



AGENDA

Planning Commission - Regular Meeting

Wednesday, April 5, 2023 at 6:30 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

Zoom Webinar ID: 979 8816 0903 Password: 976062

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

1. CALL TO ORDER, 6:30 P.M.

2. AGENDA APPROVAL

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

4. RECONSIDERATION

5. 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.

- 5. A. Unapproved Meeting Minutes
Regular Meeting Minutes for March 15, 2023 **Pages 3-17**
- 5. B. Time Extension Request
Right of Way Acquisition Sterling Highway Reconstruction Anchor Point to Baycrest Hill
Preliminary Plat **Pages 18-28**
- 5. C. Decisions and Findings
Conditional Use Permit (CUP) 23-02 at 3375 Sterling Hwy **Pages 29-33**
Conditional Use Permit (CUP) 23-03 at 1368 Lakeshore Dr. **Pages 34-38**

6. PRESENTATIONS / VISITORS

7. REPORTS

- 7. A. City Planner's Report - Agenda Item Report PC 23-022 **Pages 39-43**

8. PUBLIC HEARING(S)

- 8. A. Request for Conditional Use Permit (CUP) 23-04 at 106 W Bunnell Avenue for
Approval of reduced setback from a dedicated right-of-way within the Central
Business District.
Agenda Item Report PC 23-023 **Pages 44-88**

9. PLAT CONSIDERATION(S)

9. A. A.A. Mattox 2023 Replat Preliminary Plat
Agenda Item Report PC 23-024

Pages 89-101

9. B. Bunnell's Subdivision 2023 Replat Preliminary Plat
Agenda Item Report PC 23-025

Pages 102-113

10. PENDING BUSINESS

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

12. A. City Manager's Report for March 28, 2023

Pages 114-115

COMMENTS OF THE AUDIENCE Members of the audience may address the Commission on any subject. (3 min limit)

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is Wednesday, April 19th, 2023 at 6:30 p.m. A Worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

1. CALL TO ORDER

Session 23-06, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on March 15, 2023 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar. A worksession was held prior to the regular meeting for a discussion facilitated by Jan Keiser, Public Works Director on the Transportation Plan Update and Old Town Traffic Improvements.

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

ABSENT: COMMISSIONER CHIAPPONE (UNEXCUSED)

STAFF: CITY PLANNER ABBOD, DEPUTY CITY CLERK KRAUSE

CONSULTING: PUBLIC WORKS DIRECTOR KEISER

2. AGENDA APPROVAL

Chair Smith read the items from the supplemental packet and requested a motion and second to adopt the agenda as amended.

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

3. PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Scott Livingston, noted that written comments were submitted and requested clarification, and understood that may not be available at this time. Mr. Livingston indicated that as he looked over the draft minutes that were put forward, he was disturbed that his comments and the discussion around the setback issue were misinterpreted in the minutes. He stated that a lot of the issues seemed to stem from the misunderstanding between himself and the City Planner. Mr. Livingston continued by stating that the setback issue was never something that he thought the Commission would not have to address, he believed his comments at the meeting were consistent with that. He stated that their application was focused on the lot coverage at the direction of the City Planner and he believed his comments at that meeting were that the setback was not implicated in this build. Mr. Livingston stated he acknowledged that the Commission was going to have to approve the setback issue. He explained that since there was robust discussion surrounding the setback, that at the end of the meeting it was clear that the setback was going to be approved. Mr. Livingston reported that they have submitted an application for a separate CUP to address the setback issue for consideration at the April 5, 2023 meeting. He indicated that if the Commission was unable or unwilling to grant relief and the clarification that was being asked for at this time, he would like the minutes amended, as it was never his intention and he did not think he ever actually stated that the Commission did not have the power, the ability, or stated that they could not address the setback issue. Mr.

Livingston reiterated again that an application was initially submitted with a copy of the CUP that was much more generic and it was amended to specifically focus on the lot coverage at the direction of the City Planner. He recognized that the Commission was balancing a lot of different interests and have been doing a very difficult job and expressed appreciation for that job. He opined that this issue has occurred due to the Commission not having access to good legal advice that would provide the Commission with a really good sense of their range of power and the authority within the regulatory context. Mr. Livingston concluded by stating that he believed that there was plans in place to get someone with that sort of legal regulatory background who would be more accessible to the Commission. He applauded and encouraged those efforts so that this type of misunderstanding did not arise again for future CUPs.

4. RECONSIDERATION

5. CONSENT AGENDA

- 5. A. PC Meeting Minutes - Unapproved Meeting Minutes for March 1, 2023
- 5. B. Decisions and Findings for Conditional Use Permit 23-01 at 106 W. Bunnell Avenue

Chair Smith noted the laydown memorandum from the City Planner with direction from the City Attorney regarding ex parte communication and requested Commissioners to disclose any ex parte communication that they may have had.

