

Session 21-17, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:33 p.m. on August 4, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar. There is one vacancy on the Commission.

**PRESENT:** COMMISSIONERS BARNWELL, VENUTI, SMITH, CONLEY, HIGHLAND, CHIAPPONE

**STAFF:** CITY PLANNER ABBODD  
DEPUTY CITY CLERK KRAUSE

The Commission met prior to the regular meeting at 5:30 p.m. for a worksession. On their agenda was discussion on the 2022-2027 Capital Improvement Plan and Homer City Code 21.57 Large Retail and Wholesale Stores.

### **APPROVAL OF THE AGENDA**

Chair Smith read the agenda changes and supplemental items into the record and requested a motion.

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA WITH THE CHANGES AND SUPPLEMENTAL ITEMS

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

### **RECONSIDERATION**

### **CONSENT AGENDA**

- A. Planning Commission Regular Meeting Minutes of June 16, 2021
- B. Decisions and Findings for Conditional Use Permit 21-06 at 1308 Lakeshore Dr

Chair Smith read the Consent Agenda into the record and requested a motion of approval.

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

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PRESENTATIONS / VISITORS**

Aaron Fleenor, Yard Manager, Northern Enterprises Boat Yard made a presentation to the Commission on the recent improvements to their facility and the proposed plan to increase their footprint with the purchase of available property.

Mr. Fleenor responded to questions from the Commission on the following:

- Traffic crossing concerns regarding Kachemak Drive
- Long term prediction of increased need for large vessel haul out facilities
- Increase in large boats coming to Homer over the last 13 years
- Influx of boats from northern communities in Alaska
- Kodiak has the infrastructure but is limited in space and difficulties in getting supplies
- Seward does not have the infrastructure
- Homer does have tidal issues
- Large economic driver for the community
- Community concerns over wetland use and moose habitat
- Current land holdings have some dedication to wetlands and there is currently 35 acres dedicated to moose habitat along Kachemak Drive
- Moose and wildlife are still able to access Northern Enterprises property
- Estimated number of vessels that will increase use of their services
- Diversity of Marine Trades available in Homer
- Permitting is currently in place by the Corps of Engineers allowing Northern Enterprises to dredge materials from the specific area but they do not, by practice, remove the dredge materials. They just push them to the sides to provide additional depth needed when bringing vessels out of the water for services.

The Commission expressed their appreciation for the presentation.

## **REPORTS**

### **A. Staff Report 21-48, City Planner's Report**

Chair Smith introduced the item and deferred to City Planner Abboud.

City Planner Abboud spoke to his written staff report, highlighting the following:

Tsunami response on Wednesday, July 21, 2021  
Siren control and volume

City Planner Abboud facilitated discussion on the scheduling of a future agenda item on use of connexes as structures in Homer City Limits and getting public input on the use of those structures and meeting in person in the Council Chambers and or via teleconference.

### **B. Public Works Campus Task Force Report**

Chair Smith introduced the item and asked for Commissioner Barnwell to provide his report. He additionally noted the minutes provided in the Supplemental Packet of the July 14<sup>th</sup> and 28<sup>th</sup> regular meetings.

Commissioner Barnwell reported on the Task Force progress refining their final report to City Council. He responded to questions of the Commission on use of a phased approach, availability of commercial real estate, inclusion in the Capital Improvement Plan.

## **PUBLIC HEARINGS**

### **PLAT CONSIDERATION**

#### **A. Staff Report 21-41, James Waddell Homestead 2021 Replat Preliminary Plat**

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner provided a summary of Staff Report 21-41 for the Commission.

There was no applicant present.

Chair Smith opened the public comment period and having no members of the public requesting to comment closed the public comment period.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT 21-41 AND RECOMMEND APPROVAL OF THE JAMES WADDELL HOMESTEAD 2021 REPLAT PRELIMINARY PLAT TO VACATE A LOT LINE.

There was a brief comment on this action being clear and straight forward.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **B. Staff Report 21-44, Barnett's South Slope, Evans Addition, Preliminary Plat**

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report to the Commission.

City Planner Abboud provided a summary of Staff Report 21-44.

Tom Latimer, representing the applicant reported that he was available for questions.

