

September 19, 2012
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. **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).
4. Commission Comments
5. Adjournment

**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 September 5, 2012 *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 Decisions and Findings for CUP 12-03 Dockside Fisheries, 4470 Homer Spit Rd *Page 7*
- 6. Presentations**
 - A. Brianna Allen, People's Garden in the Bunnell neighborhood
- 7. Reports**
 - A. Staff Report PL 12-52, City Planner's Report *Page 17*
- 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.
- 9. Plat Consideration**
- 10. Pending Business**
 - A. Staff Report PL 12-51, Marine Commercial *Page 19*
 - B. Staff Report PL 12-53, Pier One Land Use *Page 27*
- 11. New Business**
- 12. Informational Materials**
 - A. City Manager's Report dated September 10, 2012 *Page 39*
- 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 9:30 p.m. An extension is allowed by a vote of the Commission. The next regular meeting will be held at 6:30 on October 3, 2012 and a work session at 5:30.

Session 12-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on September 5, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DOLMA, ERICKSON, HIGHLAND, SONNEBORN, STEAD, VENUTI

ABSENT: BOS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The 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).

Bumppo Bremicker, city resident, commented regarding the Pier 1 site. He went down and measured a 10,000 sf and it really isn't a lot of area, just 100x100. He referenced the aerial photo noting where the area for the barge haul out is drawn in. If the Wooden Boat Society was able to get 10,000sf, it would be about a quarter of the area where the camping is shown. The staff report says that it represents 12 campsites, but that isn't how they are laid out and it appears to him there are about 5 sites. If the city gets money from five campsites during the summer, minus the cost of maintaining them and it really isn't that much money. They might be willing to come up with enough to compensate the City for losing five campsites. Maybe they could use fifty feet of frontage, 100 feet is something they just threw out. He mentioned the Parks and Recreation Commission supported the barge haul out, it's a good idea people have just thrown out there, and doesn't know if there is any real planning of it, or where the money is coming from. If it is going to make so much money then why isn't Herndon doing it?

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 August 15, 2012 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects Under HCC 1.76.030 g.
4. KPB Coastal Management Programs Report

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

A. Staff Report PL 12-50, City Planner's Report

City Planner Abboud reviewed the 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 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 12-46, CUP 12-03, A Request for a Conditional Use Permit (CUP) for 4470 Fish Dock Road, Dockside Fisheries

City Planner Abboud reviewed the staff report.

William Sullivan, applicant commented that he just heard about the fence. There already is one and if they want continuity Mike can put a fence on his property. The boardwalk already exists in front of the retail but when he moves the building back he will fill it in and the bigger space in front will be more conducive for the flow. He thanked the Commission for the time and said it has been an interesting process, he has learned a lot. He is open to input for ideas and ways to do things better.

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

City Planner Abboud reviewed the aerial photo in the discussion of the fence. He suggested the benefit of the fence would be of benefit to the person doing more commercial, and Mr. Sullivan's operation is more industrial. It is a grey area that the Commission can consider but doesn't have to act on. Point was raised that there seems to be mixed use between the commercial and industrial districts as well as there being industrial and commercial use on this lot, screening doesn't seem necessary. Visitors like to see the industrial side of what happens at the harbor as well.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-46 CUP 12-03 KACHEMAK BAY SEAFOODS AT 4470 HOMER SPIT ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS 1-18 AND CONDITIONS 1-5.

There was discussion about leaving recommendation 4 out and deal with housing through the code amendments the Commission is currently working on. There was discussion that the use for a caretaker or employee is allowed through CUP right now and can't be denied based on what they are hoping to change in code.

VOTE: YES: STEAD, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion carried.

B. Staff Report PL 12-48, Pratt Public Easement Vacation

City Planner Abboud reviewed the staff report.

Diane Converse, Pratt Museum Director, explained they have constructed an ADA accessible trail that improves public access from Spruceview to Bartlett.

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

In response to questions, Ms. Converse said the foot traffic has increased with the new trail and she got an email from someone who walked it with a stroller and was very happy with the trail. They are removing the easement at the request of the surveyor. They didn't request removing the one to the south because they may want to use it in the future to connect to Pioneer. There was some discussion of the layout of the trail in relation to the easement, but with out the surveyor in attendance Ms. Converse was unable to respond to the questions raised.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT PL 12-48, VACATION OF A PUBLIC TRAIL EASEMENT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 12-47, Pratt Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report.

Ms. Converse commented that they are combining the pieces to deal with their building project. She has talked with Julie regarding the process to do a zoning change. She doesn't anticipate any issues with the utility easement.

There were no public comments.

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 12-47 PRATT SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

Comment was made that this is a good idea.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

City Planner Abboud reviewed the information for the overnight accommodations as he understood it from the testimony. Staff will bring back some dimensional requirements information and continue working forward. They aren't in a big rush right now.

Commissioner Venuti asked how staff will handle the people who have been doing it for years. City Planner Abboud said they are working through the process and gotten the word out there. Just because it has been happening for a long time doesn't make it legal nor does it compel them to enforce every rule. He thinks they have covered 80% or more of the people who are doing it, they have been here at the meetings, they will receive notices of what is happening, and he hopes to provide solutions. Most of the people agreed they want to be in compliance with the Fire Marshall and are aware of insurance concerns.

Chair Erickson commented that between the signs and bags, business owners out there are feeling a little beat up. She would like see them not look back but move forward and look at not starting off with a penalty but encourage them to come along for the next ones after the end of the summer, and anyone from here forward will have to have the proper permitting. We need to be careful with our businesses and do a little bit of good will in the midst of fixing this hole in our code.

Commissioner Dolma disagrees and doesn't believe there is a hole in the code, it wasn't an acceptable use and has been illegal all this time. He doesn't think following code is onerous on a business. He thinks the Commission is pro business and that is what they are addressing this. It is more pro business to address it in the code rather than a bunch of CUP's. He agrees with the 50% cap but to be the most business friendly, there wouldn't be a cap at all. He agrees that housing could be allowed outright.

Commissioner Highland agreed with the 50% cap as well because the business goes with the accessory lodging.

City Planner Abboud suggested that next they look at the purpose statement of the district to talk about widening views of what we want out there.