Chair Smith declared that he had a telephone conversation with Mr. Livingston and that Mr. Livingston requested the Commission to reevaluate whether or not the setback was addressed in this particular CUP application. Chair Smith stated that he referred Mr. Livingston to Condition five regarding it required a separate conditional use permit. Chair Smith stated that he did not engage in conversation with Mr. Livingston contrary to what the findings were in the CUP. Chair Smith related that Mr. Livingston pleaded with him to take up his case during the consideration of the meeting minutes of the last meeting and after reading the guidance provided by the City Attorney decided against that action.

Commissioner Barnwell came forward and declared that he received a call from Melody Livingston, it contained the same content as expressed by Commissioner Smith and lasted maybe ten minutes. He informed them that there was nothing he could do and directed her to contact the chair.

Commissioner Stark reported that he did not have contact or communication with anyone.

Commissioner Highland declared that she received a message from Melody Livingston and she returned the call stating that she could not speak to her about the issue. The conversation lasted for approximately one minute.

Deputy City Clerk Krause confirmed for the Chair that making the declarations on the record was what was recommended by the City Attorney. There was no additional action required.

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

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

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

6. PRESENTATIONS/VISITORS

7. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS

7A. City Planner's Report - Agenda Item Report PC 23-017

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

City Planner Abboud reviewed his staff report that was presented in the packet. The following topics were facilitated by Staff:

- Volunteers for the March 28th City Council meeting, Chair Smith will submit a written report for the packet.
- Enforcement of a Performance Guaranty
- Clarification on Performance Guaranty
- benefits to the community and city as well as individual property owners with regards to requiring a performance guaranty with regards to infrastructure

8. PUBLIC HEARING(S)

8. A. Request for Conditional Use Permit (CUP) 23-02 at 3375 Sterling Hwy for Approval of an addition in a lot containing a building area over 8,000 sq. ft. within the GC1
Agenda Item Report PC 23-018

Chair Smith introduced the item by reading of the title and declared that he had ex parte communication and conflict of interest.

HIGHLAND VENUTI MOVED THAT COMMISSIONER SMITH HAD A CONFLICT OF INTEREST DUE TO EX PARTE COMMUNICATION WITH APPLICANT.

Commissioner Smith explained that he was invited to Ms. Erickson residence to meet with her and Councilmember Davis to discuss matters related to other topics and Ms. Erickson brought forward her CUP application. He noted for the record Ms. Erickson had asked him, prior to the March 1st meeting if her CUP was on the agenda and he told her it was not. Mr. Davis then asked her what the CUP was for and Ms. Erickson responded stating that they needed additional storage. Chair Smith reported that he stopped the discussion and told Ms. Erickson and Mr. Davis that they could not speak about the CUP as it would be ex parte communication. He reported that they did not speak any further on the matter.

Deputy City Clerk Krause inquired if Chair Smith felt he could provide an unbiased decision on the CUP action before the Commission.

Chair Smith stated that he could provide an unbiased decision and further stated that he had no financial gain from the action.

Further discussion and clarification was provided that if they found Commissioner Smith had a conflict he would excuse himself from the table and would not participate in the action.

VOTE. NO. VENUTI, HIGHLAND, CONLEY, STARK, BARNWELL

Motion failed.

Chair Smith deferred to City Planner Abboud.

City Planner Abboud deferred to Associate Planner Vaz explaining that she drafted the report on the application.

Associate Planner Vaz provided a thorough review of AIR PC 23-018.

Jeff Erickson, Applicant, stated that he did not have a presentation, but was available for questions.

Chair Smith opened the public hearing, inviting members of the public that were present to provide testimony on the application. Seeing or hearing no public wanting to provide testimony and confirming with the Clerk that was so, he closed the public hearing and opened the floor to questions from the Commission.

Commissioner Venuti commented on the previous decision of the Commission to address limits on evaluating how far a building should be from the top of the bluff and requested confirmation from the City Planner on this issue.

City Planner Abboud responded that he believed they have met the criteria further stating that the sixty foot setback applies to the coastal edge which has a 300 foot limit from the bay. He noted that there is a drop and according to city code it would require a 15 foot setback from that drop, this levels out then heads downward later in the decline which is found to be an adequate distance from the conditions that are present.

Commissioner Conley requested clarifications on item g., and questioned what was the intent or usage for the proposed addition.