Chair Smith opened the public comment period and having no members of the public requesting to comment closed the public comment period.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 21-44 AND RECOMMEND APPROVAL OF THE BARNETT'S SOUTH SLOPE EVANS ADDITION PRELIMINARY PLAT TO REMOVE A LOT LINE BETWEEN TWO LOTS WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY) PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL STATE AND FEDERAL PERMITS.
2. COMMISSION TO CONCUR WITH MAINTAINING EAST TASMANIA COURT AS A 50 FOOT RIGHT OF WAY WITH THE INCLUSION OF PLAT NOTE AND DEPICTION DESIGNATING THE ADJACENT 15 FOOT UTILITY EASEMENT AS A UTILITY AND SLOPE EASEMENT.
3. CORRECT THE STREET NAME TO EAST TASMANIA COURT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith called for a recess at 7:45 pm. The meeting was called back to order at 7:50 p.m.

#### **PENDING BUSINESS**

- A. Staff Report 21-43, Marijuana Onsite Consumption Endorsement

Chair Smith introduced the item by reading of the title.

City Planner Abboud provided a summary and explanation of why this item was back before the Commission noting that they could not take further action or recommendations. He noted that the Commission could provide, and what City Council was requesting, was further clarification on the reasons for not supporting on site consumption regulation.

Commissioner Barnwell and Highland commented that in further consideration of the subject if they could change or vote again on the issue they would vote it down.

Chair Smith provided clarification on why he could not support allowing onsite consumption was the location in the Central Business District in the middle of an area that is highly frequented by families and children and with the wind blowing the odor would be in his opinion advertisement for the product.

City Planner Abboud responded that if any smell was detected outside the location the business would be shut down in accordance with state regulations.

#### **NEW BUSINESS**

- A. Motion to Dismiss Appeal by Frank Griswold of the Planning Commission Decision on Conditional Use Permit 20-15 for the reconstruction of a restaurant building at 106 W. Bunnell Avenue, Homer, Alaska

Chair Smith introduced the item by reading of the title and noted that this matter was before the Planning Commission at their June 6, 2021<sup>1</sup> regular meeting and it was discovered after the fact that the parties had not received notice of the motion to dismiss. As a result, the action from the June 6th<sup>2</sup> meeting is void. Notice was distributed to the parties on July 6, 2021 and they were given the opportunity to respond. This matter is back before the Commission tonight for action.

Deputy City Clerk Krause responded to Chair Smith's request for clarification on the ordinance amending city code to remove matters like this from the Commission. She explained that it was introduced and still needed to go through the public hearing and second reading before becoming effective, further stating she believed that was scheduled for the upcoming Council meeting.

Chair Smith requested a motion and second.

VENUTI/HIGHLAND MOVED TO POSTPONE ACTION ON THE MOTION TO DISMISS UNTIL CITY COUNCIL RESOLVED ACTION ON THE ISSUE.

Commissioner Venuti recommended the postponement to allow City Council time to address the code changes.

Commissioner Highland requested some input from Deputy City Clerk Krause on whether they could postpone the action before them.

Deputy City Clerk Krause explained that City Council approving the ordinance would not change the action before the Commission tonight however there was information in the supplemental packet regarding a request for a continuation. This matter is in the hands of the Commission and in my opinion you should not postpone it to await the outcome of Council action.

Commissioner Venuti stated that he would like to amend his motion.

Deputy City Clerk Krause recommended voting on the motion on the floor.

Chair Smith called for any additional discussion hearing none he requested the Clerk to take a roll call vote.

VOTE. NO. CONLEY, BARNWELL, VENUTI, SMITH, CHIAPPONE, HIGHLAND.

Motion failed.

Chair Smith requested Commissioner Venuti to restate his motion but before he did he recognized Commissioner Highland.

<sup>1</sup> Incorrect date provided of June 6, 2021 correct date of meeting should reflect June 2, 2021

<sup>2</sup> See note 1 above

HIGHLAND/VENUTI MOVED TO DISMISS THE APPEAL BY FRANK GRISWOLD OF THE PLANNING COMMISSION DECISION ON CONDITIONAL USE PERMIT 20-15 FOR THE RECONSTRUCTION OF A RESTAURANT BUILDING AT 106 WEST BUNNELL AVENUE, HOMER, ALASKA.

There was a brief commentary on the lack of credentials on the part of the Planning Commission in addressing issues like this since they do not know the law and while Mr. Griswold brings forward interesting points it will be better to have these types of actions go before a hearing officer.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Memorandum Re: Planning Commission Declaration of Vacancy

Chair Smith introduced the item by reading of the title. He then requested input from the Clerk.

