

Session 11-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on June 15, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN
CITY ATTORNEY WELLS (Telephonic)

**AGENDA
APPROVAL**

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

**PUBLIC
COMMENT**

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).

There were no public comments.

**RECONSID-
ERATION**

RECONSIDERATION

There were no items for reconsideration.

**CONSENT
AGENDA**

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.

June 1,
2011
Minutes

Northern
Enterprises
Boatyard
Decision &
Findings

1. Approval of the June 1, 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
5. Draft Decision and Findings for CUP 11-10. Lot 5A1 Northern Enterprises No. 1 Sub. At 5155 Kachemak Drive, Northern Enterprises Boatyard

The Consent Agenda was approved by consensus of the Commission.

**PRESENT-
ATIONS**

PRESENTATIONS

There were no presentations scheduled.

REPORTS

REPORTS

- A. Staff Report PL11-70, City Planner's Report

City
Planner's
Report

City Planner Abboud reviewed his staff report.

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

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**PUBLIC
HEARING**

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.

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- A. Staff Report PL 11-056, A Public Hearing in the Remand of from the Board of Adjustment to the Homer Advisory Planning Commission to consider new conditions regarding 1033 Skyline Drive.

City Attorney Wells summarized that the purpose of the supplement was to address the argument raised by Becker in the memorandum, and to address the issue of whether or not he is able to use a public utility easement recorded after the Commission's initial decision for purposes of avoiding the variance process. She feels it is questionable because in remand the board did not question whether or not a variance process was necessary, just if there was sufficient evidence that a variance was warranted.

City Attorney Wells explained the first issue is whether or not Becker or one of his referenced enterprises in the public utility easement constitutes a public utility for purposes of an easement. She said it is staff's position that they do not. The main reason is that there is not a definition in code for public utility for purposes of an easement. With an easement we are bound by the wording and governance of the State of Alaska, which has established a Commission to regulate public utilities. There are exhaustive statutes on what is necessary in order to be a public utility and the processes to be properly regulated as a public utility. The process is very important in order to gain public utility status, especially to use the easement, and to allow it to exist outside the zoning and land use laws of a municipality. In his memorandum Mr. Becker concedes that he is not registered with the RCA, and so he is therefore not a public utility granted by the State of Alaska. There is not a way to get to the land use being subject to a public utility easement. She feels the Commission needs to set aside any argument that the variance is not necessary.

The next question as far as the City is concerned is whether or not the variance is warranted. Staff stands by the initial staff report stating that the variance is warranted, especially due to the slope of the land.

Lastly, many of the arguments Becker has put forth are based on definitions in Homer City Code regarding a building and whether the building in question would be exempt from the code. The points are addressed in the supplemental staff report, but she thinks the most important point is just because something constitutes a public utility facility, does not mean that it's not also a building or meets some other definition under code that would subject it to further regulation. In this case it clearly falls within the definition of a building and so she doesn't think that is an argument that is warranted or has merit. There are policy implications of saying that it is a public utility facility, which is defined in code, so it doesn't matter what kind of structure is there. There are a lot of types of uses defined in code and they are all subject to code provisions. It is the staff's position that we can't embark on that type of analysis. City Attorney Wells said while there is some discretion as to deciding placement of something like a small pole in an easement falls outside the definition of a building, she doesn't think that occurred.

Dan Westerberg, attorney for Mr. Becker, first referenced the diagram of placement of structures on the property and explained the other telecommunication items in the setback were installed pre annexation so there was no need for any variance to setback requirements or conditional use permits. This one was done post annexation, thus the need for the current application. The structures are there because it's an ideal location for telecommunications

and not an ideal location for anything else. Obviously the farther up the hill you are the better the telecommunications use is, the more accessible the equipment is for maintenance and repair, and the slope is more stable.

