

Thomas Klinkner
Birch, Horton, Bittner & Cherot
1127 West 7th Ave
Anchorage, AK 99501

Att: 3406 Main Street Site Plan presented at the May 18, 2011 HAPC meeting.



City of Homer Planning & Zoning

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HOMER ADVISORY PLANNING COMMISSION DECISION

May 4, 2011 postponed

May 18, 2011 approved

1295 Mission Road

RE: Conditional Use Permit (CUP) 11-07 Alaska Village Mission
Legal: MUTCH GANGL 1996 ADDN LOT 9-A THAT PORTION LYING WITHIN HOMER CITY LIMITS

Introduction

Alaska Village Mission aka The Alaskan Bible Institute applied to the Homer Advisory Planning Commission (the "Commission") under Homer City Code 21.12.030(m) for Approval of "more than one building containing a permitted principal use on a lot" located in the Rural Residential district.

The Alaskan Bible Institute has established a college with staff and housing on two lots with at total area of 14.56 acres. There are two dwellings on the subject lot, a 7.18 acre site; a 7,032 sq. ft. classroom building and a 2,400 sq. ft. shop and the adjoining lot is 6.38 acres containing a 7,918 sq. ft. dormitory, a 1,176 sf. equipment building and 6 dwelling that range from 1,500 to 700 sf. All of the existing structures are eligible for legal nonconforming status. This CUP allows the applicant to build three 42' x 25' (1050 sq. ft.) triplex units to be used for housing of married students.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on May 4, 2011. At the May 4, 2011 meeting the Commission discussed a potential conflict of interest between Commissioner Venuti and the applicant. With five (5) Commissioners present, the Commission voted to postpone action until May 18, 2011.

At the May 18, 2011 meeting, with five (5) Commissioners present, the Commission discussed Commissioner Venuti's potential conflict of interest. Commissioner Dolma was absent and one Commission seat remains vacant, leaving only four voting Commissioners. A CUP requires five (5) yes votes for approval. The Rule of Necessity was invoked allowing Commissioner Venuti to participate. In the end, all five (5) Commissioners voted to approval the CUP.

Notices for both of the public hearings was published in the local newspaper and sent to eight (8) property owners of ten (10) parcels.

After due consideration of the evidence presented, the Homer Advisory Planning Commission, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

Homer City Code §21.71.030 provides:

A. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district .

Finding 1: Adding three multifamily dwellings on one lot requires a CUP for "More than one building containing a permitted principal use on a lot" per HCC 21.12.030(m).

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 use is consistent with the purpose of HCC 21.12.010 which states in part, "Provide an area in the City for low-density, primarily residential, development;...."

Finding 3: Adding three triplex dwellings to this development constitutes a structure density of less than 5% which constitutes a density compatible with the zoning 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 4: The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units and mobile homes or conditionally permitted uses such as kennels, group care homes and recreational facilities.

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

Finding 5: This proposal is compatible with existing uses of surrounding land as its peak population is the inverse of neighborhood activities.

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

Finding 6: The well and septic shall meet State Department of Environmental Conservation (AkDEC) standards per HCC 21.12.040 Rural Residential Dimensional Requirements prior to construction.

Finding 7: The site is served with a paved road.

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 8: A campus population of 100 will not cause and undue harmful effect on the neighborhood.

Finding 9: The development is in harmony with the scale, bulk, coverage and density and will not have a harmful effect of the 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 10: Certification of the water/wastewater service by DEC helps to ensure the health, safety and welfare of the surrounding area and city as a whole.

Finding 11: This proposal is not detrimental to the health, safety or welfare of the surrounding area or the City of the Homer.

H. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Finding 12: This proposal shall comply with local, state and federal regulations.

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

Finding 13: This proposal meets the intent of the Homer Comprehensive Plan in that it provides diversified housing stock.

J. The proposal will comply with all applicable provisions of the Community Design Manual. (Ord. 08-60 §2008; Ord. 08-29, 2008).

Finding 14: Down lit lighting is required per HCC 21.59.020.

CONCLUSION: Based on the foregoing findings of fact and law, Conditional Use Permit 11-07 for the construction of 3 triplexes with findings 1-14 and the following conditions.

1. Provide 5 parking spaces per triplex unit.
2. Development to comply with city, state and federal requirements per HCC 21.70 Zoning Permit, including Prior to development, DEC certification for a Public Water System and the Final Approval to Operate be presented.
3. Campus population capped at 100 or less dependent upon DEC criteria regarding water and wastewater service.

Date: _____

Chair, Sharon Minsch

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



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HOMER ADVISORY PLANNING COMMISSION Meeting of February 16, 2011

RE: CUP 11-04 Seldovia Wellness Center at 880 East End Road
Legal: Lot 10B AA Mattox Sub 1958 Seldovia Village Tribe Add. No. 2

DECISION

Introduction:

Architects Alaska applied to the Homer Advisory Planning Commission (the "Commission") under Homer City Code HCC 21.71.030 for approval of a two-story Wellness Center located at 880 East End Road. The property is zoned Residential Office pursuant to Homer City Code 21.16.030.

The application sought approval for:

- HCC 21.16.030(h) More than one building containing a permitted principal use on a lot.
- HCC 21.16.030(d) Hospitals and medical clinics.
- HCC 21.16.040(e) 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.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on February 16, 2011. Notice of the public hearing was published in the local newspaper and sent to 19 property owners of 26 parcels as shown on the KPB tax assessor rolls. There was no public comment.

At the February 16, 2011 meeting of the Commission, the Commission voted to approve the request with six (6) Commissioners present and six (6) Commissioners voted in favor of the conditional use permit.

SYNOPSIS:

The proposed two-story wellness clinic will be the second building on this parcel; hence a CUP is required per HCC 21.16.030(h). The Seldovia Village Tribe provides comprehensive medical and dental care, therefore this CUP requests approval for a “medical clinic” per HCC 21.16.030(d). The combined building area will be approximately 12,257 square feet; hence a CUP is required per HCC 21.16.030(e).

EVIDENCE PRESENTED

FINDINGS OF FACT

Homer City Code §21.71.030 provides:

Review Criteria. The applicant must produce evidence sufficient to enable meaningful review of the application. Unless exceptions or other criteria are stated elsewhere in this code, the application will be reviewed under these criteria:

A. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district .

Finding 1: The proposed use and structure is authorized with an approved CUP in City Code.

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: This project is compatible with the purpose of the Residential Office 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: No evidence has been found that the project will have a negative impact on the adjoining properties.

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

Finding 4: A professional medical clinic is compatible with the uses of the surrounding land.

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 project.

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 will not 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 addition of a two-story wellness center will not be detrimental to the health, safety or welfare of the surrounding area or 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: The proposed project will comply with the applicable regulations.

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

Finding 9: The site meets the goals and objectives of the Comprehensive Plan.

J. The proposal will comply with all applicable provisions of the Community Design Manual.

Finding 10: All exterior lighting to be down lit to avoid excess light throw per CDM pg 36-37 and HCC 21.59.030.

CONCLUSION

Based on the foregoing findings of fact and law, Conditional Use Permit 11-04 is hereby approved, subject to the following conditions:

1. Parking areas to be paved and striped within 2 years of occupancy of the new addition.
2. The dumpster or garbage area to be screened on three sides with a six foot wooden fence.
3. Project to meet local, state and federal regulations.

Date: _____

Vice-Chair, Tom Bos

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 _____, 2011. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date: _____

Shelly Rosencrans, Planning Assistant

Walt Wrede, City Manager
491 E Pioneer Avenue
Homer, AK 99603

Thomas Klinkner
Birch, Horton, Bittner & Cherot
1127 West 7th Ave
Anchorage, AK 99501



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HOMER ADVISORY PLANNING COMMISSION

May 18, 2011

533 E. Pioneer Avenue

RE: CUP 11-08 amends CUP 10-04 Condition #4 regarding to landscaping and adds Condition #11 requirements a dumpster enclosure.

DECISION

Introduction

The Kachemak Bay Campus applied to the Homer Advisory Planning Commission (the "Commission") to amend CUP 10-04 Condition #4 to replace the fence requirement along Heath Street with planted trees. The dumpster will be move and enclosed with a 6 ft visual buffer.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on May 18, 2011. Notice of the public hearing was published in the local newspaper and sent to 39 property owners of 64 parcels.

At the May 18, 2011 meeting of the Commission, the Commission voted to amend CUP 10-04 with five (5) Commissioners present, five (5) Commissioners voted in favor of amending CUP 10-04.

After due consideration of the evidence presented, the Homer Advisory Planning Commission, hereby makes the following findings of fact and conclusions of law.

Background: On April 7, 2010 the Commission approved CUP 10-04 for the College Expansion with eleven (11) conditions. Condition #4 required a fence and plantings along Heath Street and describes the dumpster location. The College requested the removal of the fence requirement, extension of the planting timeline and is moving the dumpster:

Future plantings: The HAPC voted to increase the total number of new plantings to 37 trees. At the initial planting the trunk diameter to be a minimum of 1 ½ inches, a minimum of 6 ft in height and consist of at least 70% evergreens. Planting to be complete by August (September) 31, 2011.”

An amendment to the landscaping requirement seeks approval under Homer City Code 21.50.030(f)(1)(b) and the Community Design Manual.

HCC 21.50.030(f)(1)(b)(i). A minimum of ten percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

HCC 21.50.030(f)(1)(b)(ii). Parking lots with 24 spaces or more must have a minimum ten foot landscaped buffer adjacent to road rights-of-way;

Finding 1: The College has a minimum 10 foot landscaped adjacent to Heath Street.

The CDM Parking section, p33-35 states that parking lots may not visually dominate Homer’s urban setting. The CDM requirements are intended to mitigate the visual impacts of parking by screening parking lots from public rights-of-way. There are eleven (11) components to the parking lot requirements; #2 and #5 discuss parking lot screening from Heath Street.

(#2). Use landscaping to screen parking lots and service areas. Parking lots and other expansive pavement areas shall include a wall, solid hedge or landscape berm at least 3 feet high (conforming to clear vision requirements at driveway entrance) parallel to the right-of-way to soften the visual impact of the lot from the street.