NEW BUSINESS

- A. Staff Report PL 12-49, Pier 1 Land Use

City Planner Abboud reviewed the aerial photo and a concept of the barge haul out facility.

The Commission commented in favor of the concept of the barge haul out. They recognized that it is a facility that could economically benefit the City both for the harbor and for workers needing lodging, food, and other amenities. It appears to be a workable project in that the barge haul out will be operational in the off season, shutting down in the spring as the tourist traffic increases.

INFORMATIONAL MATERIALS

- A. City Manager's Report dated August 13 and August 27, 2012
- B. Memorandum dated August 15, 2012 from Julie Engebretsen, Planning Technician, regarding Homer Spit Trail and Cruise Ship Improvements
- C. Letter dated August 30, 2012 to Eldeen Jackson from Dotti Harness-Foster, Planning Technician, regarding AA Mattox Sub 1958 Addn No 2, Lot 23
- D. KPB Staff Report dated 8/27/12: WR Bell Subdivision

COMMENTS OF THE AUDIENCE

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

None

COMMENTS OF STAFF

None

COMMENTS OF THE COMMISSION

Commissioners Venuti, Stead, and Sonneborn had no comments.

Commissioner Highland commended Chair Erickson for her job chairing the meeting tonight.

Commissioner Dolma said he is looking forward to continuing to address the marine zoning and getting things straightened out.

Chair Erickson thanked everyone for a good meeting tonight.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:27 p.m. The next regular meeting is scheduled for September 19, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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HOMER ADVISORY PLANNING COMMISSION September 5, 2012

RE: Request for a Conditional Use at 4770 Homer Spit Road, Lot 88-3, and a portion of Parking and Access Area, Homer Spit Subdivision No Two Amended Application for Conditional Use Permit Permit Number CUP 12-03

DECISION

Introduction

The property is zoned Marine Industrial pursuant to Homer City Code 21.30. Mr. William Sullivan (lessee) and Mr. Walt Wrede, City Manager on behalf of the City of Homer (land owner) applied to the Homer Advisory Planning Commission (the "Commission") under the following sections of Homer City Code:

21.30.020 (i), Other similar uses, if approved after a public hearing by the Commission, including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030.

Marine Commercial Permitted Uses and Structures 21.28.020:

- (a) Boat charter offices;
- (c) Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;
- (d) Business offices for water-dependant and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores

Marine Industrial: 21.30.030

- (a) Planned Unit Development (for setback exceptions only),
- (c) Restaurants and Drinking establishments;
- (g) Caretaker's residence as an accessory to a permitted or conditionally permitted use;
- (j) More than one building containing a permitted principle use on a lot;

The development proposal included a total of 4 structures 3 of which are used for fish processing activities and 1 of which is proposed for other commercial activities.

The application was scheduled for a public hearing before the Port and Harbor Advisory Commission on August 22, 2012 per HCC 21.30.020. The Port and Harbor Advisory Commission recommended approval of the Conditional Use Permit.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 5, 2012. Notice of the public hearing was published in the local newspaper and sent to 10 property owners and lease holders of 24 parcels.

At the September 5, 2012 meeting of the Commission, the Commission voted to approve the request with six Commissioners present, six 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.

EVIDENCE PRESENTED

City Planner Richard Abboud reviewed the staff report into the record. The recommendations from the Port and Harbor Advisory Commission were included in the written report. Mr. Sullivan and his representative made spoke about the proposed development and answered questions from the Commission. There was no public testimony.

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: Homer City Code authorizes each proposed use and structure.

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

Finding 2: The proposed uses and structures support a mixed use development of tourism and fisheries uses. The proposed structures and uses are compatible with the purpose of 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 3: The value of the adjoining property will not be negatively affected greater than that anticipated from the permitted or conditionally permitted uses in the district.

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

Finding 4: This proposal continuation of fish processing, retail and caretaker's residence is compatible with the mixed uses along Homer Spit Road and 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: City water and sewer are adequate to serve the proposed uses and structures. This site fronts Homer Spit Road; a state maintained road and the Homer Harbor.

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 development is in harmony with the scale, bulk, coverage, density and does not have an undue harmful effect on the surrounding parcels.

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: Upon approval from the State Fire Marshal this development will not be detrimental to the health, safety or welfare of the surrounding area and the City of Homer. Reserving area for the extension of the Homer Spit Trail will contribute to the future health and safety of users, and reduce conflicts with industrial activities such as trucking and fork lift operations.

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

Finding 8: The proposal will comply with application regulations and conditions.

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

Finding 9: This development meets the intent of HSCP in that it provides a variety of land uses, fish processing which contribute to economic development.

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

Finding 10: The proposal will comply with all applicable provisions of the Community Design Manual (there are none).

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 special conditions deemed necessary.
- 2. Fences, walls and screening.** See Condition 2.

3. Surfacing of vehicular ways and parking areas. Gravel. No special conditions deemed necessary.

4. Street and road dedications and improvements (or bonds). None.

5. Control of points of vehicular ingress and egress. Access onto City of Homer Parking and access area.

6. Special restrictions on signs. Freestanding sign has been reduced to a maximum height of ten feet.

7. Landscaping. No special conditions deemed necessary.

8. Maintenance of the grounds, buildings, or structures. No special conditions deemed necessary.

9. Control of noise, vibration, odors, lighting or other similar nuisances. No special conditions deemed necessary.

10. Limitation of time for certain activities. No special conditions deemed necessary.

11. A time period within which the proposed use shall be developed and commence operation. See Condition 1.

Condition 3: Boardwalk construction to be complete within two years.

12. A limit on total duration of use or on the term of the permit, or both. No special 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 special 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. See Condition 1.

Condition 4: The caretaker's unit to be used solely by an employee, the owner, the applicant and/or leaseholder of the property who are an integral part of the on-site fish processing operation.

21.52.060 Commercial, noncommercial and industrial PUDs.

b. A planned unit development that includes commercial, noncommercial or industrial uses shall comply with the following requirements and conditions:

1. The PUD site shall have direct access to an arterial or collector street.

Finding 11: The project has direct access to Homer Spit Road, an arterial.

2. Utilities, roads and other essential services must be constructed, installed and available for the immediate use of occupants of the PUD.

Finding 12: Utilities and roads exist and are available for use by the occupants.

