

Session 22-12, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:36 p.m. on August 17, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS VENUTI, SMITH, CHIAPPONE, CONLEY, HIGHLAND, BARNWELL AND STARK

STAFF: CITY PLANNER ABBODD
DEPUTY CITY CLERK KRAUSE

The Planning Commission met at 5:30 p.m. for a training session with City Clerk Jacobsen on conducting efficient and effective meetings using motions, applications of regulations and following Robert's Rules of Order and continued review of Conditional Uses and Structures in each zoning district for reduction of conditional use permits.

AGENDA APPROVAL

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Jason Davis, city resident and Council member, commented that Councilmember Erickson read his prepared statement at the end of the worksession and he hoped that they have a really good discussion and develop recommendations on Ordinance 22-42, to tell City Council on how they can make sure that there are no more neighborhoods without sidewalks on main streets planned and built in Homer going forward. He acknowledged that it was a complicated issue. Mr. Davis noted that the City Planner expressed some good points in his memorandum about addressing districts other than urban residential, but recognized that there is currently roads being constructed without sidewalks after having discussed that very issue for several years now. Mr. Davis continued by stating that the worst case scenario would be a moratorium issued on approval for new subdivisions until this can be worked out. He continued avowing that they need to figure out how to change the parameters to allow the Planning Department, the Commission, and the Borough to say no to plats that do not have a sidewalk included on the main streets. Mr. Davis additionally stated that the recommendations did not have to relate to Ordinance 22-42 as it was presented. He advocated that there has to be some way to stop the millions of dollars that are being poured into elevated roads that are narrow and have no sidewalks on them if they lead to a school.

Mr. Bill Hand, commented on his vacation request noting he made a small error on the property line and contacted all the utility companies. This request was for a utility easement vacation for three feet by 120 feet and once it passes this body it will go before the Borough.

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes for July 20, 2022
- B. Unapproved Regular Meeting Minutes for August 3, 2022
- C. Staff Report 22-51 Utility Easement Vacation Request Lot 2-A-1 Scenic View Subd. Scenic Grove And. No. 1 HM 2013-43

Chair Smith requested a motion and second to approve the Consent Agenda.

City Planner Abboud responded to a Commission question regarding the utility vacation request being on the Consent Agenda, briefly explaining that the request was non-controversial, did not require a public hearing and is a standard request that did not require debate.

HIGHLAND/BARNWELL MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- A. Staff Report 22-51, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-51 for the Commission. He facilitated discussion on the following:

- Demolishing the smaller building on the HERC site
- Funding appropriated for the Transportation Plan update, working on the scope of work, definitions, etc.
- Ordinance regarding items encroaching or impeding rights of way
- Planning Technician Brown's resignation and impacts to the Planning Office

Commissioner Stark with assistance from Chair Smith will report at the Council meeting on Monday.

City Planner Abboud facilitated a robust discussion on the following items from his report:

- Fairview (Eric Lane) Pathway funding
- Transportation Plan update general scope of work is people first focus, the implementation plan created by Public Works will be used as a separate document and will not be thrown out.
- Dedication of 60 foot width is adequate for roads with sidewalks and a requirement for a wider street may be due to elevations involved, if bike lanes were desired and sidewalks.
- Permitting software scope of performance
 - o Difficulties in setting up the payment portal
 - o Creates and maintains a database of all properties
 - o Connecting to Public Works for water, sewer, etc.
- Proposed grading ordinance

- Future personnel to oversee or perform duties
- Future Building Department oversight
- Slash and clearing regulations
 - Burning will not be allowed
 - Require removal by the contractor
- Reviewing several other municipalities regulations
- Removal and disposal of fill materials
- This will be presented to the Commission before final approval
- There are multiple things that are holding the permitting
 - Reconfiguring data from the Borough
 - Personnel Changes with the developer
 - Pay Portal issues with the developer, accounting software and the Bank
 - Validating the information before the planning technician leaves

Deputy City Clerk called for a point of order, noting this has deviated from the City planner's report into discussion.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

- A. Memorandum from Special Projects & Communications Coordinator re: Draft City of Homer 2023-2028 Capital Improvement Plan & Legislative Requests

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed the memorandum provided by Special Projects & Communications Coordinator Carroll for the Commission on the update to the Port of Homer Large Vessel Harbor project costs.

Chair Smith brought up the issue that he believed the three projects, Large Vessel Harbor, Barge Haul out Facility and Homer Spit Road Coastal Erosion Mitigation projects could be combined as one recommendation since they were all interrelated and pertinent. He requested input on the idea of recommending these projects combined to City Council from the rest of the Commission.

Deputy City Clerk Krause noted that sentiment of the Commission strongly supporting those three projects in the minutes to Ms. Carroll.