Deputy City Clerk Krause responded that in accordance with the Commission bylaws since she had exceeded the allowed absences.

HIGHLAND/VENUTI MOVED TO DECLARE THE SEAT OF SYVERINE BENTZ VACANT IN ACCORDANCE WITH THE BYLAWS.

Discussion ensued on the ability for Ms. Bentz to reapply for her seat and encouragement from all members of the Commission and the Mayor. Further points made on being cognizant of how important attendance is to this commission and how inflexible the rules are in comparison to the other commissions and board.

Deputy City Clerk Krause responded that she does have attendance sheet but with the meetings being conducted via Zoom she lost track in keeping accurate accounting of absences and it was Commissioner Bentz herself who brought that issue to the Clerk's attention in response to Commissioner's questions.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 21-46, Election of Officers

Chair Smith introduced the item by reading of the title and opened the floor for nominations of Chair.

Commissioner Highland nominated Commissioner Smith for the Office of Chair.

Commissioner Barnwell seconded.

There were no further nominations.

Commissioner Smith was unanimously voted in as Chair.

Chair Smith then opened the floor for nominations of Vice Chair.

Commissioner Venuti nominated Commissioner Highland for Vice Chair.

Commissioner Barnwell seconded.

Chair Smith called for additional nominations for Vice Chair.

Commissioner Smith nominated Commissioner Conley.

Commissioner Conley declined the nomination citing the lack of time on the commission.

Commissioner Barnwell nominated Commissioner Venuti.

Commissioner Venuti declined the nomination citing that he has served as both Chair and Vice Chair and believes that every sitting Commissioner should be given the opportunity to serve as Chair or Vice Chair during their term as a commissioner.

Commissioner Highland was voted in as Vice Chair unanimously.

#### D. Staff Report 21-45, Parking Code

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reported that the number of parking spaces is higher than the standards used in other communities. Especially for multi-family dwellings and small detached units like cabins. If the efficiency units are in one building only one spot is required but if there are several small cabins on one lot each is required to have two parking spaces. They would like to amend City Code to adjust the requirement to one space for small 500 square foot cabins or efficiencies.

Chair Smith inquired about how or where visitors would park and how would that be configured.

City Planner Abboud responded that staff could work on that and bring it back before the commission. He further acknowledged that there was no parking on city streets, possibly working on off-site parking, the likelihood of someone not having a vehicle, especially living in the center of town.

HIGHLAND/VENUTI MOVE TO ADOPT STAFF REPORT 21-45 AND AMEND HOMER CITY CODE 21.55.090 (1) TO ALLOW TWO PARKING SPACES PER DWELLING UNIT OR ONE PARKIN SPACE PER EFFICIENCY OR ONE BEDROOM UNIT WHEN MORE THAN ONE DWELLING UNIT IS LOCATED ON A PARCEL

Discussion on parking for visitors if there is no dedicated parking on site; this applies only to efficiency/studio units. Evaluation of a formula where a maximum is established and then additional spaces are required; if project is in the center of town the likelihood that the occupant would have a car or have many visitors is unlikely but to require parking that will not be used is a waste of real estate.

VOTE. NON-OBJECTON. UNANIMOUS CONSENT.

Motion carried.

E. Staff Report 21-42, Large Retail and Wholesale Stores

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed discussion points from the worksession and then proceeded to continue reviewing proposed changes to Title 21.57.

Chair Smith commented that it was a good visioning exercise and suggested a worksession for the Commission to discuss with staff the proposed amendments.

Chair Smith and City Planner Abboud facilitated additional discussion on the following:

- How these amendments would work with the Community Design Manual

- Does it need to be duplicated in city code

- Original city code was developed to combat change and change happened anyway.

- It is important to grow the City inside out as it is beginning to be difficult to develop commercial projects. As an example, the new grocery store being developed out East End Road, thus there is no benefit to the city.

- The city needs to temper its code and zoning requirements for large retail developments.

- Homer has grown immensely over the last twenty years.

City Planner Abboud will work on these considerations and present the amendments for a future meeting.

F. Memorandum Re: City of Homer Draft 2022-27 Capital Improvement Plan (CIP)

Chair Smith introduced the item by reading of the title. He noted the information provided by Ms. Carroll at the worksession.