3. The PUD shall be developed with a unified architectural treatment.

Finding 13: The new buildings and boardwalk shall be of similar style and construction to other small buildings on the Spit.

c. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Commission may impose conditions to provide adequate privacy, including without limitation one or both of following requirements:

1. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;

Finding 14: Structures on the property will be set back to sufficiently sufficient to protect the privacy of adjacent uses.

2. Structures on the perimeter must be permanently screened by a fence, wall or planting or other measures sufficient to protect the privacy of adjacent uses.

Finding 15: Condition 2 delineates with a fence, driftwood or some type of visual marker the lease boundary on the harbor side.

d. Dimensional Requirements. Setbacks and distances between buildings within the development shall be at least equivalent to that required by the zoning district in which the PUD is located unless the applicant demonstrates that:

1. A better or more appropriate design can be achieved by not applying the provisions of the zoning district; and

Finding 16: Waiver of the building setback for the purpose of building a boardwalk will result in a better design.

Finding 17: The boardwalk, stairs and ramps may extend into Parking and Access area which the applicant is leasing.

2. Adherence to the dimensional requirements of the zoning district is not required in order to protect health, safety and welfare of the occupants of the development and the surrounding area.

Finding 18: The health, safety and welfare of the occupants of the development and the surrounding area will not be affected by the board walk.

CONCLUSION

Based on the foregoing findings of fact and law, Conditional Use Permit 12-01 is hereby approved, subject to the following conditions:

Condition 1: Within 12 months of the signed Decisions and Findings, the building setbacks issues to be resolved and Fire Marshal Approval obtained.

Condition 2: The rear of the lease property, adjacent to the harbor and future spit trail shall be delineated with a fence, driftwood or some type of visual marker to show the lease boundary.

Condition 3: Boardwalk construction to be complete within two years.

Condition 4: The caretaker's unit to be used solely by an employee, the owner, the applicant and/or leaseholder of the property who are an integral part of the on-site fish processing operation.

Condition 5: The boardwalk may extend up to ten feet into Parking and Access Area for the purpose of a boardwalk, stairs and/or handicap ramp down to grade.

Date: _____

Chair, Shelly Erickson

Date: _____

City Planner, Rick Abboud

DRAFT

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 , 2012. 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

Brad Faulkner
PO Box 996
Homer, AK 99603

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

Thomas Klinkner
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STAFF REPORT PL 12-52

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 19, 2012
SUBJECT: Planning Director's Report

August 27th City Council Meeting

RESOLUTION 12-050 (S)

A RESOLUTION OF THE CITY OF HOMER AUTHORIZING THE CITY MANAGER TO INITIATE A SPECIAL ASSESSMENT DISTRICT USING THE PETITION PROCESS PROVIDED IN HCC 17.04.040 (A) (2) IN THE LILLIAN WALLI ESTATE SUBDIVISION DESCRIBED AS HM0880017 T06S R14W S24 LILLIAN WALLI ESTATE SUBDIVISION, TO INCLUDE LOTS 39 - 42 AND 51 - 77, FOR THE PURPOSES OF PREPARING THE LOTS OWNED BY THE CITY OF HOMER FOR SALE AND FURTHER RESIDENTIAL DEVELOPMENT..

Activities

Julie I have been spending time working with the Gasline Committee. We have been developing criteria for inclusion within the district and I have been working to introduce some project management software to help us communicate better and meet all of the various deadlines. Julie continues to do extensive work for the Parks and Recreation Committee. Dotti has been taking an extended leave. She is able to do some work from afar, but of course there is more work left for the rest of us. And speaking of the rest of use, Shelly has found a new job and submitted her resignation effective at the end of this week. We wish her luck and are beginning the take on the task of hiring her replacement.

Julie and I have now found ourselves involved in more projects from the City Manager's office. We will be getting things ready for the petition process in Lillian Walli Estate subdivision to complete infrastructure development, working on conveyances from the state of state owned property in the tidelands, Spit Trail public process and working on the Kachemak Drive trail project. Yes, this leads us to not putting as much on the Planning Commission plate, but I do believe that is appropriate at this time, as we have completed comprehensive plans and implemented a great deal lately.

Commissioner Training

Mark your calendar for Sunday, Nov 11-13th. The exact times of the sessions have not been determined yet. But we have reserved hotel rooms At Captain Cook's before they disappeared.

Adoption of FEMA Flood Hazard Maps

Status of Project

The DFIRM project for Homer, AK is in the Post-Preliminary Processing stage. The following table illustrates where we are in the project and includes major milestones with dates:

Activity	Actual or Projected Date
DFIRM Preliminary Date	August 19, 2011
Revised DFIRM Preliminary Date	April 20, 2012
Flood Study Review Meeting	July 26, 2012
90-day Appeal Period Start Date	October 3, 2012*
90-day Appeal Period End Date	January 1, 2013*
Issue Letter of Final Determination	May, 2013*
DFIRM Effective Date	November, 2013*

**All projected dates are subject to revision as the project progresses.*

Recent Activity

STARR has completed an update to the coastal analysis that revised the preliminary mapping distributed in August, 2011 and redistributed on April 20, 2012 and held a Flood Study Review/Community Coordination Meeting on July 26, 2012 with the community to discuss the revised mapping and the path forward on this project.

Next Steps

A 90-day Appeal period will begin, during which the city can submit appeals or comments on the revised preliminary maps. The city will be notified via letter prior to the start of the appeal period.

FEMA and STARR will work with you to resolve any comments your community may have on the Preliminary FIS report and DFIRM. If the comments result in significant changes that warrant a revision, FEMA will revise the FIS report and DFIRM and send revised copies to your community for review. All comments must be resolved before FEMA will issue a Letter of Final Determination (LFD); therefore, the processing of the FIS report and DFIRM for your community could be delayed. Following the resolution of any comments, FEMA will send you a letter of final BFE determinations (LFD). The LFD is currently scheduled to be sent to communities in May, 2013.

The effective date for the project is currently scheduled for November, 2013 (six months following the LFD).



City of Homer Planning & Zoning

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STAFF REPORT PL 12-51

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 19, 2012
SUBJECT: Marine Commercial Zoning District

Requested Action:

This staff report will wrap up conversation on overnight accommodations, and begin discussion on the next topic: dimensional requirements.