Commissioner Chiappone noted that those were his three top projects he was going to recommend.

Commissioner Venuti commented that they should wait and let each Commissioner state their top projects.

Chair Smith confirmed that the Clerk would be keeping track of the recommended projects and ranking.

Commissioners stated their top project selections and expressed support for the combining of the three harbor projects as a combined first recommendation. Then submitted the following:

- New Public Works Facility

- Fire Hall Expansion, Phase 1

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVE TO SELECT AS A COMBINED SPIT DEVELOPMENT PROJECT SELECTION – PORT OF HOMER NEW LARGE VESSEL HARBOR, HOMER BARGE MOORING AND LARGE VESSEL HAUL OUT REPAIR FACILITY AND HOMER SPIT ROAD/AK HIGHWAY 1 COASTAL EROSION MITIGATION AS THESE PROJECTS ARE INTER-DEPENDENT AND FURTHER RECOMMEND THE NEW PUBLIC WORKS FACILITY AND FIRE HALL EXPANSION PHASE ONE AS TOP PRIORITY PROJECTS FOR THE PLANNING COMMISSION.

Discussion continued on the value and benefits to the Community that these projects provide for the City of Homer; support and encouragement for the development of the Harbor as a whole; importance of mitigating the erosion and as the city grows the need to provide the services that the Fire Hall Expansion Phase 1 and New Public Works Facility projects would provide for the city.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

B. Staff Report 22-53, Review of Conditional Uses and Structures

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of the discussion conducted during the worksession and continued review on each of the zoning districts and staff recommendations for removing or amending uses for that district as follows:

RURAL RESIDENTIAL

- More than one building containing a permitted principal use on a lot
 - o Allowing four to six units to be permitted without requiring CUP's in areas that are transitioning
 - o CUPs would be required in areas that are not being considered for transitioning
 - o Clarification was provided that this was the most applied for and approved with no recommendations from the Commission

URBAN RESIDENTIAL

- Townhouse developments
 - o Need review of definition of townhouse at a later date
- More than one building containing a permitted principle use on a lot
 - o Applying the density standards of multi-family
- Condominiums are considered the same as apartments
- Water and Sewer would be required

City Planner Abboud stated that the proposed changes would not be applied to the Bridge Creek Watershed Protection District as it is separate and focused on protecting the watershed. The City does not want to jeopardize that area.

RESIDENTIAL OFFICE

- Remove Townhouses, Mortuaries, medical clinics, hospital, Group Care homes, Day Care facilities
 - o Day Care facilities must have fenced play areas
- More than one building containing a permitted principle use on a lot
- Recommend upping to 40 percent of the lot area without a CUP

Clarification was provided that medical services such as Chiropractic would be allowed in the district.

MEDICAL DISTRICT

There are no recommendations from staff to amend for this district.

CENTRAL BUSINESS DISTRICT

- Remove Indoor/outdoor recreational facilities, Auto refueling stations, Greenhouses and garden supplies, group care and assisted living homes
- More than one building containing a permitted principle use on a lot
- Allow up to 50 percent lot coverage as this has not been a reason for a CUP application

City Planner Abboud facilitated a brief discussion on allowing charging stations in the district and the location of existing charging stations and adding that subject to a meeting agenda after some research. He then mentioned the electrical charging stations for bicycles, etc.

TOWN CENTER DISTRICT

- Indoor and outdoor recreational facilities, Greenhouse and garden supplies, group care and assisted living homes, self-service laundries
- Review and amend the existing items listed under j. and k. for elimination so it is properly covered

GATEWAY BUSINESS DISTRICT

- Continue amending the more than one and consider moving to higher are coverage similar to other districts
- How the coastal setback requirement would effect this district

City Planner Abboud responded that the Planning Department will be addressing the dirt piles that Commissioner Highland brought forward. He stated that they do not immediately address actions like that since there are projects going on and it may be waiting but if not then it violates the material storage.

GENERAL COMMERCIAL 1

- Multi-family dwelling, Townhouses, Day Care Facilities, Indoor and Outdoor Recreational Facilities
- No lot shall contain more than 8000 sf of building area, all buildings combined, nor shall any building area in excess of 30 percent of the lot area without approved CUP.
- This district could be a good place for tiny homes, in the Lakeshore area.
- Commission expressed desire to keep to the 8000 square feet
- Staff advocated for the increase to 40 percent coverage

A brief discussion on the suggestion of a consideration for tiny homes and what outdoor recreation would look like, examples were provided of basketball courts, tennis courts, Volleyball, Pickle Ball, Skate Parks, Horse Park, etc. and that a requirement for CUP may be worth keeping. Additional discussion that tiny homes would fall under the more than one, but they would need to look at the limits on floor area ratio when you can only go up 35 feet when they are trying to increase density. He further noted that the area required for planned tiny home community needs a great amount of space since each tiny home would require a parking space.