City Planner Abboud reviewed the process briefly for the Commission and requested each Commissioner submit their top two projects.

The Commissioners then provided their top two projects from the draft Capital Improvement Plan for City Planner Abboud to list.



City Planner Abboud reviewed the projects selected and noted that the Main Street Sidewalk Project is the top priority but there is a not consensus on the second project. He noted the top three projects selected:

Barge Mooring and Large Vessel Haul out Repair Facility  
New Large Vessel Harbor; and  
the New Public Works Facility

Chair Smith suggested that he submit all three projects and leave the final selections to City Council.

City Planner Abboud stated that Commissioner Chiappone needs to select a second project to support.

Commissioner Chiappone selected the Barge Mooring and Large Vessel Haul-out Repair Facility.

City Planner Abboud reported that the Commission selections were the Main Street Sidewalk Project North of Pioneer Avenue and the Barge Mooring and Large Vessel Haul Out Repair Facility. He will forward these recommendations to Ms. Carroll.

#### **INFORMATIONAL MATERIALS**

- A. City Manager Reports for June 28 & July 26, 2021 City Council Meetings
- B. Planning Commission Calendar
- C. Kenai Peninsula Borough Notice of Decision

Chair Smith noted the informational items in the packet and there were no comments on the material provided.

#### **COMMENTS OF THE AUDIENCE**

Syverine Bentz, congratulated Deputy City Planner Engebretsen on 19 years with the Planning Department. She thanked the Commissioners for following the process and believed that the Commission should revisit the bylaws regarding absences. They should be operating consistently with the other Commissions and Council and considering virtual attendance options in the future. She appreciates all the hard work and for the long meeting tonight.

Chair Smith thanked Ms. Bentz for staying throughout the meeting and encouraged her to re-apply for her seat on the Commission.

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

Deputy City Clerk Krause thanked the Commissioners for getting through such a long agenda in a timely fashion and that it was a good meeting. She further noted that the Clerk's Office was drafting some amendments to City Code regarding telephonic/electronic meetings and attendance and hoping to have it reading for introduction to Council soon. They also noted conflicts in city code with what was stated in the bylaws. Ms. Krause announced the candidacy filing period is currently open until 4:30 p.m. on August 16<sup>th</sup> if anyone was interested.

### COMMENTS OF THE COMMISSION

Commissioner Highland commented on the long meeting and that Commissioner Chiappone was able to experience that for his first meeting.

Commissioner Venuti welcomed Commissioner Chiappone and noted that his first meeting lasted until 11:00 p.m. and all he could think of, was what did he get himself into, so he got off easy. He then stated that he hopes Ms. Bentz rejoins the Commission as she was a very important part of the Commission. He did want to bring to the Commission's and the City Planner's attention that a couple of years ago they approved a CUP to permit more cottages and he noticed that they are starting to build more just below the Chamber of Commerce so Homer is growing again. It was a good meeting and always a pleasure working with everyone.

Commissioner Conley commented on it being nice to see everyone and hoped everyone was having a good summer so far. He thanked the Chair for getting them out at a fairly early hour.

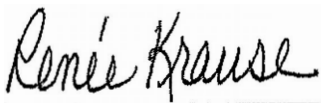
Commissioner Barnwell welcomed Commissioner Chiappone and echoed the sentiments on Ms. Bentz rejoining the Commission.

Commissioner Chiappone thanked everyone for the warm welcome and stated that it has been eye opening and excited about being on the Commission. He thought that the city was more complex than he realized and he has lived on the south peninsula off and on for over 20 years but only been in the City, downtown metropolitan area for the last 6 or 7 years. This has really been eye opening. It never could imagine the huge undertaking it is to keep it going.

Chair Smith echoed the sentiments of encouragement to Ms. Bentz and welcoming Commissioner Chiappone to the Commission. He commented on the interesting topics and expressed his appreciation for the work of the Planning Staff and requested the City Planner to forward their thanks to his staff on behalf of the Commission. He then expressed his opinion that Deputy City Clerk Krause was amazing in her ability to keep them in line and on task. He was very appreciative of all the efforts of staff.

### ADJOURN

There being no further business before the Commission, the meeting was adjourned at 9:35 p.m. Next Regular Meeting is Wednesday, August 18, 2021 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: August 18, 2021