Introduction

The Commission has been discussing possible code solutions for the overnight accommodations found on the Spit. At the last two work sessions, the Commission listened to comments from Spit business owners, and interested citizens. The comments were in favor of allowing 50% of a building to be used for overnight accommodations. There was some concern about allowing all of a boardwalk building to become lodging; it might detract from the mix of land uses that makes the Spit so interesting. On the other hand, if the choices are boarded up vacant buildings, or overnight rentals, rentals might be preferable to empty storefronts.

Proposed Lodging Solution

Lines 45-48, and line 63, are possible code changes. Staff also suggested using the term "lodging" rather than "accessory lodging," to follow the grammar generally found in our code. We will be working with the City Attorney at some point on the exact legalese.

New Definition:

"Lodging" means a building, portion of a building, or group of buildings, containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals. Lodging is not a hotel, motel, bed and breakfast, rooming house or hostel.

Three concepts in the 9/12 draft ordinance:

1. Caretaker/employee/employer quarters for occupancy more than 30 days, limited to 50% or less of the floor area (permitted use)
2. Lodging as an accessory use, limited to 50% or less of floor area, (permitted use)
3. Lodging as a primary use (Conditional Use)

Enforcement: If someone converts an upstairs space into lodging, under city and state law, a fire marshal review is required. The zoning code requires a zoning permit for this change of use. The rules are the same city wide.

Staff Recommendation: Discuss the draft code language and make any amendments. If there is consensus with the proposed language, staff will move on to the next section of code.

Next Portion of code to work on: Dimensional Requirements.

Introduction

Dimensional requirements spell out minimum lot size, the building envelope (setbacks, height, etc), and structure size limits. For example, Home City Code generally states in the business districts that building area over 8,000 square feet, or covering more than 30% of a lot, requires a conditional use permit. Conceptually, this higher level of review via a CUP is required because the bulk/scale/density of the development could impact neighboring properties. The Zoning Code and each Zoning District has a purpose statement. Everything the Commission enacts or approves should follow the concepts set out in these purpose statements.

HCC 21.01.030 Purpose. The Homer Zoning Code is adopted as one means of implementing of the general goals and policies of the Homer Comprehensive Plan. Its purpose is to enhance the public health, safety and welfare through land use regulations to:

- a. Designate, regulate and restrict the location and use of buildings, structures and land;
- b. Regulate the height, number of stories, and size of buildings and other characteristics of structures;
- c. Regulate and determine the size of yards and other open spaces;
- d. Regulate and limit the density of population;
- e. Conserve and stabilize the value of property;
- f. Provide adequate open spaces for light and air; and to prevent and fight fires;
- g. Prevent undue concentration of population;
- h. Lessen congestion on streets and highways;
- i. Preserve and enhance the aesthetic environment of the community;
- j. Promote health, safety and general welfare.

Purpose of the Marine Commercial District

HCC 21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments, therefore performance standards are required to minimize the impact of development on the natural features on which they depend. (Ord. 08-29, 2008).

When a developer applies for a conditional use permit, these are the ideas that the proposal is compared to. The Commission's findings relate to the overall purpose of the zoning code, and to the purpose statement of the zoning district. It is helpful to keep the purpose statements in mind as we discuss the dimensional requirements in the Marine Commercial district. The Spit is a unique place for many reasons; its zoning may be different than the rest of the city.

Setback Requirements in Marine Commercial

There have been several conditional use permits in the last few years where the setback rules have been relaxed through the planned unit development (PUD) process. Generally speaking, buildings continue to meet the setback requirements, but walkways, boardwalks stairs and ramps have been allowed to be within the setback requirement.

Rather than requiring the use of the PUD process, staff recommends that certain structures, like stairs and boardwalks, be allowed in a setback with a conditional use permit. PUD's are somewhat complicated and require more work of the applicant, staff, and of the Commission. They are not a good way to regulate the setback exceptions we have been seeing. If the City is going to allow setback exceptions along rights of way, code should clearly state the process for that.

Analysis

Staff recommends amending the setback requirements, to allow structures within that area. The Central Business District allows building within the setback from a right of way, with a conditional use permit. Staff recommends the same language for the Marine Commercial District.

Current Setback Code Excerpt with proposed amendment:

21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all structures and uses in the marine commercial district:

- b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other lot boundary lines. Alleys are not subject to a 20 foot setback requirement. **If approved by a conditional use permit, the setback from a dedicated right-of-way, may be reduced.**

Conclusion

The proposed amendment would allow an applicant to apply for a conditional use permit to have a structure in a setback from a right of way. This would be a more clear public process than using a PUD mechanism.

Staff Recommendation

Planning Commission

1. Reach consensus lines 45-48, and 63 of the draft ordinance (lodging)
2. Begin discussion on setback exceptions. Staff can research questions and ideas for the October meetings.

Attachments

September 12, 2012 Draft Ordinance

September 12, 2012 Draft

Chapter 21.28 MC Marine Commercial District

Sections:

21.28.010 Purpose.

21.28.020 Permitted uses and structures.

21.28.030 Conditional uses and structures.

21.28.040 Dimensional requirements.

21.28.050 Site and access plan.

21.28.060 Traffic requirements.

21.28.070 Site development requirements.

21.28.080 Nuisance standards.

21.28.090 Lighting standards.

21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments, therefore performance standards are required to minimize the impact of development on the natural features on which they depend. (Ord. 08-29, 2008).

21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine Commercial 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. Boat charter offices; Tourism related charter offices such as fishing, flightseeing, day excursions and boat charters~~

b. Marine equipment and parts sales and services;

~~c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;~~

d. Business offices for water-dependent and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;

e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves, provided that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;

f. Mobile food services;

g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

h. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.

i. As an accessory use, one small wind energy system per lot. (Ord. 09-34(A) §18 (part), 2009; Ord. 08-29, 2008).

j. Restaurants

k. Cold-storage facilities

43 | l. Campgrounds

44 | m. Manufacturing, processing, cooking, and packing of seafood products

45 | o. Caretaker, business owner or employee as an accessory use to a primary use. The
46 | accommodations must be 50% or less of the building area, and intended use by the occupant for
47 | more than 30 consecutive days.

48 | p. Lodging as an accessory use, occupying no more than 50% of the floor area of the building.