GENERAL COMMERCIAL 2

- Removal of Mobile Home Parks, Bulk Petroleum product storage above ground, Impound yards, Day Care facilities, Group Care or Assisted living homes, Indoor and outdoor recreational facilities
- No lot shall contain more than 8000 sf of building area, all buildings combined, nor shall any building area in excess of 30 percent of the lot area without approved CUP.

Discussion ensued on the removal of the mobile home parks, day care group and assisted living homes from a generally commercial/industrial district and increasing the coverage to 40 percent.

EAST END MIXED USE DISTRICT

- No lot shall contain more than 8000 sf of building area, all buildings combined, nor shall any building area in excess of 30 percent of the lot area without approved CUP.

City Planner Abboud wanted to address the Marine Industrial and Marine Commercial District after speaking to the Port and Harbor Advisory Commission regarding proposed changes to get their input.

NEW BUSINESS

A. Staff Report 22-54, Review of Ordinance 22-42, Sidewalks

Chair Smith introduced the item and invited City Planner Abboud to Memorandum 22-54.

City Planner Abboud acknowledged the concerns of the City Council and agreed that it needed to be addressed as soon as reasonably possible. He hoped that the Commission reviewed his memorandum citing the conflicts that the proposed ordinance presents. City Planner Abboud made the following points:

- Homer City Code Chapter 11 is outside the Commission familiarity
 - o Reviewed the intent, applicability and definitions with the Commission
- Chapter 11 addresses design standards of streets
- As written the ordinance implies all easements and or rights of way in any district that provides public access.
- Recommend consideration of sidewalk for location, street classification and proximity to public and private facilities.
- Define streets that do not serve as corridors as this is not designated in Homer City Code or document once the Homer Non-Motorized Trail and transportation Plan (HNMTTP) element is removed.
- Title 22 addresses dedications and should be amended to require easements and dedications
- Term of Public Access Corridor as the term is not defined in the HNMTTP.

- There are minimal options available to create subdivisions in the Urban Residential District. All parcels that would be appropriate are currently in the process of subdivision, represent school or DNR lands.
- City Code and plan already addresses new streets shall have easements for sidewalks, bicycle path or other non-motorized transportation facilities and these can be requested and processed into the development agreements.
- Amend Title 22 to require the proper dedications to support such facilities in the platting process, which is where one would need to have a plat approved prior to construction of the development agreement.
- This design scope requiring sidewalks should be applied to all districts as well as connectivity that it might provide.
- Improving connectivity to already established collector type roads or other routes that have existing sidewalks will improve walkability.
- Consultation with traffic engineers would be beneficial to determine a functional classification system that meets Homer needs.
- The City just committed funds to update the Transportation Plan and meetings were conducted on finalizing the contractor's scope of work.
- Recommendation to consult with contractors and City Attorney on the best path forward to not introduce conflicts in city code.
- City Code indicates that the city will share in the cost and that needs to be changed

Further points made and discussed by the City Planner and Commissioners were as follows:

- Submitting to City Council steps that need to be conducted prior to the Commission submitting any recommendations.
- Council wanting a different answer and sooner than what it will take to properly address city code.
- Commission can express support for the requirement of sidewalks
- Define the term public access corridor and make sure it is consistent in the updated HNMTTP
 - o Commend the Council for wanting to take action
- Possible legal issues and understanding that it is not so easily done there is a lot more to be done to effect the changes necessary.

BARNWELL/VENUTI MOVED TO POSTPONE THE RECOMMENDATIONS FROM THE COMMISSION ON ORDINANCE 22-42 UNTIL THE UPDATED TRANSPORTATION PLAN IS COMPLETE.

Discussion ensued on the following:

- projects that these changes will affect
 - o existing projects that are already under contract cannot be amended
 - o There may be one possible subdivision but it is a long time off even if brought forward
- the term public access corridor currently used in code is a public access easement so it could apply to any easement
 - o this term has not been found in the HNMTTP
- expected time frame of the update is 12-18 months to adoption
 - o can research to see if there is the ability to address this issue before adoption
- postponement of Council's request is premature without further discussion

- urgency is the ongoing discussions for the past year and pressure from various components of the public and various organizations
- Submit to Council recommendations for actionable items that could be addressed by them as recommended by the Chair.

Commissioner Conley recommended that they amend the motion to put a contingency on the development of the updated transportation plan.

Commissioner Highland recommended that they vote the motion on the floor down to make it clean and not postpone or kick the can down the road. She recommended that they follow the City Planner's suggestions to have a discussion and try to develop recommendations for Council. She expressed that it is the Commission's job regarding sidewalks and zoning.