Their first argument is that a variance is not required. The question is whether or not this particular structure, the equipment shelter and two towers, is a building. Under the code buildings shall be setback 20 feet from all dedicated rights-of-way. Attorney Westerberg referenced the zoning code definitions where building is defined as “any structure used or intended for supporting or sheltering any use or occupancy”, which is extraordinarily broad. The definition of a structure is “anything constructed or erected that requires location on the ground or attached to something having location on the ground”. That includes power poles, fire plugs, underground power lines, and all that stuff. So the question is does everyone that installs any sort of utility structure have to get a variance to the setback since it is a structure, therefore a building, within the setback, and submits the answer is no. First, in the beginning of the definitions at 21.03.040 the code instructs “as used in this title the words and phrases defined in this section shall have the meaning stated except where 1, the context clearly indicates a different meaning, or 2, a special definition is given for particular chapters or sections of the zoning code”. Attorney Westerburg thinks both apply here. In context he doubts the drafters of the code intended that installers of telephone poles, fire plugs, underground power lines, and any sort of utility structure like that was to be a building subject to a setback, because a setback typically is right where the utility easement is going to be. Second, code has a special definition of public utility facility or structure and he submits that their objects are public utility facilities or structures, and not buildings. Therefore, they are not encompassed by the setback requirement, and do not need a variance. It does not mean that Mr. Becker can put up a tower anywhere, because with respect to towers in particular you still have to get a conditional use permit. In that CUP process the Commission can impose placement restrictions, including specific setback requirements as to particular pieces of equipment. But that is different than requiring that each utility structure comply with a mandatory 20 foot setback requirement unless a variance is obtained; rather the Commission is given the discretion to impose particular setback requirements on towers such as Mr. Becker’s. Attorney Westerburg explained that Mr. Becker went through the CUP process got a permit, and as part of the permit, the Commission instructed that he also had to get a variance to the setback requirement. They are arguing the Commission made a mistake in that it isn’t necessary or appropriate because what he was putting up was not a building. It was a utility facility or structure, therefore not covered by the setback requirement.

Regarding the public utility versus private utility issue, he agrees with City Attorney Wells, that neither Mr. Becker’s businesses nor the two tenants of the facility, the City of Homer and Horizon Satellite, is a telecommunication public utility facility. What they contend is that these structures are public utility facilities or structures under the City of Homer Zoning Code. Since those structures are public utility facilities or structures and located within a dedicated utility easement there should be an implied exception to the setback requirement.

The third point, assuming we do have to get a variance based on the merits of the situation; it is perched on pilings on the edge of the bluff. He referenced the photos provided and explained that there has to be a deck and ramp as it is now to access the facility, and moving this down the hill to accommodate the 20 foot setback will impact a number of different things. It will impact the quality of the telecommunications equipment and as a result either the pilings will have to be raised, the tower will have to be raised, or something else will

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have to be done to accommodate for quite a bit of height lost by going down the hill. Second is the problem with maintenance and repair, as access to the facility will be difficult, even in the summer. Because of the fact the facility generates the equipment that is going to be handling not only a lot of the wireless technology for Horizon Satellite, but also the City of Homer fire, and police communications equipment, it is a facility the City is going to want to have place for ease of maintenance and repair. Attorney Westenburg added that you don't want this facility on an embankment any steeper than it already is, in the event of some sort of natural disaster. You don't want an earthquake and landslide to take out the telecommunications system for police and fire in one fail swoop. For those types of reasons this particular facility is in a perfect location as it is, and it is why the other facilities are there as well. Moving it farther down the hill will impact efficiency, the cost will be greatly enhanced, and there is a certain amount of danger involved in having the facility on a potentially unstable environment in the event of some sort of natural disaster.

Attorney Westenburg noted that City Planner Abboud provided a very detailed report on each of the variance requirements a year ago, issued a number of different findings, and did a very good job of determining the merits present a classic case of a variance. If a variance isn't used in a situation like this where there is a topography that almost cries out for a telecommunications facility at the top, not half way down the hill, and is not really conducive to anything else, when will a variance be applicable? He noted a reference that that one requirement of the code is that financial hardship or inconvenience shall not be a reason for granting a variance, but actually code says it will not be the sole reason for granting a variance. So the Commission can take into account that it may be terribly expensive to comply with a setback requirement in a particular circumstance. In this instance it will be very inconvenient, very expensive, and also impact the efficiency and operability of the system. With respect to implied exception to the setback requirement for these sorts of utility structures, they included photos from other structures housing electronic equipment. The sole purpose of this building is to house the electronic equipment that services the antennae at the top of the towers. For these reasons they feel the Commission doesn't need to get to the question of a variance, because this isn't a building, so setback is not an issue. There should be an implied exemption for utility facilities such as this one located within a utility easement, and if a variance is required, the necessity has been established on the merits.