49 |
50 | 21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine
51 | Commercial District when authorized by conditional use permit issued in accordance with HCC
52 | Chapter 21.71:

53 | ~~a. Restaurants and drinking establishments; (reminder: restaurants allowed outright, drinking~~
54 | ~~establishments are conditional)~~

55 | ~~b. Cold storage facilities;(Allow outright)~~

56 | ~~eb. Public utility facilities and structures;~~

57 | ~~d. Dredge and fill when required for construction or maintenance of a structure devoted to one or~~
58 | ~~more uses that are permitted or conditionally permitted in this district;~~

59 | ~~ec. Wholesale outlets for marine products;~~

60 | ~~fd. Pipelines and railroads;~~

61 | ~~ge. Heliports;~~

62 | ~~hf. Hotels and motels;~~

63 | g. Lodging

64 | i. More than one building containing a permitted principal use on a lot.

65 | j. Planned unit developments, limited to water-dependent and water-related uses; No dwelling
66 | units other than caretakers

67 | k. Indoor recreational facilities;

68 | l. Outdoor recreational facilities;

69 | m. Campgrounds;(Allow outright)

70 | n. Manufacturing, processing, cooking, and packing of seafood products.(Allow outright)

71 | o. Other similar uses, if approved after a public hearing by the Planning Commission, including
72 | but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020
73 | and 21.30.030, provided the commission finds the use meets the following standards and
74 | requirements:

75 | 1. The proposed use is compatible with the purpose of the Marine Commercial District,

76 | 2. The proposed use is compatible with the land use development plan for the Homer Spit and
77 | the Comprehensive Plan,

78 | 3. Public facilities and services are adequate to serve the proposed use, and

79 | 4. ~~If City owned land, the Port and Harbor Commission, after a public hearing, has made a~~
80 | ~~written recommendation to the Planning Commission concerning the proposed use, including~~
81 | ~~specifically whether conditions (1) through (3) of this subsection are or may, with appropriate~~
82 | ~~conditions, be met by the proposed use. (Ord. 08-29, 2008).~~

83

84

85 21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all
86 structures and uses in the marine commercial district:

87 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December
88 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December
89 12, 2006.

90 b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other
91 lot boundary lines. Alleys are not subject to a 20 foot setback requirement.

92 c. The maximum building height is 35 feet.

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

96 Building Area and Dimensions - Retail and Wholesale.

97 1. The floor area of retail and wholesale business uses within a single building shall not exceed
98 25,000 square feet.

99 2. In no event may a conditional use permit, Planned Unit Development, or variance be granted
100 that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming
101 use or structure may be expanded in any manner that would increase its nonconformance with
102 the limits of subparagraph (e)(1). (Ord. 08-29, 2008).

103 21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine
104 Commercial District shall not be issued by the City without a level one site plan approved by the
105 City under HCC Chapter 21.73.

106 b. A zoning permit for any use or structure shall not be issued without a level one right-of-way
107 access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

108

109 21.28.060 Traffic Requirements. A conditional use permit is required for all uses that are
110 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.
111 (Ord. 08-29, 2008).

112

113 21.28.070 Site Development Requirements. All development shall conform to the Site
114 Development Requirements contained in HCC § 21.50.030 and the following:

115 a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-
116 owned tidelands.

117 b. The location of buildings and roads shall be planned to minimize alteration to the natural
118 terrain.

119 c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe
120 conditions.

121 d. Point source discharges to a waterway shall be in conformance with the Alaska Department of
122 Environmental Conservation regulations. (Ord. 08-29, 2008).

123

124 21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance
125 Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

126 21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards
127 contained in HCC § 21.59.030. (Ord. 08-29, 2008).

128



City of Homer Planning & Zoning

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STAFF REPORT 12-53

TO: Planning Commission, Economic Development Commission, Port and Harbor Commission, Parks and Recreation
FROM: Rick Abboud, City Planner
DATE: September 14, 2012
SUBJ: Pier One Theater/Campground Site

Summary

A very long report has been created describing several of the current and proposed activities on the site. A map outlining the activities is included. We are looking for comments.

As far as short-term activities are concerned, I feel that the proposed barge facility can produce revenues for the Port and Harbor while accommodating the current traditional use found (camping). We would be careful not to propose activities which would displace the most desirable camp spaces nearest to the water. A kayak launch could be accommodated in the corner at the water nearest to the road without impeding any current or proposed activity and would not introduce such improvements that could not be relocated if the need in the future arose. No other plan exists in the short term to relocate dredge spoils.

This leaves an acre on the site closest to the highway. The area is 4 times the amount of land requested for lease. Comments could be used as to the possibilities of a lease. If it was found that a lease with a permanent improvement is desirable, I would suggest that it be located between Pier One and the highway. This would introduce that least amount of constraint on the property for future uses and is the least impacting on the view shed. Perhaps a larger question is whether or not this is in the best interests of the City or the Port and Harbor Enterprise fund and what might be suggested to put it in the best light.

Comments are desired as to the compatibility of the various current and proposed uses in relation to a 5 – 10 year time frame. While I do not have much in the way of long-term plans for the lot, I suggest a review to reevaluate in 5 years or so. Do you have suggestions for the long range use of this lot?



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STAFF REPORT 12-49

TO: Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 31, 2012
SUBJ: Pier One Theater/Campground Site

Executive Summary

We are preparing a plan for use of the Pier One lot on the spit. The result of this will be to address a short and long term plan for the lot so that activities can proceed with guidance.

The lot has multifaceted interests and uses in the present and future. This report summarizes these various interests and evaluates how they may work together. Presently, the only significant capital improvement is the Pier One Theater Building. Other activities can easily make way for future development considerations.

Development considerations for the near future include a proposed barge haul out facility, kayak launch, and possible lease opportunity for a 10,000 square foot (sf) section of the lot. These activities could coincide with present ongoing activities of camping, dredge spoil storage, Pier One Theater and parking.

When the property was obtained with Port Enterprise funds, it was envisioned that it one day may be used for harbor expansion. Several options have been presented by the Corp of Engineers for a harbor expansion, none of which would include utilizing this land. A concern still exists that the use of the land should compensate the Port Enterprise Fund.

Recently the City Council has been approached by a non-profit requesting a long term lease for 10,000 sf to include a placement of a structure for nominal consideration. City staff, council along with the various committees and commissions are somewhat mixed on whether this proposal would be in the best interests of the city.