(#5) Screen or enhance parking lots visible from the Sterling Highway, Lake Street, Heath Street, Main Street, or Pioneer Avenue. Parking lots designed for more than 16 cars and which are visible from these Rights-of-way shall either be partially screened or meet the following landscape standards:

a. Provide tree areas throughout parking lot. Parking lots must include areas for trees.

Finding 2: No trees are planted throughout the parking lot.

Finding 3: Trees will need to be added to the landscaping plan submitted, continuing from the existing plantings to provide a continuous border to the north along Heath Street.

Fencing: In the April 27, 2011 letter the applicant indicated that: “2. The fence is a safety concern and will require ongoing maintenance/repair.”

Finding 4: Fencing maybe substituted with an additional eight (8) spruce trees along Heath Street. This is in addition to those illustrated on the Landscaping Plan L101 dated 1/26/11.

Dumpster: The dumpster will be relocated to the south side next to the shed. The Commission added Condition #11 requiring the dumpster to be enclosed with a 6 ft visual buffer of wood or stone (on three sides).

CONCLUSION: Based on the foregoing findings of fact and law, CUP 11-08 amends CUP 10-04 Condition #4 and adds Condition #11:

CUP 10-04 Condition #4 now reads: In addition to the plantings illustrated on Landscaping Plan 101 dated 1/26/11, the applicant is to plant an additional eight (8) spruce trees along Heath Street. At the initial planting, the trunk diameters are to be a minimum of 1 ½ inches, a minimum of 6 ft in height and consist of at least 70% evergreens. Planting to be complete by September 31, 2011.”

CUP 10-04 adds Condition #11: The dumpster is to be enclosed with a 6 ft visual buffer of wood or stone (on three sides).

Date: _____

Chair, Sharon Minsch

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 _____, 2011. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date: _____

Shelly Rosencrans, Planning Assistant

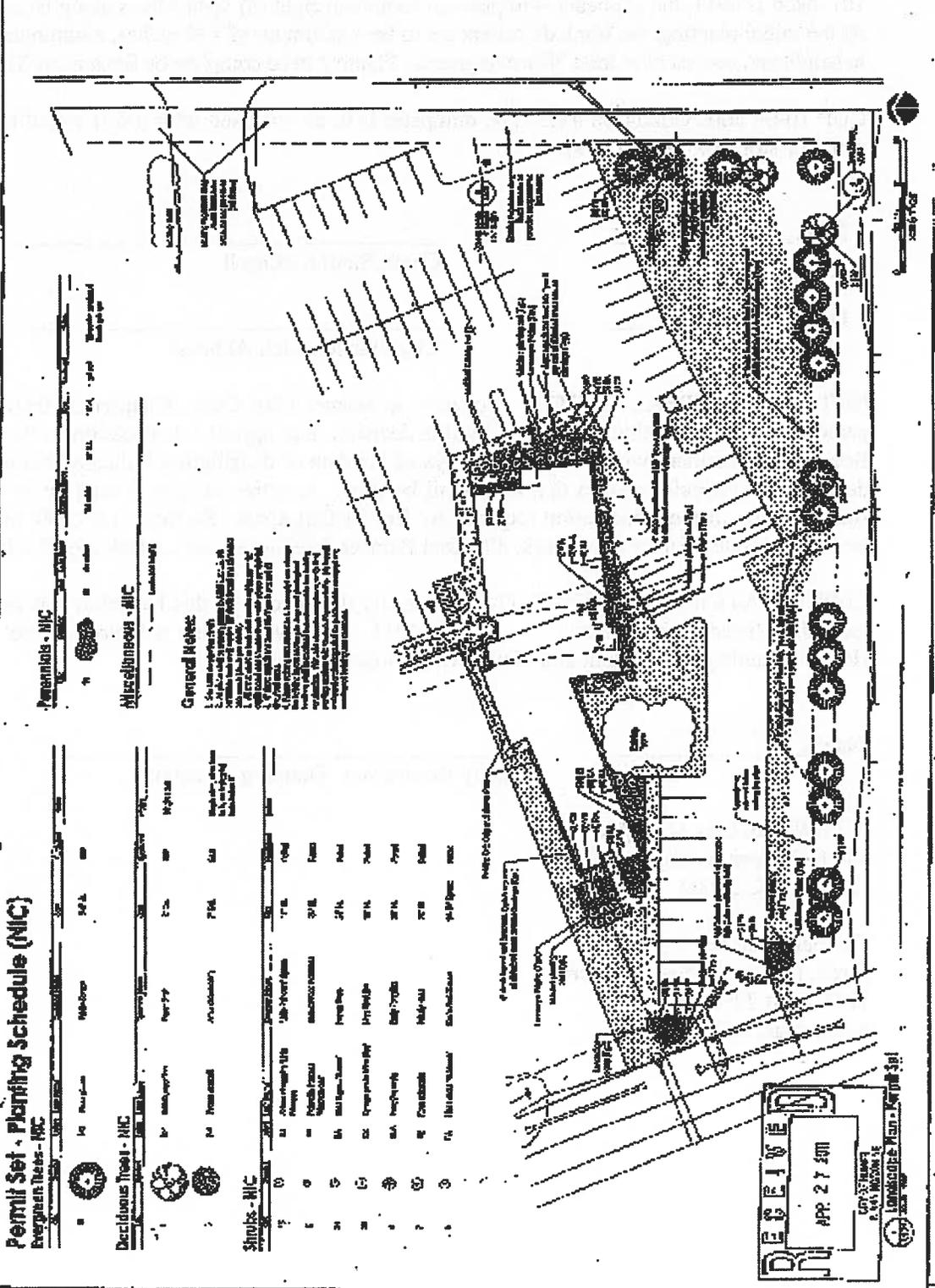
Walt Wrede, City Manager
491 E Pioneer Avenue
Homer, AK 99603

Thomas Klinkner
Birch, Horton, Bittner & Cherot
1127 West 7th Ave
Anchorage, AK 99501



LANDSCAPE PLAN - PLAN 101
 UNIVERSITY OF ALABAMA
 CLASSROOM BUILDING
 100 EAST UNIVERSITY BLVD., TUSCALOOSA, AL 35709

NO.	DATE	DESCRIPTION
1	10/1/88	ISSUED FOR PERMIT
2	10/1/88	ISSUED FOR PERMIT
3	10/1/88	ISSUED FOR PERMIT
4	10/1/88	ISSUED FOR PERMIT
5	10/1/88	ISSUED FOR PERMIT
6	10/1/88	ISSUED FOR PERMIT
7	10/1/88	ISSUED FOR PERMIT
8	10/1/88	ISSUED FOR PERMIT
9	10/1/88	ISSUED FOR PERMIT
10	10/1/88	ISSUED FOR PERMIT



Permit Set - Planting Schedule (NIC)
 Evergreen Trees - NIC

NO.	DESCRIPTION	QUANTITY	DATE	PLANT	SIZE	NOTES
1	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
2	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
3	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
4	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
5	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
6	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
7	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
8	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
9	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
10	1/2" Caliper	100	10/1/88	1/2" Caliper	100	

Shrubs - NIC

NO.	DESCRIPTION	QUANTITY	DATE	PLANT	SIZE	NOTES
1	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
2	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
3	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
4	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
5	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
6	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
7	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
8	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
9	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
10	1/2" Caliper	100	10/1/88	1/2" Caliper	100	

Deciduous Trees - NIC

NO.	DESCRIPTION	QUANTITY	DATE	PLANT	SIZE	NOTES
1	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
2	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
3	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
4	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
5	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
6	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
7	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
8	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
9	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
10	1/2" Caliper	100	10/1/88	1/2" Caliper	100	

Miscellaneous - NIC

NO.	DESCRIPTION	QUANTITY	DATE	PLANT	SIZE	NOTES
1	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
2	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
3	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
4	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
5	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
6	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
7	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
8	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
9	1/2" Caliper	100	10/1/88	1/2" Caliper	100	
10	1/2" Caliper	100	10/1/88	1/2" Caliper	100	

RECEIVED
 APR 27 2011
 LANDSCAPE PLAN - PLAN 101



City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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STAFF REPORT PL 11-66

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 1, 2011
SUBJECT: Planning Director's Report

May 9th Council Meeting

Ordinance 11-15, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 10.04.100, Vehicles and Other Wheeled Conveyances; and Homer City Code 10.04.110, Violation--Penalty; Regarding the Regulation of Parking in the Harbor Area. City Manager/Port and Harbor Director. Recommended dates: Introduction April 25, 2011, Public Hearing and Second Reading May 9, 2011.
ADOPTED without discussion.

Ordinance 11-17, An Ordinance of the City Council of Homer, Alaska, Amending the 2008 Homer Comprehensive Plan to Incorporate the Homer Spit Plan and Recommending Approval of the Amendment by the Kenai Peninsula Borough. Planning.
Recommended dates: Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.
Memorandum 11- from City Planner as backup.
ADOPTED with discussion

Ordinance 11-20, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.24.020, Permitted Uses and Structures; and Homer City Code 21.24.030, Conditional Uses and Structures; Regarding the Permission of Single Family and Duplex Dwellings as Conditional Uses in the General Commercial 1 Zoning District. Planning. Recommended dates: Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.
Memorandum 11-063 from City Planner as backup.
FAILED without discussion.

May 24th City Council Regular Meeting

Ordinance 11-17, An Ordinance of the City Council of Homer, Alaska, Amending the 2008 Homer Comprehensive Plan to Incorporate the Homer Spit Plan and Recommending Approval of the Amendment by the Kenai Peninsula Borough. Planning. Introduction May 9, 2011, Public Hearing and Second Reading May 24, 2011.
Memorandum 11-068 from City Planner as backup.
Passed – On to the Borough!!!

Ordinance 11-19(S), An Ordinance of the City Council of Homer, Alaska, Establishing a Preliminary Budget and Authorizing the Expenditure of \$486,948 from Depreciation Reserves for the Renovation and Expansion of City Hall. Roberts/Wythe.