The Commission asked questions of Attorney Westenburg and Mr. Becker and the responses are summarized as follows.

Attorney Westenburg responded that the structures and buildings shown in the photos are in utility easements and the sizes vary. He explained there have been no engineering studies done on this project to show what effects a natural disaster could have on the structure in its present location versus moving it down from the setback. It is mainly a common sense thing that it would be safer towards the top rather than half way down the hill.

Mr. Becker responded that in order to move the structures down the hill and be as effective as they are now, the tower would have to be increased at least 30 feet. The type there now would be inadequate to take to that height and a more substantial tower would be required to accommodate it. A more substantial tower would require additional guy wire as the higher you go up the more you have to guy out to support the tower, and there really isn't room to accommodate the guying. To change to a self supporting tower would increase cost substantially. He added that when the tower was installed, Police Chief Robl wanted the

tower to be at the highest point possible for fire and police communications. To get back to where we are now could cost the City another \$30,000 to \$50,000. Mr. Becker further explained that he built at the location that was selected by the Police Chief after a site visit, as the highest and best location for the police and fire communication coverage area. At the time there was no thought of going down the hill because it didn't make sense and he was unaware of the setback issue. To move it 1.4 times further down the hill, approximately 30 feet, would be a major project disturbing the slope for installing a self supporting tower, let alone the challenge of getting a crane in there. It is an impractical and expensive proposition. Mr. Becker would not say this is the last developmental opportunity for his property. Initially he wasn't sensitized to the setback issue. Whatever comes along in the future he will certainly be dealing with necessary applications at the front of the project. The property is a perfect site for telecommunications and it can be developed further, provided he is in line with the code requirements. Mr. Becker reminded the Commission that Chief Robl approached him about putting the tower on his site. He further responded that he didn't apply to be a public utility because he is a landlord not a utility.

There was discussion that having a utility easement and allowing this doesn't set precedence that a tower can be put up just anywhere. The CUP process gives the Commission the power to determine where it should be placed. Telephone polls and power lines can go in utility easements anywhere.

Mr. Becker explained that in negotiations about the site he asked Chief Robl if he needed any building permits for a shelter like this. Chief Robl responded a few days later that he didn't need any building permits. Mr. Becker believes there was a miscommunication of a building permit versus a zoning permit. Had he known the distinction between the two he would have asked the proper question, and he probably would have gotten the correct answer. At that point though, he was not sensitized to the difference between a building permit and zoning permit. He feels that is the crux of the miscommunication. He never had direct discussion with City Manager Wrede, only second hand through Chief Robl that he didn't need a building permit. He added that the other factor was that Chief Robl made it clear he wanted to occupy the building prior to July 4th. Mr. Becker was building it in June, and the third week in June, Procom came in and installed the city's equipment in the building. It was up and running before the end of June. It was very important to the Chief to be up and running by the time the large influx of people came into town. Things were working great, and the permitting issue came to a head. He applied for the CUP and the variance, as planning staff explained both were needed. He explained at this time he does not have a lease with the City yet as the City Manager is waiting for all the permits to be in place before signing the lease. The City is paying the monthly rent, but he is stuck out on a limb if something happens. The City has already spent \$23,000 to move the equipment and have Procom install it at this location, and to move it would be at least another \$23,000. Mr. Becker further explained that the building size is adequate for being able to access the equipment housed inside with some room for future expansion as needed.

Mr. Becker reiterated that the structures are where they need to be. It is the highest and best point for communications. Had he known about the zoning requirements before hand he would have applied for the permits first.

Lastly, Attorney Westerburg responded that the public utility easement includes specific entities such as Mr. Becker's use. It can be granted to just a public utility or specify the uses. Also, regarding the steep slope development plan, in theory a person could develop anything

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anywhere if they wanted to spend the enough money and have the right engineering, but at some point it would become economically unfeasible, impractical, or inefficient.