This report suggests a short term scenario for the various interests. It is left undecided whether or not the site should support an operation such as the Wooden Boat Society. This may be dependent on a long range evaluation of future opportunities. The various concerns and interest are described in greater detail below. You are being asked to evaluate the options and provide comments and recommendations.

Introduction

At request of the City Council, Administration was requested to create a planning document for proposed uses of the lot. This was brought to their attention as a result of a request from the Wooden Boat Society's request for a 10,000 sf. parcel for nominal consideration to conduct activities at the site. The Council felt they could not respond to the request until planning for the entire parcel was considered. *I am looking for comments and/or motions in support of recommendation or even new recommendations.*

Background

Funds to purchase this site were provided from the Port Enterprise Fund. The entire lot is just over 11 acres (nearly 4 acres of the lot is tidal), part of which was land purchased from World Seafoods Inc. in 1983. In 1983, a price of \$1,500,000 was agreed upon for the purchase of approximately 20 acres in the vicinity of the fishing hole. The current lot configuration includes several acres not subject to that sale. According to the Borough Assessing Department, the 2012 Total Value of the lot and improvements are listed at \$1,719,900 including the "Low" graded theater (listed as warehouse/storage) valued at \$72,000. The relation of the assessment to market value is debatable. Water and sewer service is not connected to the structure. Functionally, the site contains approximately 7 acres not in the tidal zone.

Current Activity

Pier One Theater

Pier One Theater was granted a 5 year lease for nominal compensation last year. The theater structure is approximately 3,600 square feet (sf) and 31 parking spaces are allotted. The activity of Pier One is conducted from mid-May through mid-September. Average attendance of the performances is 75-80 people and capacity is 100. This year Pier One has painted the building and been the recipient of grants to replace the roof on the structure after it was damaged by a storm. The rest of the site consists of camping spaces and a worn picnic shelter, which are in close proximity to the nearby fish cleaning station, RV dump and restrooms found on the fishing lagoon parcel.

Camp Grounds

Over 80 city operated campground sites are located on and near the site and are in operation from April 1 through October 30. The campsites directly adjacent to the fishing hole are actually not part of the Pier One lot. The city charges \$15/night for RV's and \$8/night for tents. RV's generally dominate tent sites. According to the city's web site, "Amenities include Fishing Hole sites, beach sites, fish cleaning tables, handicapped accessible restroom facilities, potable water, and easy access to one of the city's RV dump sites. Pier One Theatre is next door for weekend evening entertainment." It is estimated that 30% of the total annual campground revenue of \$150,000 is generated at this site.

Campsites are spread throughout the site and delineated with pieces of driftwood. A desire has been expressed to do away with the drift wood and delineate the spaces otherwise. While a covered picnic area serves the site, it is desirable to provide more green spaces for the campers. One fire ring is provided next to the picnic shelter. The shelter area is quite exposed and is usually windy and noisy next to the highway. The proposed Spit Trail extension will be constructed between the shelter and the road.

Dredge Spoils

The portion of the lot nearest to the harbor is used for the storage of dredge spoils after they are dewatered. It is not anticipated that the demand for this use will change anytime in the near

future as this is a requirement of the Corp of Engineers for harbor dredging. So far, there are not long- or short-range plans to move this to another site. Approximately 1.6 acres of the site is devoted to this use.

Access Road

An access road supporting truck traffic leads to Freight Dock Road and is located between the dredge spoils piles and the camp ground. This allows for industrial traffic to avoid conflict with the Public Boat Launch. It has been suggested that this road could be straightened to follow the edge of the lot line. The Port Direct is proposing to have the route paved. Currently the road works well to serve the dredge spoils area.

Proposed Activities

Barge Mooring Facility

After conversations with those expressing needs for a place to moor and service barges, the Port Director submitted a CIP proposal for a Barge Mooring Facility on the site. Attached are some conceptual representations of the facility. This would be a seasonal operation starting in fall and lasting until spring. Barges could moor in the tidal area or be dry docked on land while serviced. Barges serviced would have to ensure that an impermeable material is placed on the beach prior to use. With barge services wrapped up in May, the site could be repurposed for camping until fall. The proposed area for use may include the two interior rows of existing campgrounds and the beach sites that would access the area.

Kayak Launch

During the Comprehensive Plan discussions this parcel was identified as a place to provide for kayak launches into the bay. This was seen as an amenity that could be provided with little investment. The site provides an optimal entrance to the bay that does not interfere with the Small Boat Harbor traffic. Additionally, the proposed Kachemak Bay Water Trail has analyzed options for a launch site could be used as a starting gateway to the trail and identified the corner of the lot next to the armor rock protecting the port uplands as most desirable. The Water Trail Organization proposes to spearhead improvements to facilitate kayak launches. This corner of the lot is not currently utilized and has developed road/path access to the bay. The proposed launch site could be utilized without interfering with camping or proposed barge services.

Wooden Boat Society

The Wooden Boat Society requested a long term lease the use of 10,000 square feet located on the lot for \$1 in annual compensation. They have suggested that they would construct a structure on the site within a 5 year time frame. They would prefer a site on the water's edge for easier boat launches. In consideration that the most desirable camp spaces and a barge haul out operation at water's edge would and do generate considerable compensation, it seems that providing a space for a facility not providing direct revenue would not be a financially prudent endeavor at that location. Each dollar of direct compensation to the city is equal to the city tax collected on \$22.22 worth of service or goods. Ten Thousand square feet can provide over twelve camp spaces or over 40 parking spaces. The addition of a structure on the site is a long range endeavor will may limit other opportunities and will affect the view. Depending on site activity, year round boat building/rehabbing activities may conflict with the campground. The decision to provide such a lease is a political one. If space were to be provided the least view and site impacting might be a location between the Pier One building and the highway.

Comprehensive Plan

The Comprehensive Plan provides

Although there are many recreational needs and opportunities on the Spit serving both local residents and visitors, these must be balanced within the overall context of the existing City of Homer Comprehensive Plan Parks and Recreation priorities, currently planned Capital Improvement Projects (CIP), and staff and maintenance resources and capacity.