Passed – we will be moving to the old high school

Resolution 11-041, A Resolution of the City Council of Homer, Alaska, Approving and Adopting a New, Amended Standard Ground Lease Document, and Authorizing the Amendment of the City of Homer Property Management Policy and Procedures Manual to Conform to the Amended Standard Ground Lease Document.

City Manager/Lease Committee. (Postponed from April 25, 2011.

Memorandum 11-060 from Lease Committee Staff as backup.

Memorandum 11-058 from City Manager to Lease Committee as backup.

Adopted with amendment

June 13th Regular City Council Meeting

Ordinance 11-, An Ordinance of the City Council of Homer, Alaska, Amending Sections of Title 21 Regarding Hostels. Wythe. Recommended dates: Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Activities: Our office will be down one person for the summer as Julie is having her baby. We do not have much of an option for hiring a temp due to budget constraints. I expect that we will be concentrating on the basics and will not be able to be very proactive in regards to non-routine daily activities.

We have crafted and are sending out notices to Ocean Drive and Spit Businesses that temporary signs found in violation of regulations are subject to removal and fines will be levied before they are eligible to be returned.

Planning offices to be temporarily relocated in HERC building (old high school). We are boxing things up and plan to have things moved Friday the 27th. I figure that we will be unavailable to the public for several days after Memorial Day, getting things back to working order. It is thought that we will have a better working environment than if we had stayed during construction and the contractors may be able to move their schedule ahead by having access to the Planning, IT and shortly afterward the Administration offices in the building.

Dealing with moving and being down a staff member will curtail the amount of time that we will be able to devote to projects. As of now, I do not have anything requiring public hearings besides this meetings CUP and the Becker appeal scheduled to be continued June 15th. After this, the next scheduled meeting is July 20th.



City of Homer
 Planning & Zoning
 491 East Pioneer Avenue
 Homer, Alaska 99603-7645

Telephone (907) 235-8121
 Fax (907) 235-3118
 E-mail Planning@ci.homer.ak.us
 Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-58

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
MEETING: June 1, 2011
SUBJECT: CUP 11-10, 5155 Kachemak Drive

SYNOPSIS: The boat yard on Kachemak Drive would like to rebuild the boat shop building that was destroyed by fire in the spring of 2011. A CUP is needed for:

- HCC 21.24.030(k) More than one building containing a permitted principal use on a lot.
- HCC 21.24.040(d) More than 8,000 sf of building area.

Applicants: Ken and Roseleen Moore
Location: 5155 Kachemak Drive AKA Lot 5-A-1 Northern Enterprises No. 1 Sub.
Parcel ID: 17420315
Lot Size(s): 5.766 acres
Zoning Designation: General Commercial 1
Existing Land Use: Boat storage and commercial shops
Surrounding Land Use:
 North: Commercial
 South: Boat storage and commercial shops
 East: Residential and boat launch
 West: Boat storage and commercial shops
Comprehensive Plan: Strengthen the marine trade, mariculture, and shipping industries.
 Economic Vitality: GOAL 6: Pg 8-2.
Wetland Status: No designated wetlands.
Flood Plain Status: Not in a Flood zone
BCWPD: Not in the Bridge Creek Watershed Protection District
Utilities: No well, no septic/holding tank. Public water & sewer LID is out to vote.
Public Notice: Notice was sent to 8 property owners of 17 parcels as shown on the KPB tax assessor rolls.

On March 18, 2011, a fire destroyed a 12,372.25 sf boat shop at the Northern Enterprise Homer Boat Yard. The applicant would like to rebuild the shop using the same footprint. This 5.766 acre parcel is one of three lots owned by the applicant, and has direct access to the boat haul-out on Kachemak Drive. This application reviews only Lot 5-A-1, the most northern lot. The survey dated April 19, 2011 shows seven existing buildings; the eighth building was destroyed by fire. The combined square footage of all the buildings is 22,700 sf. A CUP is needed for:

- HCC 21.24.030(k) More than one building containing a permitted principal use on a lot.
- HCC 21.24.040(d) More than 8,000 sf of building area.

Existing bldg.	Use
1,200 sf	storage
576 sf	storage
2,520 sf	welding, appliance repair
4,800 sf	mini storage
1,232 sf	house
Reconstruct bldg.	
12,372 sf	boat repair
22,700	Total SF

Nonconforming structures: The property was annexed by the City of Homer in 2003. The existing structures meet the required setbacks, 5 feet from the side and 20 feet from Kachemak Drive.

Fire Marshal: The property was annexed in 2003 so the City does not have Fire Marshal certificates for any of the buildings. **Condition #1 requires that the proposed building meet the State Fire Marshal standards.**

Storm Water Plan(SWP): In the GC1 district, a Storm Water Plan is required when a site increases their impervious coverage, HCC 21.50.030(e). This proposal does not increase the impervious coverage so a stormwater plan is not required under HCC 21.75.020(i).

DEC: State and federal stormwater pollution prevention (SWPP) requirements have been in effect since the mid 1990's and are now administered by the Dept. of Environmental Conservation (DEC). The DEC requirements deal with pollution prevention, minimizing chemical exposure, maximizing infiltration and buffering discharge from adjacent water bodies. Public water and sewer is not required for a viable SWPP Plan. These standards may be in place. If so, a Notice of Intent needs to be registered with DEC under the Multi Sector General Permit. **Staff recommends that the applicant file a Notice of Intent for a Stormwater Pollution Prevention Plan with DEC prior to issuance of a zoning permit.**

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: With a CUP, Homer City Code allows:

More than one building containing a permitted principal use on a lot per HCC 21.24.030(k).

More than 8,000 sf of building area per HCC 21.24.040(d).

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

Analysis: The purpose of the "GC1 district is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area, and to provide business

locations in proximity to arterials and transportation centers. It is also intended to minimize congestion and adverse effects on adjacent residential districts and on the appearance of the community” per HCC 21.24.010.

This proposal occupies a large land area with frontage on Kachemak Drive, and within .25 mile of East End Road. Neighboring properties are devoted to storage, shops, and warehouses with a few residential units amongst the commercial activity.

Finding 2: This project is compatible with the purpose of the GC1 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 original building was built in the 1980’s and destroyed by fire in the spring of 2011. The value of the adjoining property was not negatively affected greater than that of other permitted or conditionally permitted uses in the district such as heavy equipment and truck sales.

Finding 3: No evidence has been found indicating that the project will have a negative impact greater than that of other permitted or conditionally permitted use permitted in the district.

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

Analysis: The surrounding properties include boat storage, shops, marine equipment sales and a few residential units.

Finding 4: Reconstructing the shop 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 structure.

Analysis: Public water and sewer to be extended to this site during the summer of 2011 and/or 2012. If public water and sewer is not provided by the July 1, 2012 the applicant to install an alternative source for water and sewer by Dec. 31, 2012.

Finding 5: Public water and sewer is not adequate but are due to be constructed during the summer of 2011 and/or 2012.

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 reconstruction of a shop does not harm the character of the neighborhood and will not introduce additional generation of traffic or other undue harmful effects. Many properties in the GC1 district have more than one structure on a lot.

Finding 6: This reconstruction of a shop is in harmony with the scale, bulk, coverage, density, and traffic generation of the surrounding GC1 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.

Analysis: State and federal stormwater pollution prevention requirements have been in effect since the mid 1990's and are now administered by the Dept. of Environmental Conservation. The DEC requirements deal with pollution prevention, minimizing chemical exposure, maximizing infiltration and buffering on-site discharge from adjacent water bodies. These standards may be in place. **Staff recommends that the applicant provide verification that the site is current with existing DEC stormwater pollution prevention standards.**

Finding 7: The reconstruction of a shop will not be detrimental to the health, safety or welfare of the surrounding area or city as a whole.

Finding 8: Public water and sewer, fire marshal certification and stormwater pollution prevention is needed for the health and safety of the surrounding area.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Analysis: Prior to issuance of a Zoning Permit the applicant to provide Fire Marshal certification for all existing and proposed buildings, and verification that the site is in compliance with DEC stormwater runoff standards.

Finding 9: This proposal shall comply with local, state and federal regulations.

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

Analysis: The project is aligned with the goals of the 2008 Homer Comprehensive Plan as by supporting the marine trades. Economic Vitality: GOAL 6: Pg 8-2.

Finding 10: The project meets goals and objectives of the 2008 Homer Comprehensive Plan.

j. The proposal will comply with all applicable provisions of the Community Design Manual (CDM).

Finding 11: The CDM does not apply in this area of the GC1 district.

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 conditions deemed necessary.
- 2. Fences, walls and screening.** No conditions deemed necessary.
- 3. Surfacing of vehicular ways and parking areas.** No conditions deemed necessary.
- 4. Street and road dedications and improvements (or bonds).** No conditions deemed necessary.

5. **Control of points of vehicular ingress and egress.** No conditions deemed necessary.
6. **Special restrictions on signs.** No conditions deemed necessary.
7. **Landscaping.** No conditions deemed necessary.
8. **Maintenance of the grounds, buildings, or structures.** No conditions deemed necessary.
9. **Control of noise, vibration, odors, lighting or other similar nuisances.** Surrounding properties are used for boat storage and shops which generate noise, vibrations and odors.
10. **Limitation of time for certain activities.** The property is surrounded by commercial activity so no time conditions deemed necessary.
11. **A time period within which the proposed use shall be developed and commence operation.** No conditions deemed necessary.
12. **A limit on total duration of use or on the term of the permit, or both.** No 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. No conditions deemed necessary.
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.** No conditions deemed necessary.

PUBLIC WORKS COMMENTS: Provided timeline for Condition 3.

FIRE DEPARTMENT COMMENTS: Fire Marshal approval needed.

STAFF COMMENTS/RECOMMENDATIONS: Approval requires 5 yes votes.

Planning Commission approve CUP 11-10 with the following conditions:

1. Prior to issuance of a Zoning Permit, the applicant to provide verification that the proposed building meets the State of Alaska Fire Marshal standards.
2. Prior to issuance of a Zoning Permit, the applicant to file a Notice of Intent for a Stormwater Pollution Prevention Plan per HCC 21.70.020(b)(7).
3. If public water and sewer is not provided by Dec. 31, 2012 the applicant to install an alternative source for water and sewer by Sept. 15, 2014.