Chair Minsch opened the public hearing. There were no public comments. Chair Minsch closed the public hearing and opened the floor for rebuttal.

City Attorney Wells commented that she felt there is some confusion about use of a public utility easement. A good example to keep in mind is that a public utility easement exists on many properties in order to allow things like telephone poles. They need to be public utilities to get that easement with out going through a variance process. The person seeking or recording the easement will usually offer compensation for the easement and the interest is going to be placed in a public utility, like ACS or HEA for example. That is who would get the easement and how it would function and connect with local code provisions. While there is a risk that a utility will place a “building” on your property, the risk is there because they are a public utility. The regulations are exhaustive by the RCA and public utilities are State governed.

City Planner Abboud added that in Homer you can put a telephone poll anywhere.

Question was raised about the purpose of a 20 foot setback and if there are safety issues with this projects location. City Planner Abboud said there are a multitude of purposes for setbacks, including aesthetics, public safety off rights-of-way, utilities, locations for sidewalks or drainage, and ingress and egress. The 20 foot setback is required for anything platted on a right-of-way. He added that presently there is no development on either side of the towers, and that the area is geographically challenged for development.

BOS/VENUTI MOVED TO DELIBERATE AFTER THIS MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission took a break at 8:05 p.m. and the meeting resumed at 8:12 p.m.

- B. Staff Report PL 11-72, 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

City Planner Abboud reviewed the staff report.

Kenton Bloom, applicant’s representative, explained that his clients are amenable to making changes and one reason they looked at the design in the terms they did was that the existing architecture on the boardwalk reflects the same kind of look that you see along the spit. In an effort to integrate the street view of the buildings they added a 200 square foot structure with a gable that would tend to extend over a portion of the wash house as an additional roofing area. They would add a gable over the uplifted roof in the middle of the structure so that those gables would match and follow the same pitch with what is seen on the buildings

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that are already there. He also noted that the colors in the drawings presented represent new and old, not paint scheme. They are working towards a maritime look as seen in the new drawings presented. The remaining structure with the restaurant and so forth they saw the square shape addition like something that would be seen by the Glacier Drive In and the fish and chips area. The five feet has been removed from the setback. The privacy fence is at the point of the diagonal cut off so that there is access along the wash room and mechanical room that will be somewhat restricted but allows access for maintenance. It will be differentiated for the public and people in the cabins so the porch will be exclusive to the cabin. Regarding the PUD, not asking for the variance makes it a moot point and now they are looking at just a CUP. He reiterated that his clients are open to consider recommendations on concepts. They want the Commission understand the notion they are working with is trying to create a viable long term sustainable economic basis for being in business on the spit. They are trying to balance out the cost of building the new deck area, the buildings, and having the business work in a way to support it over a long period of time. They are very keen on doing a nice job and doing something that beautifies the spit.

Chair Minsch opened the public hearing.

Dave Brauner, business owner on the Central Charter's Boardwalk, commented in opposition of the proposal. He said he is a physician, not an architect or engineer, but is also a new business owner on the spit along with his wife, and this will have a huge impact in their business. They purchased the building on the end in mid-March. As part of the evaluation process they spoke with the boardwalk owner, the seller, and their realtor. The property was listed as having unobstructed views of Kachemak Bay and they bought the property expecting that was what they were buying. They spoke with the owner of the boardwalk several times about their renovation plans, the owner described the additional decking was for a boarding room situation but never mentioned it would completely cover and obstruct their view. They did not receive documents from the Commission until about two weeks after they had been in business. They found out about it from the neighbor which is why they are here at the last minute. They opened May 6th and everyday people come in and look out their windows and enjoy the view and a meal. The Commissions decision tonight will completely obliterate the view, and obliterate all their plans for making this a viable long term restaurant. It is the only portion of the Kachemak side of the spit that he knows of that will be a double-decker boardwalk. Everything else along the boardwalk is built for views. In the document describing the project the view is highlighted as an important business feature of all the businesses except his and the sweater shop next door. They have hired a real estate attorney out of Anchorage to help evaluate the plans and business plans for the spit. The document provided tonight is a creation of the attorney's investigation. The term he uses is view shed. There are clear definitions in the city's building and development plans that view shed will not be impaired, and view shed is going away. 45 inches cuts into the middle of their window and from that point up is the board walk.