Moreover, addition of proposed new park sites and improvements outside of existing parks is very difficult to implement on the Spit. As described in the Port and Harbor Section, a majority of the Spit's land and infrastructure is controlled by an Enterprise Fund. Port users— not local taxpayers—would be asked to fund these endeavors making them challenging to implement, despite their merits and public support.

Thus, two ideas that generated some excitement during the public process—a park and gathering place concept focused around the Pier One Theater, and a landmark plaza and drop-off zone. Both would be challenging to fund and implement. Pg 18 HSCP

This following section provides a vision for the Spit, but also recognizes some very important realities. One is that the Spit is unusual in that so much of it is owned by the City of Homer. In addition to standard municipal responsibilities such as parks and public facilities, the City also leases land to private companies. There are two types of goals that arise from this arrangement of land ownership:

- 1) There are universal concepts and goals that apply to all lands regardless of ownership such as zoning; and
- 2) There are policies the City as a land owner should examine.

Another reality is that the City itself further manages its lands based on the way the land was purchased. The Port and Harbor is operated as an Enterprise Fund, meaning that general revenues such as City wide property and sales taxes are not used to support operations. Port revenue is used to purchase port land and to benefit port operations, not the city as a whole. Pg 20 HSCP

A new community park and gathering area was a priority identified during the planning workshops. A possible site identified in the public process is a portion of the city campground between the fishing lagoon and Freight Dock Road, near Pier One Theater. It may be feasible to purchase the property from the Port and Harbor Enterprise Fund. The area was envisioned as a place for picnics, kayak load and launch, and other day use activities. Pg 26 HSCP

Goals for Economic Development:

3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit. pg 30 HSCP

Goal 1.3 Provide public facilities that attract residents and visitors to the Spit

Objective: Provide enhanced park and recreation facilities

Strategies:

Identify and prioritize public recreation needs on the spit, and include projects on the CIP. Refer to the Master Parks and Recreation Plan, chapter 7, in the 2008 Comprehensive Plan.

Prepare a master plan for development of a new community gathering space at the site of the existing City campground north of Freight Dock Road (pier 1 area).

Provide kayak launching facilities.

Set aside a new community park.

Evaluate and develop a plan for non-boating access to fishing opportunities.

Construct weather-protected picnic and outdoor meeting facilities.

Zoning

Current zoning of the lot is Marine Commercial. Taking into account the recommendations of the comprehensive plan, I would expect this area to remain Marine Industrial until it is determined that the site is ready to be used for park and/or recreation activities or until the comprehensive plan is updated to reflect another desired use. Kayak launching is a water dependent activity permitted outright in the Marine Commercial District as are dry docks.

What Now?

I propose to have short and longer term consideration for the lot.

Short term 5-10 years

Continue present activities and consider a few of the currently proposed ones

- camping, boat launch and kayak launch can all work together and do not constitute improvements that would restrict future proposals that could present a higher use in the future. These activities can easily make way for permanent improvements if desired.

- Pier One has a five year lease and should be re-evaluated as the term expires. It is a very old building without running water that has worked well for the seasonal activities it now supports. The structure itself needs to be monitored and improvements will continue to be necessary for its continued use.

- Wooden Boat Society needs a response. It needs to be considered if the community wishes to support a long term lease and a future improvement. As indicated in the comprehensive plan, this lot is supported by the enterprise fund and a long term lease for nominal compensation is not likely to provide a direct return to the fund.

- The remainder of the lot toward the highway could be used for additional recreational activities, perhaps improving upon the shelter area or incorporating additional green spaces and/or for additional parking or camping or any combination.

Longer term 10+ years

Here we could especially use some input!

- present and proposed activities will continue to provide benefits to the city.

- depending on needs and desires, expansion of industrial or recreation could be proposed

- if there is no support for some reimbursement of funds to the enterprise fund the recreational options noted in the comprehensive plan should be modified.

- current activities can easily be moved or modified for gainful improvements.

Attachments

1. Marine Industrial Zoning Code
2. 2012 – 2017 CIP Barge Mooring Facility
3. 2011 Land Allocation Plan – Pier One Theater
4. Site
5. Map

Chapter 21.30 MI Marine Industrial District

Sections:

- 21.30.010 Purpose.
- 21.30.020 Permitted uses and structures.
- 21.30.030 Conditional uses and structures.
- 21.30.040 Dimensional requirements.
- 21.30.050 Site and access plan.
- 21.30.060 Traffic requirements.
- 21.30.070 Site development requirements.
- 21.30.080 Nuisance standards.
- 21.30.090 Lighting standards.

21.30.010 Purpose. The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses. (Ord. 08-29, 2008).

21.30.020 Permitted uses and structures. The following uses are permitted outright in the Marine Industrial 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. Port and harbor facilities;
- b. Manufacturing, processing and packing of sea products;
- c. Cold-storage;
- d. Dry docks;
- e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
- f. Marine equipment sales, rentals, service, repair and storage.
- g. Boat launching or moorage facilities, marinas, boat charter services;
- h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;
- i. Other similar uses, if approved after a public hearing by the Commission, including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following standards and requirements:
 1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water-dependent industry,
 2. The proposed use is compatible with land use development plans for the Homer Spit and the comprehensive plan,
 3. Public facilities and services are adequate to serve the proposed use, and
 4. The Port and Harbor Commission, after a public hearing, has made a written recommendation to the Commission concerning the proposed use, including specifically whether conditions (1) through (3) of this subsection are or may, with appropriate conditions, be met by the proposed use;
- j. Mobile food services;
- k. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- l. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.
- m. As an accessory use, one small wind energy system per lot. (Ord. 09-34(A) §19 (part), 2009; Ord. 08-29, 2008).

21.30.030 Conditional uses and structures. The following uses may be permitted in the Marine Industrial District.

District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit development, limited to water-dependent or water-related uses and excluding all dwellings;
- b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
- c. Restaurants and drinking establishments;
- d. Extractive enterprises related to other uses permitted in the district;
- e. Campgrounds;
- f. Bulk petroleum storage;
- g. Caretaker's residence as an accessory to a permitted or conditionally permitted use;
- h. Heliports;
- i. Pipelines and railroads;
- j. More than one building containing a permitted principal use on a lot.
- k. Permitted uses that exceed 100 vehicles during peak hour or more than 500 vehicles per day based on the proposed land use and density, calculated utilizing the Trip Generation Manual, Institute of Traffic Engineers, most current edition;
- l. Indoor recreational facilities;
- m. Outdoor recreational facilities. (Ord. 08-29, 2008).