City Planner Abboud stated that the applicant can confirm but it will be used as storage for the goods they provide onsite, it is believed that no hazardous chemicals or materials are to be stored. He noted that the applicant, Mr. Erickson was nodding his head in affirmation to his comment.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT AGENDA ITEM REPORT PC 23-018 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 23-02 FOR BUILDING AREA OVER 8000 SQ FT WITH FINDINGS 1-10 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND CHAPTER 3 OF THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT

Motion carried.

8. B. Request for Conditional Use Permitting (CUP) 23-03 at 1368 Lakeshore Dr. for Approval of a multi-family dwelling within the GC1
Agenda Item Report PC 23-019

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

City Planner Abboud reviewed Agenda Item Report PC 23-019 for the Commission.

Chair Smith invited the applicant to speak.

Andrew Reed, applicant spoke to the Commission reiterating the proposed design and that it is situated on the lot as far south as possible and having a flat parking area.

Chair Smith opened the public hearing and confirmed with the Clerk that there was no public present wishing to provide testimony on this project and closed the public hearing and opened the floor for questions from the Commission.

Commissioner Barnwell requested clarification from the City Planner that there were no wetlands in the area of proposed construction.

City Planner Abboud responded that before issuance of the Zoning permit the Planning department will check with the Corps of Engineers that it is still valid.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVED TO ADOPT AGENDA ITEM REPORT PC 23-019 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 23-03 TO CONSTRUCT A 4 UNIT MULTI-FAMILY STRUCTURE IN THE GC1 DISTRICT WITH FINDINGS 1-10 AND THE FOLLOWING CONDITIONS:

1. OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND CHAPTER 3 OF THE COMMUNITY DESIGN MANUAL.
2. DUMPSTERS SHALL BE SCREENED ON THREE SIDES.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. PLAT CONSIDERATION(S)

10. PENDING BUSINESS

10. A. Forest Trails Subdivision Preliminary Plat, Reconsideration
Agenda Item Report 23-020

Chair Smith introduced the item by reading of the title and reviewed the motion on the floor and the motion to postpone as follows:

HIGHLAND/CONLEY MOVED TO ADOPT STAFF REPORT 23-007 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. THE CITY OF HOMER DOES NOT OBJECT TO REQUESTS FOR EXCEPTION TO CODE LISTED IN THIS STAFF REPORT.
2. INCREASE DRAINAGE EASEMENT TO 40 FEET FROM CENTER OF DRAINAGE.
3. A PORTION SOUTH ROAD RIGHT OF WAY WILL INCLUDE A PEDESTRIAN EASEMENT

Discussion ensued and the following motion was made:

HIGHLAND/VENUTI MOVED TO POSTPONE UNTIL THE MARCH 15, 2023 REGULAR MEETING TO ALLOW PUBLIC WORKS AND THE DEVELOPER TO PERFORM RESEARCH AND ADDITIONAL ENGINEERING ON THE PRELIMINARY PLAT.

Chair Smith called for a brief recess at 7:37 p.m. at the request of the City Planner to allow for production of a missing staff report that was not submitted for inclusion in the packet. The meeting was called back to order at 7:45 p.m.

City Planner Abboud reviewed staff report AIR PC 23-021 in detail for the Commission. He referenced the following:

- Updated drawings submitted by the applicant (were shared electronically)
- Changes in Kenai Peninsula Borough Code that are reflected in red
- Public Works recommendation of an easement with a 20 foot buffer along the drainage to leave the buffer undisturbed
- His recommendation was no dedication or development of the pedestrian easement along the creek
- The pedestrian easement remains between lots 6 and 7
- Slopes over 20% grade were shown, these are associated with the drainage area
- All through streets must be shown on plat, a cul de sac was requested due to the neighboring property being held by the Kachemak Heritage Land Trust as conservation land and would not be built.
- Comments on the plat were amended and the preliminary plat was amended to identify that lots will be served with city water and sewer

Chair Smith clarified with the Clerk that the laydown materials will be included in the record.

Public Works Director Keiser spoke briefly on her report AIR 23-020 that was provided in the packet and believed that the City Planner covered her points well. She spoke in more detail on the following:

- Nature of a drainage way
- This drainage has been identified as a substantial drainage way
 - o Supported by the Drainage Management Plan adopted in 1979 and updated in 1982
 - o Adoption of the Design Criteria Manual for Streets and Storm Drainage 1987
 - o Adoption of Standard Construction Specifications 2011

Chair Smith confirmed that City Planner Abboud and Public Works Director Keiser concluded their reports.

Deputy City Clerk Krause called for a point of order to clarify that at this time the Commission is in discussion on the motion which was reconsidered. A motion to suspend the rules would be needed.

Chair Smith requested a motion and second to suspend the rules to allow further comments from the applicant.