ATTACHMENTS

1. Vicinity map
2. Application
3. Building elevation
4. Survey dated April 18, 2011



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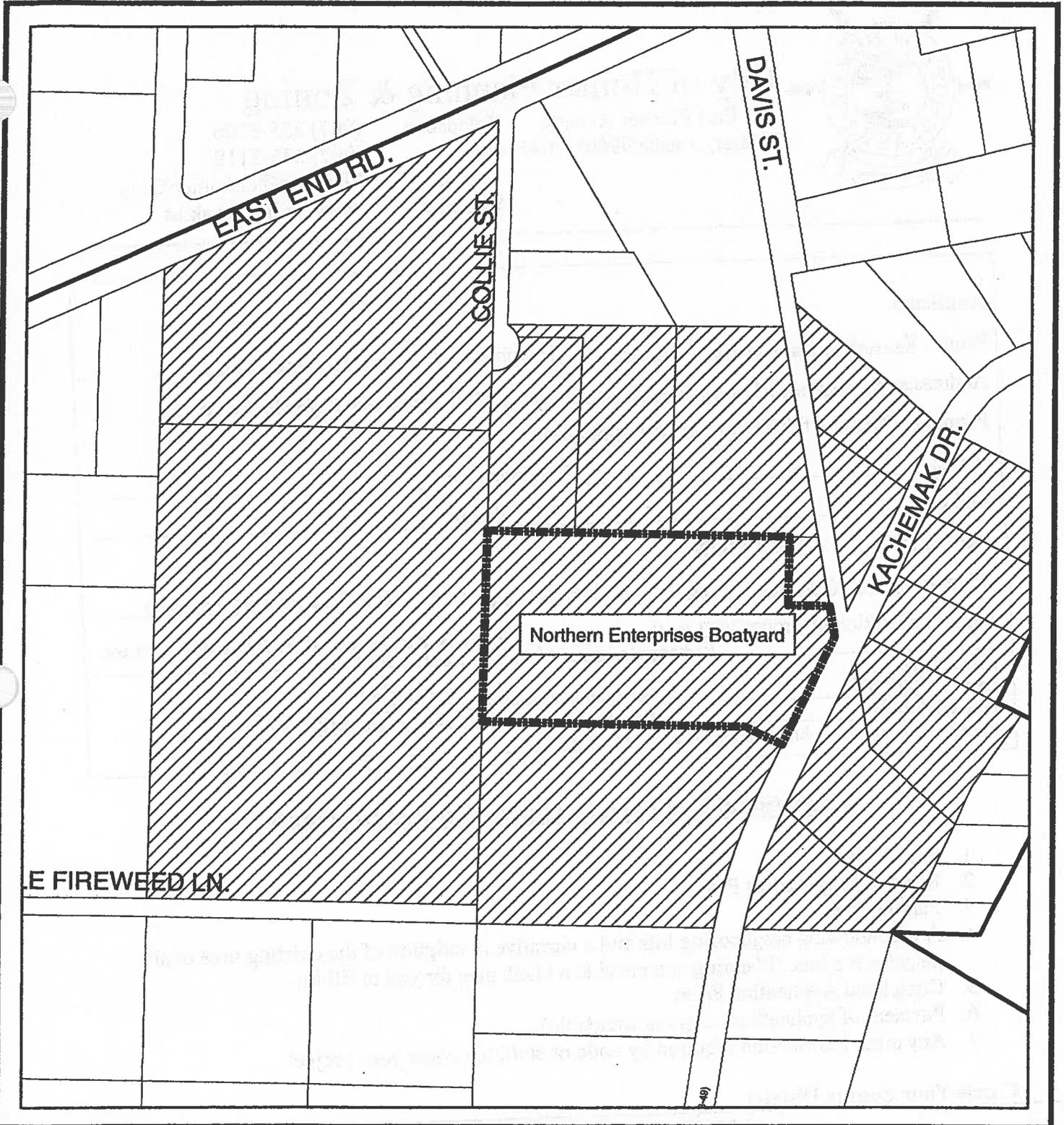


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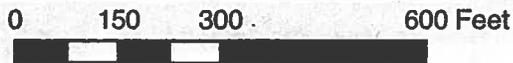





City of Homer
 Planning and Zoning Department
 5.20.11

CUP 11-10. 5155 Kachemak Drive
Northern Enterprises Boatyard
More than one principle building
More than 8000sq. ft. building area

Shaded area is w/in 300ft. notice




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.



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Applicant

Name: Kenneth + Roseleen Moore Telephone No.: 907-235-8234
 Address: 3140 Kachemak Drive, Homer AK 99603 Email: kshores@ptialaska.net

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____
 Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 5155 Kachemak Drive Lot Size: 5.766 acres KPB Tax ID # 17420315
 Legal Description of Property: T16S R13W Sec 11 Seaward Meridian HM 2002067 Northern Enterprises No 1 Lot 5-A-1

For staff use:
 Date: 4/29/11 Fee submittal: Amount 500.00
 Received by: [Signature] Date application accepted as complete 4/29/11
 Planning Commission Public Hearing Date: 6/1/2011

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GCD	GC2	MC	MI	OSR	BCWPD
Level 1 ROW Access Plan	x	x							x		x	
Level 1 Lighting			x	x	x	x	x	x	x	x		
Level 2 ROW Access Plan			x	x	x		x	x		x		
Level 3 ROW Access Plan						x						

Circle applicable permits. Planning staff will be glad to assist with these questions.

- Y N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: REBUILDING COMMERCIAL BUILDING
- Y N Will your development trigger a Development Activity Plan? Application Status: _____
- Y N Will your development trigger a Storm water Plan? Application Status: _____
- Y N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- Y N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- Y N Does your project trigger a Community Design Manual review? If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- Y N Do you need a traffic impact analysis?
- Y N Are there any nonconforming uses or structures on the property? GRANDFATHERED
- Y N Have they been formally accepted by the Homer Advisory Planning Commission? GRANDFATHERED
- Y N Do you have a state or city driveway permit? Status: _____
- Y N Do you have active City water and sewer permits? Status: _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)? Building used for boat repairs and for building new boats, vehicle repairs, storage
other buildings: 12,372.25 sq ft
1200 sq ft - storage
576 sq ft - empty
2520 sq ft - welding shop | Appliance repair & Private repair + storage shop
4800 sq ft - mini storage
1232 sq ft - portable house. rental

2. What is the proposed use of the property? How do you intend to develop the property?
(Attach additional sheet if needed. Provide as much information as possible). Reconstruct boat bay building so that individuals can rent space to have work done on their vessels, have new vessels built, work on equipment, vehicle repair and store gear.

CONDITIONAL USE INFORMATION: (Please use additional sheet(s), if necessary)

- a. What code citation authorizes each proposed use and structure by conditional use permit?
HCC 21.24.030 (k) More than 1 permitted principal building
HCC 21.24.040 More than 8,000 sf of building area
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. large boat storage requires large land area, vehicle access
- c. How will your proposed project affect adjoining property values? Should have no affect, due to the fact that we are only reconstructing a building that was damaged in a fire and has been in existence for 30 years.

- d. How is your proposal compatible with existing uses of the surrounding land? All surrounding land is presently used for boat storage, equipment storage, businesses involved in fishing industry.
- e. Are/will public services adequate to serve the proposed uses and structures?

Yes

- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? No changes are expected as business has been operating with this building-boat bays - for over 30 years. Without this building the local economy will feel the effect from loss of revenue.

- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?

No - it is an asset as a whole to the city + surrounding area

- h. How does your project relate to the goals of the Comprehensive Plan?

The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:

<http://www.ci.homer.ak.us/documents/planning> Our project will continue to be a valuable asset to the city as well as the marine industry. We take care of individuals in commercial fishing, charter services, marine observation vessels and personal boat owners. Our clients range from in town, out of town, the lower 48 and Canada. It provides economic growth, specialized tradesmen, services essential for the marine industry. It offers a place for small businesses to operate.

- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)

1. Y/N Special yards and spaces.
2. Y/N Fences, walls and screening.
3. Y/N Surfacing of parking areas.
4. Y/N Street and road dedications and improvements (or bonds).
5. Y/N Control of points of vehicular ingress & egress.
6. Y/N Special provisions on signs.
7. Y/N Landscaping.
8. Y/N Maintenance of the grounds, buildings, or structures.
9. Y/N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. Y/N Time for certain activities.
11. Y/N A time period within which the proposed use shall be developed.
12. Y/N A limit on total duration of use.
13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
14. Y/N Other conditions deemed necessary to protect the interest of the community.
15. Y/N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.

PARKING

- 1. How many parking spaces are required for your development? 8
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). N/A
- 2. How many spaces are shown on your parking plan? 8
- 3. Are you requesting any reductions? NO

Include a site plan, drawn to a scale of not less than 1" = 20' which shows allow existing and proposed structures, clearing, fill, vegetation and drainage.