21.30.040 Dimensional requirements. a. Lot Size. The minimum lot size is 6,000 square feet.

b. Setbacks.

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

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

c. Building Height.

1. The maximum building height shall be thirty-five feet.

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

e. Building Area and Dimensions - Retail and Wholesale.

1. The total square feet floor area of retail and wholesale business uses within a single building shall not exceed 25,000 square feet.

2. In no event may a conditional use permit or variance be granted that would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (d)(1). (Ord. 08-29, 2008; Ord. 08-27(S)§1, part, 2008).

21.30.050 Site and access plan. a. A zoning permit for a building or structure within the Marine Industrial District shall not be issued by the City without a level two site plan approved under HCC Chapter 21.73.

b. No zoning permit may be granted without a level two right-of-way access plan approved under HCC Chapter 21.73. (Ord. 08-29, 2008).

21.30.060 Traffic Requirements. A conditional use permit is required for every use that is estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060. (Ord. 08-29, 2008).

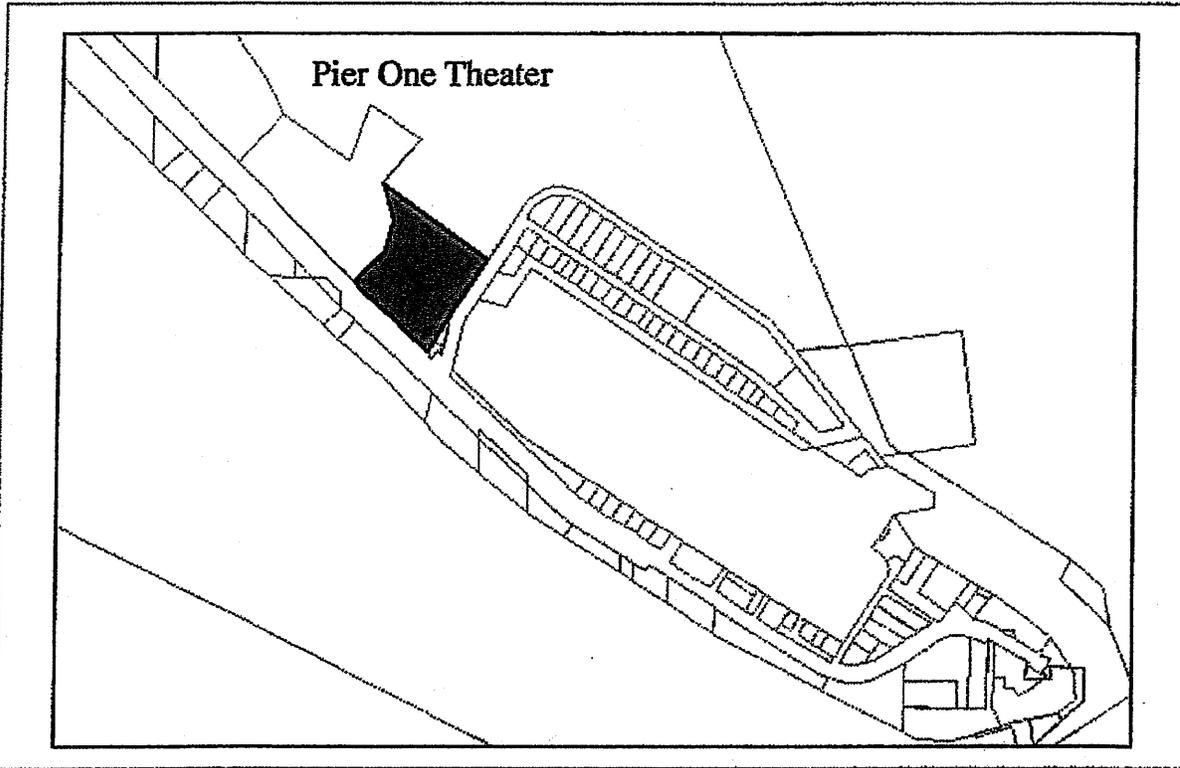
21.30.070 Site Development Requirements. a. All site development shall conform to the level two site development standards contained in HCC § 21.50.030.

b. Point source discharges to a waterway shall be in conformance with the Alaska Department of

Environmental Conservation regulations. (Ord. 08-29, 2008).

21.30.080 Nuisance Standards. The nuisance standards of HCC § 21.59.010 apply to all development, uses, and structures in this zoning district. (Ord. 08-29, 2008).

21.30.090. Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district. (Ord. 08-29, 2008).



Designated Use: Fishing Lagoon
Acquisition History: Ordinance 83-26. Purchase from World Seafood.

Area: 11.27 acres	Parcel Number: 18103117
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2009 Assessed Value: \$1,719,400 (Land: \$1,570,600 Structure: \$148,800)

Legal Description: HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address: 3854 Homer Spit Road
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This is a large parcel that is used several ways.

- Dredge spoils dewatering and storage
- City RV park/campground, and access to the only public RV dump on the spit
- Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A.
- Other summer only leases

Resolution 2011-37(A): Develop a plan which will consider designation of a 10,000 sq. ft. portion to make the land available for Request for Proposals.

Leased to: Pier One Theater
Lease Renewal Options:
Expiration: 12/9/2011 Resolution 2007-56
 The Homer Spit Trail currently ends on this lot.

Finance Dept. Code:

MANAGERS REPORT
September 10, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

This City Manager's report will be devoted primarily to a verbal update on progress regarding the proposed transition plan for moving the Community Recreation Program into the HERC Building. The timing for this discussion and presentation is good because the Council requested that I bring forward a proposal for consideration as part of the budget process. We are working on the draft budget right now and we are scheduled to deliver it to the Council at the meeting on September 24. The Parks and Recreation Commission has recommended that Community Recreation be moved into this facility. They have also recommended that renovation of this building be a CIP Priority for the City. Further, the Boys and Girls Club wishes to work with Community Recreation and they have held off on submitting a proposal for a long term lease until they see what they Council will do with respect to Community recreation and the CIP request.

As you can see, this discussion is timely for a variety of reasons. The Council is about to take up both the budget and the CIP list and Community recreation and the HERC Building will be important parts of the discussion.