Question was raised about the purchase and lease situation and if his lease guaranteed a view. Dr. Brauner responded that he bought the building and leases the boardwalk space from Central Charters. He said that the lease does not guarantee a view.

There was discussion of the notification procedures and City Planner Abboud explained that there is a process of notifying business owners and information for mailing is received from the Borough. He isn't sure if the recent purchase had anything to do with the issue.

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There were no further public comments. Chair Minsch closed the public hearing and opened the floor to rebuttal.

Mr. Bloom commented that this is the first he has heard of the concerns expressed in public testimony. He added that the permit for the boardwalk extension was approved in April of 2010.

In response to questions, Mr. Bloom explained that the Alpaca Connection, Sea Lion, and Crab Shack do not have doors on the ocean side of the buildings. The new portion of boardwalk will not be up against the current boardwalk, due to FEMA regulations the new boardwalk will have to be raised. In relation to the drawings, the 200 square foot building is an addition from the last plans the Commission saw and it is intended to be used as an additional small scale retail shop.

City Planner Abboud added, regarding the overhang of the roof line into the setback, that it is allowable for the roof line to over hang in to the setback up to two feet.

Mr. Bloom responded to Chair Minsch's comments that the proposal is unattractive and does not meet the bulk and scale for the area. He expressed that if he could get some specifics on what she is referring to he would be better able to address it. Comment was made that the proposal doesn't show there is much texture on the buildings and everything is the same color. Presently the buildings have a lot of texture and variety of colors. Mr. Bloom responded that he has tried to explain that there are different shades and follow a maritime theme. They are planning to use earth tones. He continued that they are trying to diminish in their minds, the awkwardness of the random colors of the buildings as it doesn't have a complementary feel. In reading the conditions the City is looking for, one thing that stood out is there should be a consistency, which is what they were trying to work toward. He noted that he did not think a detailed architectural review is something that is required and the Commission is not being clear on where they want him to go. Discussion ensued that the texture of the new construction will be board and batten. Central Charters is the same type of construction and in future planning the other buildings may follow suit in a longer range period of time. He hears what they are wanting and feels that the owners are working toward the same idea.

Discussion ensued and consideration was given to false fronts on the second story of the new building on the street side, perhaps with dormers or fake windows. Mr. Bloom confirmed the idea of false fronts, similar to some buildings in town, which might have some angles.

Other points raised noted that in relation to the condos or some of the other things on the spit, this is very attractive. The horse is out of the barn as far as aesthetics is concerned on the spit. It was acknowledged that there are things on the spit that some consider eyesores, and some simple, inexpensive things can be done in this project to add the charm they are looking for.

Regarding the issue brought up in public testimony the Commission acknowledged Dr. Brauner's concern, but it is an issue that will have to be addressed directly with the property owner.

Discussion continued regarding aesthetics. Mr. Bloom said their volume and scale concept is trying to diminish things so they don't overwhelm what is in front. He noted the gabled roof

on the midsection overwhelms the buildings in front, and their goal is to avoid that. Considering the uses involved and they way the new buildings are intended to be used, he thinks the bulk, scale, and harmony is adequate. On the ocean side they are looking for a clean and unobtrusive line in the way the cabins and restaurant relate to the beach and off shore.

City Planner Abboud added that because of the buildings in front of the cabins, adding elements to the cabins could force them to be build up in the back and there would still be a depth problem.

Mr. Bloom stated they would be supportive of adding some façade elements to break up the roof line.

They continued discussion of ideas for aesthetics.

BOS/VENUTI MOVED TO TAKE THE MOTION TO ADOPT STAFF REPORT PL 11-49 CUP 11-06 CENTRAL CHARTERS BOARD WALK OFF THE TABLE FOR FURTHER CONSIDERATION.