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:

CIRCLE ONE: Owner of record Lessee Contract purchaser

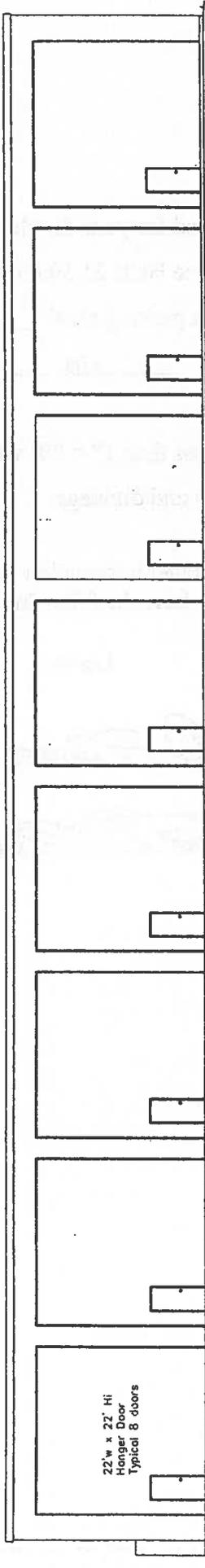
Applicant signature [Signature] Date: 4/29/11

Property Owner's signature [Signature] Date: 4/29/11

CUP 11-10 5155 Kachemak Drive

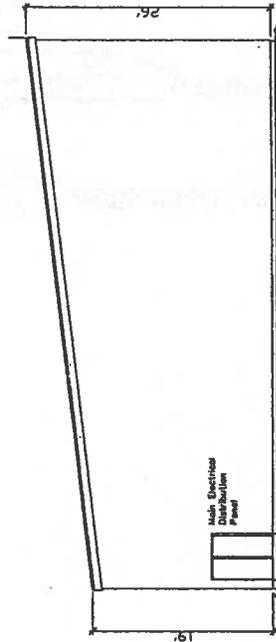


BACK ELEVATION



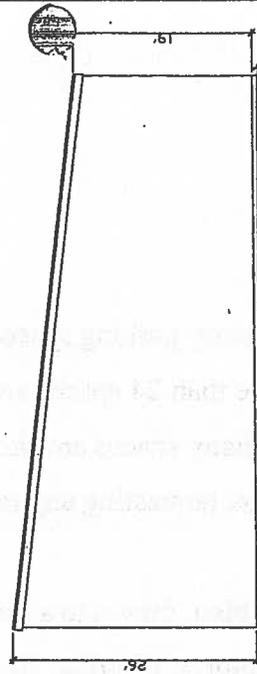
22'w x 22' Hi
Hanger Door
Typical 8 doors

FRONT ELEVATION



Main Electrical
Distribution
Panel

LEFT SIDE ELEVATION

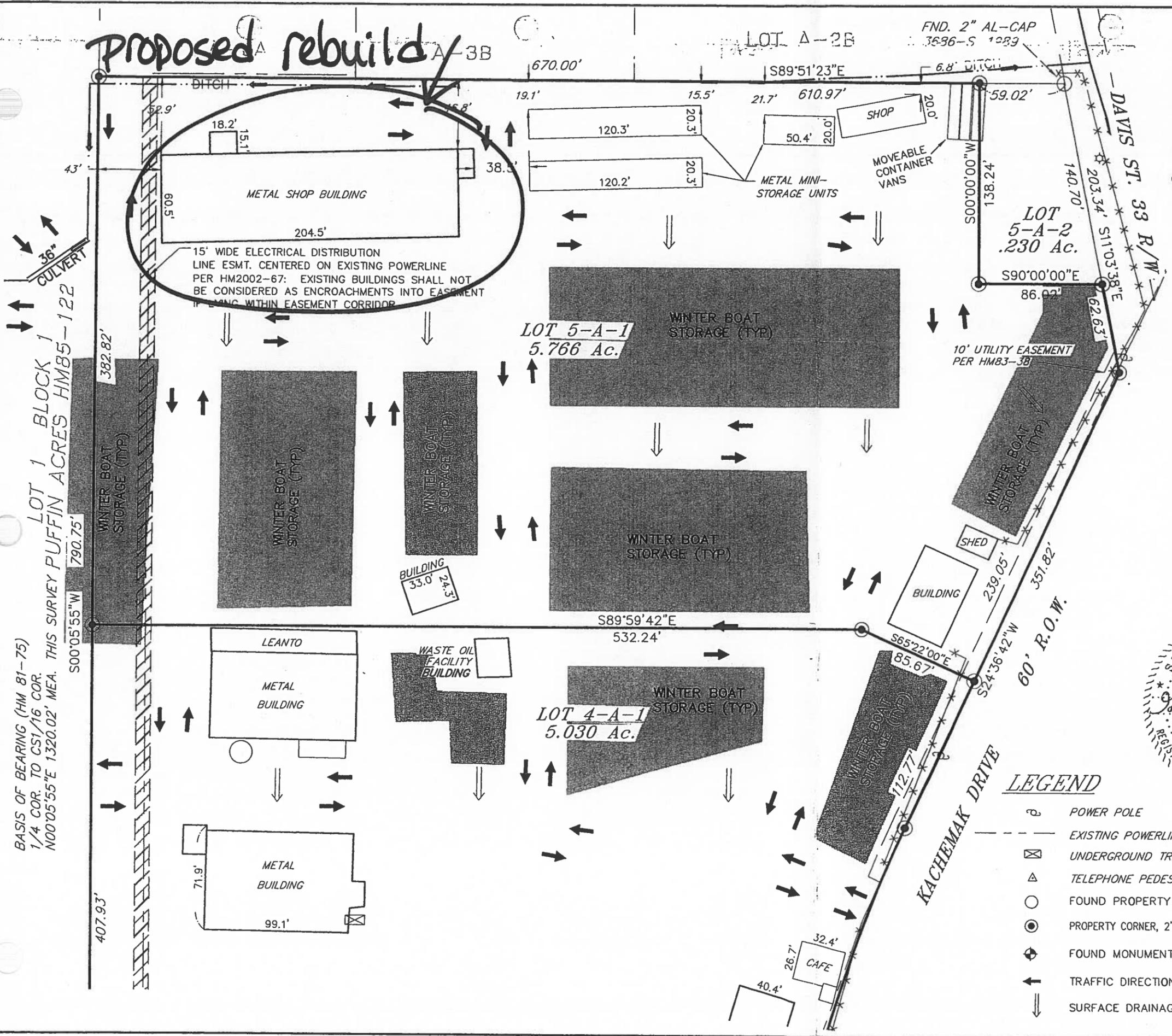


RIGHT SIDE ELEVATION

NORTHERN ENTERPRISES
BUILDING #4
SUNLAND DEVELOPMENT CO.
SCALE 1/16" = 1'0"

JOB No.	4548
DATE	7/15/2010
SCALE	1" = 70'
TAX PARCEL	174-20-315
PLAT No.	2002-67
SECTION	SE-1/4, 11
TOWNSHIP	6S
RANGE	13W (SM)

Proposed rebuild



NOTES

1. ALL BUILDING DIMENSIONS AND DISTANCES ARE TO THE EXTERIOR FACE OF FINISHED STRUCTURE UNLESS OTHERWISE SHOWN.
2. OWNER SHOULD REFER TO CITY OF HOMER BUILDING REQUIREMENTS FOR APPROPRIATE SETBACK DISTANCES.
3. THIS SURVEYOR TAKES NO RESPONSIBILITY TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
4. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 5-A-1, OF THE "NORTHERN ENTERPRISES NO. 1", SUBDIVISION PLAT #2002-67 FILED IN THE HOMER RECORDING DISTRICT. THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND EASEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.
5. DRAINAGE ACROSS LOT 5-A-1 IS GENERALLY SHEET DRAINAGE TO THE SOUTH AT APPROXIMATE 2% GRADE.
6. TRAFFIC PATTERNS ACROSS LOT 5-A-1 ARE UNCONTROLLED DUE TO EXTREMELY LOW TRAFFIC VOLUMES. PHYSICAL ACCESS TO PUBLIC THOROUGHFARES (KACHEMAK DRIVE) ARE CROSSING LOT 4-A-1, HENCE THE ACCESS PORTION OF LOT 4-A-1 IS SHOWN.
7. BOAT STORAGE AREAS (SHOWN AS GRAYED AREAS) ARE APPROXIMATE AND TYPICALLY ONLY OCCUPIED DURING WINTER MONTHS.
8. ON THE DATE OF THIS SURVEY THE OWNER'S OF THE SUBJECT LOT ALSO OWN ADJOINING PARCELS TO THE WEST, SOUTH, AND EAST.



LEGEND

- ⊙ POWER POLE
- EXISTING POWERLINE
- ⊠ UNDERGROUND TRANSFORMER
- △ TELEPHONE PEDESTAL
- FOUND PROPERTY CORNER AS DESCRIBED
- ⊙ PROPERTY CORNER, 2"AL-CAP, 7610-S, (2000)
- ⊕ FOUND MONUMENT OF RECORD
- TRAFFIC DIRECTIONAL ARROW
- ⇄ SURFACE DRAINAGE DIRECTIONAL

AS-BUILT SURVEY

LOT 5-A-1
NORTHERN ENTERPRISES NO.1 (SUBDIVISION)
 WITHIN THE CITY OR HOMER, ALASKA
 HOMER RECORDING DISTRICT

ABILITY SURVEYS
 REGISTERED LAND SURVEYORS
 GARY D. NELSON, PLS
 (907) 235-8440
 152 DEHEL AVE, HOMER, ALASKA 99603

BASIS OF BEARING (HM 81-75)
 1/4 COR. TO CS1/16 COR.
 N00°05'55"E 1320.02' MEA. THIS SURVEY PUFFIN ACRES HM85-122



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STAFF REPORT PL 11-60

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 18, 2011, June 1, 2011
SUBJECT: Draft Ordinance amending Chapter 21.34 Conservation District

GENERAL INFORMATION:

Staff has incorporated changes and had the attorney review and amend the draft ordinance. Changes include a different positioning relating to public land and private lands with consent of owner, the elimination of the reference of public utilities in the purpose statement and the dimension limits found in the conditional use of public utility facility and structures that cannot be reasonably located in another district.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss the draft ordinance, review the amendments and recommend public hearing on June 1st.

ATTACHMENTS

1. 5.10.11 Attorney Review Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.34.010, PURPOSE; HOMER CITY CODE 21.24.020, PERMITTED USES; AND HOMER CITY CODE 21.34.030, CONDITIONAL USES; REGARDING THE PURPOSE AND USES PERMITTED IN THE CONSERVATION ZONING DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.34.010, Purpose, is amended to read as follows:

21.34.010 Purpose. ~~The purposes of the conservation district~~ **is applied to sensitive** ~~are primarily to identify, protect and enhance those public lands that are have been identified by state or federal agencies or the City of Homer as habitat-critical to the maintenance of fish and wildlife resources,~~ **protect important watershed areas, or serve other key environmental functions. Private lands meeting the same criteria also may be included in the district with the consent of the owner. These lands are to be maintained in an undisturbed and natural state, except for and secondarily including parks with passive** ~~whose recreation activities and facilities are passive in nature, (e.g., those activities that include wildlife viewing, nature walks, educational and interpretive uses) and other uses that do not change the character of the land or disrupt fish and wildlife.~~ **Passive recreation activities are secondary to habitat protection and enhancement.**

Section 2. Homer City Code 21.34.020, Permitted uses, is amended to read as follows:

21.34.020 Permitted uses. The following uses are permitted outright in the conservation district:

- a. Fish and wildlife habitat protection and enhancement, ~~and~~
- b. Marine-life and wildlife sanctuary or preserve.