Deputy City Clerk Krause restated the motion on the floor at the request of Commissioner Venuti.

Chair Smith called for a roll call vote on the motion.

VOTE. YES. VENUTI.

VOTE. NO. SMITH, CHIAPPONE, HIGHLAND, CONLEY, STARK, BARMNWELL.

Motion failed.

Chair Smith inquired if Commissioner Conley would like to make his motion.

Commissioner Conley expressed that he would like to have discussion as initially he believed that this should be delayed until the update to the transportation plan and there are a couple of things that should occur defining public access corridors and hopefully that will be addressed in the transportation plan and it really hinges on what public access corridors are and he believed that it would be painting with a broad brush that they are going to out sidewalks on all streets in Homer and he would like to hear from the Commission on this item.

Commissioner Highland reiterated what she previously stated and believed that Council was coming from a point of frustration that the Commission has not addressed this already. She believed that there is a simpler way to state place and time that they will make zoning changes. She believed that the Commission could have discussion tonight while being aware of the time. Commissioner Highland further expressed that she did not believe a sidewalk was needed on every street not only due to the expense but often another form of non-motorized transportation facility would work, noting the lack of bike paths.

City Planner Abboud responded to Commissioner Chiappone that City Council could just go ahead with this ordinance since the Commission is required to review amendments to Title 21, however this addresses Title 11 which is totally out of the Commission responsibilities, he believed that this was a punt from Council to the Commission and it is important that they address sidewalks but Title 22 is more in the realm of the Commission.

The Clerk confirmed that Council has this ordinance on their September 26th so the Commission could have this before them for the next two meetings.

City Planner Abboud stated that they may be able to move some items forward before this item is due back to Council.

Commissioner Barnwell agreed with the Commission sentiments to address this at the Commission and not postpone the action recommended by the City Planner.

Commissioner Venuti noted that newly developed subdivisions are supposed to have sidewalks but believed it was more important to address existing streets. He further noted that a newly proposed subdivision can take up to two years to happen.

City Planner Abboud agreed but noted that the proposed ordinance does not address that and is more about new subdivisions that have not entered into a subdivision agreement as yet. He then referenced a recent action that was before them that had about three properties.

Chair Smith suggested a statement from the Planning Commission acknowledging the public outcry and that it is at the top of their priority list but it will take time, there is a process. He further questioned how the Commission can position themselves to be in a positive responsive position and then work it out.

City Planner Abboud commented that is the direction he was recommending the Commission focus and then commented that the action Council wanted it could not be provided in Urban Residential. Council did not enumerate or identify what exactly they wanted to accomplish and referenced that the subdivision created by Tony Neal was platted in the 1980's.

Additional discussion covered the following points made by the City Planner and Commissioners:

- Commissioners focus on what the Council is requesting
 - o New Developments only
 - o Primary Connector Streets
 - o Submit Memorandum that the Commission is working on their request and will submit a more definitive response by the September 26th date
- Can the minimum road standard be amended to a wider width to accommodate a path or sidewalk
 - o How is a sidewalk constructed next to a gravel road?
- Submit specifics in the recommendation that can be directed to developers

Commissioner Highland stated that they need a motion to extend the meeting time.

City Planner Abboud stated that on this item no action is required from the Commission at this meeting.

Commissioner Stark volunteered to work with the City Planner to formulate a draft response for the next meeting.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the August 8, 2022 City Council Meeting
- B. Planning Commission Calendar 2022

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause expressed her appreciation for the Commissions work tonight, it was a long meeting but the Commission got a lot done.

COMMENTS OF THE COMMISSION

Commissioner Highland commented, "Carrying on smartly."

Commissioner Conley expressed his appreciation for Chair Smith getting them through the agenda tonight.

Commissioner Barnwell expressed his appreciation for Chair Smith keeping everybody in order and that it was a good meeting.

Commissioner Chiappone thanked City planner Abboud for his good report, on the CUP issue and Ordinance and stated that the City did not pay the Clerk enough.

Commissioner Venuti commented that it was an interesting meeting and then noted that they speak about a non-motorized transportation plan and presumably that covers bicycles but now he is seeing what is called e-bikes which are motorized and deserves some consideration also.

Commissioner Stark expressed his appreciation for the substantive collaboration of the Commission on the Ordinance 22-42 and it is a real pleasure to be working with them. He then expressed his appreciation for the hard work of Rick, Renee and Scott. Mr. Stark then noted that consideration should also include the motorized skateboards.

ADJOURN

There being no further business before the Commission, the meeting was adjourned at 9: 38 p.m. The next Regular Meeting is Wednesday, September 7, 2022 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____