There was discussion explaining the motion to take something off the table.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/HIGHLAND MOVED TO AMEND THE MOTION ON THE FLOOR TO ADOPT STAFF REPORT PL 11-72 CUP 11-06 4721 HOMER SPIT ROAD, CENTRAL CHARTERS BOARDWALK EXPANSION WITH STAFF RECOMMENDATIONS AND FINDINGS INCLUDING RECOMMENDATIONS AND FINDINGS, INCLUDING RECOMMENDATION TO DENY THE PUD.

There was no discussion to the amendment.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried

Commissioner Bos expressed that there has been plenty of discussion and he feels it is apparent that they are going to do what they can to make everyone happy.

There was brief discussion that the findings related to the PUD should be removed.

MINSCH/BOS MOVED TO DELETE REFERENCES TO THE PUD STARTING AT THE TOP OF PAGE 185 ENDING AT FINDING 18 ON PAGE 186.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Brief discussion ensued regarding recommendation 3.

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MINSCH/HIGHLAND MOVED TO ADD CONDITION FOUR THAT THE APPLICANT IS REQUIRED TO MAKE EVERY ATTEMPT TO BRING THIS NEW ADDITION INTO HARMONY, SCALE, AND BULK WITH APPROPRIATE DESIGN FEATURES.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried

C. Staff Report PL 11-71, Draft Ordinance 11-xx, Conservation District

City Planner Abboud reviewed the staff report.

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

There was no further Commission discussion with staff.

BOS/HIGHLAND MOVED TO FORWARD THE DRAFT CONSERVATION DISTRICT ORDINANCE TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PLAT
CONSIDER
ATION**

PLAT CONSIDERATION

A. Staff Report PL 11-67, Oscar Munson No. 25 Goode Replat Preliminary Plat
CANCELED

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BUISSNESS**

PENDING BUSINESS

A. Staff Report PL 11-68, Draft Ordinance 11-xx Sign Code Amendments

Sign Code
Amendment

Chair Minsch advised that the Commission discussed the sign code amendments in the worksession and staff will be bringing it back at another meeting.

B. Staff Report PL 11-69, Bylaws Change to Amend the Meeting Time

Bylaw
Change
Meeting
Time
Amendment

HIGHLAND/BOS MOVED TO APPROVE THE DRAFT RESOLUTION AMENDING THE PLANNING COMMISSION BYLAWS TO CHANGE THE REGULAR MEETING TIME TO START AT 6:30 P.M. AND

END AT 9:30 P.M. AND SCHEDULE THIS FOR SECOND NOTICE AT THE JULY 20TH REGULAR MEETING.

There was brief discussion regarding the requirement for the second notice.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**NEW
BUSINESS**

NEW BUSINESS

No new business items were scheduled.

**INFO
MATERIAL**

INFORMATIONAL MATERIALS

There were no informational materials.

COMMENTS OF THE AUDIENCE

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

**AUDIENCE
COMMENT**

There were no audience comments.

COMMENTS OF STAFF

**STAFF
COMMENT**

There were no staff comments.

COMMENTS OF THE COMMISSION

**COMMISS-
ION
COMMENT**

Commissioner Venuti commented that he is glad Central Charter was moved on, but he feels bad for the Brauner's situation as it will cost some money. There isn't anything the Commission could do for them.

Commissioner Dolma had no comment.

Commissioner Highland requested that the Commission take some time at a worksession to discuss the idea disallowing any more residential use on the spit.

Commissioner Druhot commented that a non resident applicant has come forward so she will be stepping down. She agreed with Commissioner Venuti and feels like they did the right thing by approving Central Charters, but she feels bad for the other property owner's that are being affected.

Commissioner Bos thanked Commissioner Druhot for her service and wished her luck in her future endeavors. He questioned the procedure for making motions and Deputy City Clerk Jacobsen commented that it is appropriate to say "I move" or "I make a motion"

Chair Minsch commented that we will miss Commissioner Druhot. She felt the Commission handled the issue with Central Charters well. The tenants have a civil issue between them and the landlord and it has nothing to do with the Commission. She appreciates their concern, but they handled it well.

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ADJOURN

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:26 p.m. The next regular meeting is scheduled for July 20, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____