Section 3. Homer City Code 21.34.030, Conditional uses, is amended to read as follows:

21.34.030 Conditional uses. The following uses are conditionally permitted in the conservation district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Pedestrian trails, including boardwalks and viewing platforms, ~~and~~
- b. Educational and interpretive displays and signs, ~~and~~

[Bold and underlined added. Deleted language stricken through.]

P:\PACKETS\PCPacket 2011\Ordinance\Conservation\CONS ordinance att edit 5.10.11.DOCX

43 c. **Public utility facilities and structures that cannot be reasonably located in another**
44 **district.**

45 **d.** Parking lots incidental to a permitted or conditionally permitted use; ~~and~~
46 **ed.** Other conservation uses that will enhance the conservation district, approved by the
47 Planning Commission, provided, however, a finding of no adverse impact to the integrity of the
48 fish and wildlife resources and habitat must be found.

49
50 **Section 4.** This Ordinance is of a permanent and general character and shall be included
51 in the City Code.

52
53 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
54 _____ 2011.

55
56 CITY OF HOMER

57
58
59 _____
60 JAMES C. HORNADAY, MAYOR

61
62 ATTEST:

63
64
65 _____
66 JO JOHNSON, CMC, CITY CLERK

67
68 YES:

69 NO:

70 ABSTAIN:

71 ABSENT:

72
73 First Reading:

74 Public Hearing:

75 Second Reading:

76 Effective Date:

77
78 Reviewed and approved as to form:

79
80
81 _____
82 Walt E. Wrede, City Manager

81 _____
82 Thomas F. Klinkner, City Attorney

83 Date: _____

Date: _____

[Bold and underlined added. Deleted language stricken through.]



City of Homer Planning & Zoning

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STAFF REPORT PL 11-59

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 18, 2011, June 1, 2011
SUBJECT: Draft East End Mixed Use Ordinance

GENERAL INFORMATION

The Commission reviewed the ordinance at the May 4th work session and then postponed the item at the regular meeting. The Commission identified three areas for further work: uses to revisit, residential uses, and district boundaries for the May 4th meeting. The rest of the staff report is the one that was visited at the work session. The Commission should review and make motions on the record of their decisions.

ANALYSIS:

Uses to Revisit:

Permitted uses:

- Production, processing, assembly and packaging of fish, shellfish and seafood products: The Commission wanted to revisit this use due to concerns over odors and waste that might be generated by a cannery or similar operation. Examples of these uses are canneries, smaller custom packing like a Fisherman's Resort, smoking operations, or the packaging and shipping of oysters or preprocessed fish. **Staff comment:** the city dock and fish grinder facilities are on the Spit; hopefully they would attract a large processor. Smaller facilities that do not need direct access to salt water or to unload commercial fishing vessels could be located anywhere (with proper DEC approvals). This can clearly be seen in Anchor Point, Ninilchik, Kasilof and other coastal communities. It is staff's opinion, that processing should be allowed in other locations than the Spit, possibly as a conditional use, and possibly with a square footage limit. **Staff Recommendation:** Allow this use, and decide whether it should be permitted outright, or conditional.
- Public stables and private stables; The Commission eliminated stables, but the ordinance still allows for the raising of livestock (line 37). Horses are livestock according to staff's research. Stables simply regulate the occupancy type of the horse – are horses boarded or for sale in the facility, or not. The elimination of stables means someone can raise horses in a field, but cannot have a building to keep the horses. Horses for sale in a building are defined as a public stable; horses not for sale or boarding in a barn are a private stable. Please refer to zoning code definitions of "agricultural activity," "stable public" and "stable private." **Staff Recommends** allowing public and private stables.

Conditional Uses:

- **Bulk petroleum product storage above ground; and Underground bulk petroleum storage.** Staff research: a new gas station might have bulk petroleum storage of 20,000 gallons in the Homer market. A tank farm and home delivery fuel company would have more on the order of 40,000 gallons or more. Only two districts in Homer allow for bulk petroleum storage: GC2, and Marine Commercial. Staff received public comment that the Spit is a poor location for a bulk fuel facility (flood zone/earthquake/tsunami hazards); it would be a good idea to allow this activity in another part of the City. Staff also comments that if the 2008 Comprehensive Plan land use map is followed, there will be relatively little GC2 property available for this use. East End Mixed Use will be the main mixed use/industrial zone. IE, if only GC2 land is really viable for a new tank farm, that may not be a large enough area or suitable for this type of facility. **Staff Recommends** that bulk petroleum storage (above or below ground) be a conditional use in the EEMU.
- **Impound yards;** This activity is allowed only in GC2 under current code. **Staff recommends** it be allowed as a conditional use, as are junk yards, in the EEMU district.
- **Day care facilities;** provided, however, that outdoor play areas must be fenced. Staff comment: day care facilities (not in home daycare, but a standalone business) are allowed pretty much city wide as a conditional use (from rural residential to GC2). Staff does not have an opinion on if they should be included in the EEMU district.

Residential Uses

Previous discussion: Do not want to see expansion of single family housing as a primary use in this district. This is a mixed use and industrial area.

Question: (NEW CONSTRUCTION) Is a detached structure/home acceptable if there is a primary business activity on the lot? Example: A storage unit, automotive business, or contractor establishment, with a detached home. The home could be employee housing, owner housing or a rental. Staff does not want to regulate who is living in the structure at any given time; it could not be realistically enforced, and nowhere else in code do we regulate occupancy in this way.

- **At Minimum, Staff recommends** allowing the rebuilding of existing lawful non-conforming homes within 1 year of damage. Staff contends the existing housing is not going to 'go away' very quickly. IE people are not tearing them down to build businesses very often. Homes along Kachemak Drive and those associated with commercial businesses have been in place for many years and will continue indefinitely.
- **Staff further recommends** allowing detached dwelling units as an accessory use on a lot with a primary commercial use. Staff and the Commission can further work on defining exactly what 'accessory use' would look like, if the Commission agrees with this idea.

Conditional residential uses, up for discussion (Staff note: generally describes the structure)

- a. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)

- b. Single family and duplex dwellings, including mobile homes (not including mobile home parks)
- c. Townhouses; (these are an architectural and ownership arrangement; if multifamily is allowed, then keep townhouses).
- d. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- e. Group care homes and assisted living homes.

Staff Recommends allowing all these uses and structures.

Permitted outright (Staff note: these are generally USES – this does not describe the STRUCTURE that the activity occurs in)

Items 1 and 2 below mean, IF a CUP was granted for the new residential structure, then the occupants could use the home for these business uses, generally without more permitting.

1. Day care homes; all outdoor play areas must be fenced and provided that a conditional use permit was obtained for the dwelling, if required by HCC § 21.27.030
2. Rooming house and bed and breakfast, provided that a conditional use permit was obtained for the dwelling, if required by HCC § 21.27.030
3. Dormitory
4. Caretaker or dormitory residence (GC2 permitted accessory use, allows for a standalone housing structure)

Staff Recommends allowing all these uses.

District Boundaries

Discussion: The triangle area that was annexed is already fairly densely developed. One of the reasons the boundaries of the EEMU is so large in the comp plan is to better use the area available for a future commercial/mixed use hub for the community, particularly for those businesses that don't need high visibility locations like Ocean Drive. If the new district only encompasses the existing annexed area, that will only address the current zoning issues. We need forward thinking about future growth and development over the next 20 years as outlined in the comp plan. **Staff Recommends** using the district boundaries as shown in the 2008 Comprehensive Plan.

Next steps for staff:

- Send ordinance to attorney for review; then
- Post to city website and mail notice to property owners
- Public outreach over the summer
- Plan for fall neighborhood meetings

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Determine if "Production, processing, assembly and packaging of fish, shellfish and seafood products" should be allowed outright, or conditionally;
2. Allow Bulk petroleum storage (above or below ground) as a conditional use;
3. Allow Impound yards as a conditional use;
4. Allow public and private stables as a permitted use;
5. Allow detached dwelling units as an accessory use on a lot with a primary commercial use. Staff and the Commission can further work on defining exactly what 'accessory use' would look like, if the Commission agrees with this idea.
6. Allow all the permitted and conditional uses and structures in the draft ordinance.
7. Use the district boundaries as shown in the 2008 Comprehensive Plan.

ATTACHMENTS

1. May 4, 2011 Draft Ordinance

May 4, 2011 DRAFT**Chapter 21.27****EEMU East End Mixed Use District****21.27.010 Purpose****21.27.020 Permitted uses and Structures****21.27.030 Conditional Uses and Structures****21.27.040 Dimensional requirements****21.27.050 Site and Access Plans****21.27.060 Traffic Requirements.****21.27.070 Site Development Requirements.****21.27.080 Nuisance standards.****21.27.090 Lighting Standards.**

21.27.010 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 residential and non-residential uses with conflicts being resolved in favor of non-residential uses.

21.27.020 Permitted uses and structures. The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter.

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair,
- b. Auto fueling stations and drive-in car washes;
- c. Building supply and equipment sales and rentals;
- d. Lumberyards;
- e. Garden supplies and greenhouses;
- f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
- g. Welding and mechanical repair;
- h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- i. Religious, cultural, and fraternal assembly;
- j. Studios
- k. Personal services
- l. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, tree farms and greenhouses provided that:
 - Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within one hundred feet of any residence other than the dwelling on the same lot,
- m. Storage of heavy equipment, vehicles or boats
- n. Plumbing, heating and appliance service shops,
- o. Home occupations, provided they conform to the requirements of HCC § 21.51.010

- 45 p. Mortuaries and Crematoriums;
 46 q. Open air businesses;
 47 r. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 48 s. Manufacturing, fabrication and assembly
 49 t. Retail businesses;
 50 u. Trade, skilled or industrial schools;
 51 v. Wholesale businesses, including storage and distribution services incidental to the
 52 products to be sold;
 53 w. Parks and open space;
 54 x. Warehousing, commercial storage and mini-storage;
 55 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.(a),(b),(c)
 56 (allows storage of an RV as accessory to a dwelling, and for a guest to stay on site up to
 57 90 days a year)
 58 z. Dry cleaning, laundry, and self-service laundries;
 59 aa. Mobile food services;
 60 bb. As an accessory use, one small wind energy system per lot
 61 cc. Production, processing, assembly and packaging of fish, shellfish and seafood products;
 62 **(REVISIT)**
 63 dd. Construction, assembly and storage of boats and boat equipment;
 64 ee. Research and development laboratories;
 65 ff. Storage and distribution services and facilities, including truck terminals, warehouses and
 66 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 67 similar uses;
 68 gg. Cold storage facilities;
 69 hh. Mobile commercial structures;
 70 ii. Dwelling units located in buildings primarily devoted to business uses; (Commission
 71 already agreed to this, during discussion of SR 11-22, February)
 72 jj. *Update HERE for final district uses...this is a placeholder for now!* Customary
 73 accessory uses...(Include residential uses like too!)Accessory uses to the uses permitted
 74 in the EEMU district that are clearly subordinate to the main use of the lot or building,
 75 such as wharves, docks, restaurant or cafeteria facilities for employees; or caretaker or
 76 dormitory residence if situated on a portion of the principal lot: provided that separate
 77 permits shall not be issued for the construction of any type of accessory building prior to
 78 that of the main building.(other code examples: k. Customary accessory uses to any of the
 79 permitted uses listed in the X district, provided that no separate permit shall be issued for the
 80 construction of any detached accessory building prior to that of the main building. Needs
 81 tweaking for open air land uses..ie a tool or storage shed on a lot used for equipment storage)
 82 kk. Taxi operation;
 83 ll. Itinerant merchants, provided all activities shall be limited to uses permitted outright
 84 under this zoning district;
 85 ~~mm. Public and private stables;~~
 86 nn. More than one building containing a permitted principal use on a lot.
 87 oo. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
 88 residential use in a manner consistent with the requirements of all other provisions of the
 89 Homer City Code and as long as such animals are pets of the residents of the dwelling
 90 and their numbers are such as not to unreasonably annoy or disturb occupants of
 91 neighboring property;

92

93 **Residential uses, permitted outright, up for discussion**

- 94 1. Day care homes; all outdoor play areas must be fenced and provided that a
 95 conditional use permit was obtained for the dwelling, if required by HCC
 96 § 21.27.030
 97 2. Rooming house and bed and breakfast, provided that a conditional use permit was
 98 obtained for the dwelling, if required by HCC § 21.27.030
 99 3. Dormitory
 100 4. Caretaker or dormitory residence (GC2 permitted accessory use)

101

102

103 **Conditional residential uses, up for discussion**

- 104 a. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
 105 b. Single family and duplex dwellings, including mobile homes (not including mobile
 106 home parks)
 107 c. Townhouses;
 108 d. Shelter for the homeless, provided any lot used for such shelter does not abut an urban,
 109 rural or office residential zoning district;
 110 e. Group care homes and assisted living homes.

111

112 **21.27.030 Conditional uses and structures.** The following uses may be permitted in the
 113 East End Mixed Use District when authorized by conditional use permit issued in
 114 accordance with HCC Chapter 21.71:

- 115 f. Construction camps;
 116 g. Extractive enterprises, including crushing of gravel, sand and other earth products and
 117 batch plants for asphalt or concrete; *(should better spell out noxious uses such as batch*
 118 *plants from more benign uses like sand pile storage for contractors who provide sanding*
 119 *services) (stockpile OK)(screen/landscape for new structures on EERoad)*
 120 h. Bulk petroleum product storage above ground; Underground bulk petroleum storage;
 121 **(Revisit; should a gas station trigger a CUP due to bulk storage, or only a larger**
 122 **facility/tank farm?)**
 123 i. Planned unit developments,
 124 j. Junk yard;
 125 k. Kennels;
 126 l. Public utility facilities and structures;
 127 m. Impound yards; (if the stuff is there more than 6 months its junk under code) **(REVISIT)**
 128 n. More than one building containing a permitted principal use on a lot.
 129 o. Day care facilities; provided, however, that outdoor play areas must be fenced
 130 **(REVISIT)**
 131 p. Indoor recreational facilities;
 132 q. Outdoor recreational facilities.
 133 r. Other uses approved pursuant to HCC § 21.04.020.
 134

135

136 **21.27.040 Dimensional requirements.** The following dimensional requirements shall apply to all
 137 structures and uses in the East End Mixed Use District:

138 a. Lot Size.

139 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
 140 and water.

141 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
 142 conditions exists:

143 i. The lot is served by public water supply approved by the State Department of
 144 Environmental conservation; or

145 ii. The lot is served by public or community sewer approved by the State
 146 Department of Environmental Conservation.

147 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
 148 public water and sewer that satisfies both conditions of subsection (a)(2).

149 b. Building Setbacks.

150 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
 151 by subsection (b)(3);

152 2. Buildings shall be set back from all other lot boundary lines according to the number
 153 of stories as follows:

154 b. Building Setbacks.

155 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
 156 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
 157 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
 158 (3) below;

159 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
 160 adequate firewalls are provided and adequate access to the rear of the building is otherwise
 161 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
 162 Marshal;

163 3. Any attached or detached accessory building shall maintain the same yards and
 164 setbacks as the main building.

165 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
 166 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
 167 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

168 c. **Building Height.** The maximum building height shall be 35 feet.

169 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
170 shall any lot contain building area in excess of 30 percent of the lot area without an approved
171 conditional use permit.

172 e. **Building Area and Dimensions - Retail and Wholesale.**

173 1. The total square feet of floor area of retail and wholesale business uses within a
174 single building shall not shall not exceed 75,000 square feet.

175 2. No conditional use permit, Planned Unit Development, or variance may be
176 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)
177 and no nonconforming use or structure may be expanded in any manner that would increase its
178 nonconformance with the limits of subparagraphs (e)(1), and (2).

179 f. **Screening.** When one or more side or rear lot lines abut land within an RO, RR, or UR district
180 or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then
181 those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-
182 obscuring screening. Such screening shall be of a height adequate to screen activity on the lot
183 from outside view by a person of average height standing at street level.

184 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
185 End Mixed Use District shall not be issued by the City without a level one site plan approved by
186 the City under HCC Chapter 21.73.

187 b. No zoning permit may be granted for any use or structure without a level two right-of-way
188 access plan approved by the City under HCC § 21.73.100.

189 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
190 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

191 21.27.070 Site Development Requirements. All development on lands in this district shall
192 conform to the level two site development standards set forth in HCC § 21.50.030

193 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a)through (g)(1)
194 apply to all development, uses, and structures in this zoning district. Open storage of materials
195 and equipment is permitted, subject to these exceptions and conditions:

196
197 (a) If a lot abuts a residential zoning district any outdoor storage of materials and equipment on
198 the lot must be screened from the residential district by a wall, fence, or other sight-obscuring
199 material. The screen must be a minimum of eight feet in height.
200

201 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
2 development, uses, and structures in this zoning district.

203 **Section 2.** The official zoning map as drafted of the East End Mixed Use Zoning
 204 District dated _____ (attached exhibit A) shall consist of the originally proposed
 205 properties and adjoining properties which may by request be included. The City Clerk is
 206 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
 207 Section 21.10.030 (b).



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STAFF REPORT PL 11-64

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 1 2011
SUBJECT: Work list

GENERAL INFORMATION

At the request of the Chair, we have added the work list to our agenda. I have include two documents to attempt to cover the bases as we have not visited the subject for some time. One document is the list revisited SEP 10, 2010 and another is just titled HAPC work list. These represent a compilation of the active items the Planning Commission has under current consideration.

We have not made a comprehensive list relating to all the directions given in the comprehensive plan. When we do consider the plan as a whole, we get an unruly and extensive list that is difficult to approach. Most all of the items on the list are geared in some way to the plan. It is always helpful that all commissioners be familiar with the plan and speak up to give consideration to those items needing more immediate attention so that they may be added to the list. At this time, I do not believe that it is beneficial to be looking at a complete list of comprehensive plan items.

STAFF COMMENTS/RECOMMENDATIONS:

Discuss items and gain consensus on a single list.

ATTACHMENTS

1. HOMER ADVISORY PLANNING COMMISSION Long Term WORK LIST September 2009, updated 9/2010
2. HAPC work list



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HOMER ADVISORY PLANNING COMMISSION
Long Term WORK LIST September 2009, updated 9/2010

Develop subsections to Sensitive Areas Ordinance

- a. ~~steep-slope~~ – Done
- b. ~~wetlands/shorelines/bluff erosion~~—Done
- c. discussion/development of waterbody setbacks – **discussion guided in comp plan.**
No work in progress
- d. development standards– **discussion guided in comp plan. No work in progress**
 - i. Limit clearing w/out building
 - ii. Tree protection
 - iii. Regulations and incentives

Subdivision process -- **discussion guided in comp plan. Some work underway**

- a. subdivision agreement fitting in order of pre plat process
- b. code rewrite
- c. platting powers – partial or full from KPB

Title 21 rewrite

—~~phase 2 policy changes~~—**Guided by comp plan-DONE**

~~Clarification of the issues of uses and building sizes in the residential office district~~ – **DONE**

~~Review standards for rezone requests~~—**Done**

~~Grading and filling permit/code language~~—

- a. ~~DAP to apply to all other zoning districts (note may be addressed thru grading and filling)~~ **Underway**

sub-zones in CBD – **Comp plan driven No work in progress**

Lot sizes – review of minimum lot size requirements in all districts -- **Comp plan driven No work in progress**

Review GC1 and GC2 District (review allowed uses, consider subordinate residential uses or residential outright) – **Comp plan driven considering residential**

Review Residential Districts (cottage industries, bed&breakfasts/roominghouse) – **Comp plan driven, Possible new work list item**

Review/Amendment of Planned Unit Development code -- **No work in progress**

Spit Parking regulations (*post Spit Comp Plan*) – **addressing with parking study (Port)**

Community Design Manual – **No work in progress**

- Complete connection section
- Scenic Spit
- Old Town

HOMER ADVISORY PLANNING COMMISSION
Long Term WORK LIST September 2009, updated 9/2010

Bridge Creek Watershed Protection District Enhancements – Some guidance from comp plan discussion and guidance needed. No work in progress

- amend legal boundaries of District to reflect physical watershed boundaries (*information to do this is NOT available consider removing from list*)
- propose to CC tax breaks for properties w/low impervious surface coverage and conservation lands
- annexation of City owned lands w/the district
- explore annexation of lands w/in the district w/interested parties
- low impact trail and recreation system plan w/in district (coordinate w/PR)
- propose assistance program for failing septic systems w/in the district

Definitions – can review as needed for code amendments after comp plan adoption. No work in progress

- Use
- Tree thinning
- Development
- ~~Bed & Breakfast (done in title 21 rewrite) done~~

Storm Water Plan (SWP) and already developed properties – No work in progress

HCC 21.42.010 –when is a zoning permit required – land use permit? Small additions (decks)? Itinerant Merchants/Mobile Food Vendors – Not high on priority list, unless brought forward by HAPC No work in progress

Sign Code Amendment Working on spit element

-Internally illuminated signs or back lighted signs

-Definitions

- Reorganization/clarification

Consider if conditions for various CUP are appropriate (ex. Is it necessary for “More than one building containing a permitted principal use on a lot?) **No work in progress**

Permitting for higher density development – Comp plan driven No work in progress

Town Center – not top priority statues will be developing in the future No work in progress

- a. parking requirements – on-street parking, shared/joint use parking pockets (public)
- b. Homer Boulevards Document

HAPC work list

- ordinance to allow more than one home per lot without a CUP
- water and sewer lookups
- storm water/ run off concerns
 - on already developed property
 - best management practices (BMP)
 - development action plans (DAP)
- design review of design manual
 - considerations for already developed property
 - complete connection section
 - scenic spit
 - Old Town
- additional requirements for subdivision (visioning to further refine list)
 - area stormwater retention
 - open space
 - flag lots
 - fire access
 - KPB plat issues
 - limit tree clearing, tree protection (possible design manual)
 - regulations and incentives
- land use vs. zoning permits
- on-street parking
- PUD
- policy and procedures
- Hostel as listed use
- Spit parking requirements

1. The first step in the process is to identify the problem.

2. Next, you need to gather information about the problem.

3. Then, you should analyze the information you have gathered.

4. After that, you can develop a plan to solve the problem.

5. Finally, you should implement the plan and evaluate the results.

6. The second step is to define the problem clearly.

7. This involves identifying the symptoms and the underlying causes.

8. It is important to be specific and objective when defining the problem.

9. Once the problem is defined, you can move on to the next step.

10. The third step is to collect data related to the problem.

11. This can be done through interviews, surveys, or observations.

12. The data collected should be organized and analyzed to identify patterns.

13. This step helps you understand the scope and nature of the problem.

14. After analyzing the data, you can start to generate hypotheses.

15. These are educated guesses about the causes of the problem.

16. You should test these hypotheses through experiments or further data collection.

17. The goal is to identify the most likely cause of the problem.

18. Once the cause is identified, you can develop a solution.

19. The solution should be practical and feasible given the resources available.

20. It is also important to consider the potential consequences of the solution.

21. After developing a solution, you should implement it.

22. This involves putting the plan into action and monitoring progress.

23. Evaluation is a key part of the process.

24. You should assess whether the solution has effectively solved the problem.

25. If the problem persists, you may need to revisit the previous steps.

26. The final step is to document the process and the results.



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STAFF REPORT PL 11-65

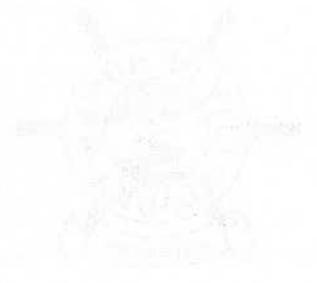
TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 1 2011
SUBJECT: Meeting Time

GENERAL INFORMATION

At the request of the Chair, this item has been added to the agenda.



STAFF COMMENTS/RECOMMENDATIONS:
Discuss possible meeting time changes.



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MANAGERS REPORT

May 24, 2011

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. Attorney Contract: Jo recently reminded me that the one year attorney services contract with Birch, Horton, Bittner et al expires at the end of July. So, it would be timely for Council to have a discussion about how it would like to proceed. It seems like the choices are to a) enter into another contract with Birch Horton b) put out an RFP for attorney services, or c) renew discussion about an in-house attorney. Options b and c require some lead time so if Council wishes to go in either of those directions, we should have the discussion sooner rather than later. I believe that this discussion could take place in executive session if Council wishes because the legal status and strategy of certain cases and performance issues could be discussed.
2. Health Insurance: We are currently looking into hiring a broker to assist us with managing the City's Health Insurance Program. Most cities have brokers and it appears that hiring one would not cost any additional money since the broker would be paid by the plan administrator (Meritain Health). The broker would do some of the tasks Meritain is doing now for us. A broker would have a number of advantages including helping to shop for competitive rates and acting as a consultant on all things related to health insurance. This is very important in this time of rapidly changing rules and regulations. If the City moves ahead on this, we would issue an RFP for broker services. A sample RFP is attached so that you can see the scope of what a broker might be asked to do. We are currently evaluating a number of cost saving measures for the health care plan and will be talking with the employees about the options soon. Council will be pleased to know that at this point we project that we will likely be in a position to reduce the contribution to the health insurance fund, or at least keep it static, again this year. This is great considering that most other municipalities are experiencing huge cost increases. The primary reasons for this are the fact that Homer has a well managed self insured plan, the staff has been relatively healthy overall, and the reserve account is very healthy.
3. Lynn Whitmore Presentation: Lynn Whitmore is associated with the Kenai Moose Habitat group which owns land and advocates for conservation of moose habitat in the area bounded by Kachemak Drive and the airport complex. The Borough owns a large tract of land near the end of the airstrip on the north side which is classified as undesignated. This land has wetland and moose habitat values and it serves as a discharge area for the Bear Creek drainage. Lynn has been talking to the Borough about changing the land designation for this parcel to "habitat." A longer term goal might be critical habitat; a state designation. This proposal would assist greatly with conservation of important habitat within the

City limits. It would also make more land around the airport off-limits to development. Lynn is scheduled to make a brief presentation on his idea at the Committee of the Whole. He would like to see if he can obtain City support before he goes any further. If the Council wants to take a position on this, a member could sponsor a resolution for the next meeting.

4. City Hall Construction: The City Hall Renovation and Expansion Task Force is moving ahead right on schedule. You may have noticed that some work has already begun (storage connex buildings removed and power lines placed underground.) Construction is scheduled to begin in mid-June. We will be ready to provide a full report on progress with this project if asked. It can also be discussed when the project funding ordinance is on the table (using depreciation money on the existing building). We are currently having an internal discussion about how we can most efficiently continue operations while construction is going on. The pros and cons of moving some of the staff (administration and planning) over to the old intermediate school for six months are being evaluated.
5. State Capital Projects / : The Capital Budget approved by the Legislature contains approximately \$32,000,000 for the Homer area. Of that amount, \$16,032,000 is designated for City of Homer projects. This includes \$10,032,000 for the gas pipeline and \$6,000,000 in cruise ship tax money for improvements at the dock, around the harbor, and on Pioneer Avenue. The ball now rests in the Governor's court. No one knows what he will veto but it is pretty certain that he will eliminate some projects. Right now we are planning to get as much information as we can to the Governor to demonstrate the value of the City's projects. The City pipeline website has been updated. This week I will be drafting a letter to the Governor for the Mayor's signature touting the benefits of the project and inviting him to Homer to see the City's projects for himself.
6. Lease Committee / Old Intermediate School: The joint Lease Committee and Economic Development Committee met in executive session on May 17 to evaluate proposals received to lease the old intermediate school. No decisions were made and at present, there is no recommendation. Important information was missing from the proposals and the City Manager was asked to meet with the parties involved and report back if additional relevant information can be obtained.
7. Soccer Fields: Soccer is a rapidly growing sport in Homer and the demand for additional soccer fields is great. The Parks and Recreation Commission has been talking about this alot. I was recently contacted by the Homer Soccer Association about this. This week, Mike Illg and I met with the School District to discuss and coordinate Community Recreation programs this summer and fall. One topic that came up was soccer fields. The School District would like to build at least one soccer field, preferably with artificial turf. There are several potential alternatives but the District definitely has the land available to do this. We talked about several scenarios under which the City and the District could "partner" to achieve a community wide goal. You will likely be hearing more about this in the future and I will be happy to discuss it in more detail tonight if the Council wishes.
8. Lobbyist Visit: The City lobbyist would like to make another trip to Homer to speak with the Council and strategize about tasks and agenda items for the

interim. One thing they will definitely be working on during the interim is the fish tax issue. We originally talked about bringing them down in May or June. We are now thinking that the fall might be a better time since we will be working on the CIP and getting ready for the session. Also, everyone is more likely to be around during that period. Comments from Council would be great.

ATTACHMENTS

1. Sample RFP for health insurance broker
2. Sandwich board notice to property owners
3. City Hall project Talking Points / Project Schedule

The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan of action. This involves identifying the steps that need to be taken to solve the problem and determining the resources that will be needed to implement the plan. Finally, the last step is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the solution. Once the problem has been solved, it is important to evaluate the results and determine what lessons can be learned from the experience.

THE CAUSE OF THE PROBLEM

1. Identify the problem
2. Determine the scope of the problem
3. Identify the causes of the problem