HIGHLAND/BARNWELL MOVED TO SUSPEND THE RULES TO ALLOW THE APPLICANT TO PROVIDE INFORMATION ON THE PRELIMINARY PLAT.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith invited the Applicant to speak to the Commission.

Kenton Bloom, applicant, stated the following:

- that they were at the end of the review period for the Commission
- all salient information has been presented and submitted
- meetings were conducted with the City Planner and Public Works
 - o reviewed in detail the 40 foot drainage easement requirement, typically these have been 30 feet
 - o proposed the adjacent pedestrian trail as opposed to widening the road and making an unsafe pedestrian facility
- John Bishop, engineer is attending in person and available for questions regarding the drainages
- Katie Kirst is available for any questions regarding the plat
- His client opined that the City has not made a case in science to claim additional lands, and is of the opinion that it is an uncompensated unfair taking of lands and egregious bureaucratic overreach in which he tended to agree
- Included in the laydowns, the Borough code which apply to this plat and they do not see where the city is showing the need for additional uplands buffer outside the 40 foot that they were willing grant from the center of the drainage.
- City code requirements were also included regarding the development near drainages requiring 15 feet buffers from top of the bank

Mr. Bloom recommended that the Commission make it clear that it was their job to vote on the merits of the plat, based on code, not based on ideas that they would like to see different in code. He further stated that it would save disappointment and frustration from the public perspective. He then recommended that they speak with the engineer, John Bishop on the concerns with the drainages since that is the area of big concern.

Chair Smith invited John Bishop to step forward to speak to the application after conferring with the Clerk, she confirmed he was listed on the Application so in essence he is one of the applicants.

John Bishop, civil engineer consultant for the applicant, spoke to performing a preliminary analysis on the drainage through the subdivision and found that the channel is an in-size channel and a 100 year storm would cause the flow to leave the channel and flow to the east. The proposal is to place a culvert under the road that will be larger and wider than the culvert under East End Road. This will minimize the backwater effects of this new culvert to less than six inches and the road itself is set at an elevation where there is free board over that 100 year storm and enough that they do not have overtopping at the 500 year storm. He noted that this did not add additional project costs and was believed to be reasonable. He noted energy dissipation and erosion features that they have been reviewing.

Katie Kirsis, with Seabright Surveying, stated that she was available to answer questions specifically related to the plat.

Chair Smith opened the floor to the Commission for questions.

Commissioner Highland requested clarification on the creek being moved, and the three drainages shown on the maps provided, inquiring how those would be handled.

Mr. Bishop responded that they would not be relocating the creek and that there was one main active channel that transfers water from north to south through the subdivision. There were small historic or local drainages to collect water from the stream where they start that are shown on the topo map.

Staff clarified that for the preliminary plat process, street lighting was not required in private developments.

Commissioner Barnwell questioned the applicant's statement that the project meets current code but it does not meet proposed code and requested that it be clarified.

Mr. Bloom stated he could not respond to the proposed code as he was not engaged in dealing with proposed code. He clarified that it complies with existing code.

Commissioner Highland questioned if the applicants have agreed to the recommendations that Public Works Director Keiser made in her report.

City Planner Abboud reviewed the recommendations in the AIR PC 23-021 as follows:

- As part of the development agreement, it is required including dedication and development of non-motorized transportations according to HCC 11.04.120. The Commission concurs that the requirement will be fulfilled by providing a separated pathway along the proposed Cantrell Creek Road and a trail between Lots 3 and 4 as part of the development agreement.
- The City of Homer does not object to the exception request to code as listed in the Staff Report
- Display approximate locations of low wet areas subject to inundation and areas subject to flooding or storm water overflow on the plat or additional sheet
- Display existing water and wastewater mains
- Correct the plat note #2 to state these lots are served by City of Homer Water and Sewer
- Dedicate a drainage easement encompassing 20' beyond the banks of Cantrell Creek as displayed on page (8), figure (8) on attachments to AIR PC 23-020 from Public Works Director.

Deputy City Clerk Krause requested a brief recess as her computer shut down for updates at 7:50 p.m. Chair Smith reconvened the meeting at 7:53p.m.

City Planner Abboud responded to the Commission's request for clarification on the proposed 40 foot drainage from center by providing a diagram of the proposed easement on the screen for everyone to view. Public Works Director Keiser stated that the diagram depicted projected coverage of flooding from the drainage with the dark blue indicating the active waterway and the green depicted what was being referred to as an erosion control buffer, which was what it was described as in the drainage management plan. She agreed with Chair Smith's comment that the likelihood of flooding on Lots 9 and 10 left them virtually unbuildable.

Further points made by the Commission and applicant regarding the plat were as follows:

- Plat depicted the 40 foot setback on each side of the creek channel from center
- Applicant agreed to 20 feet on each side of the creek from center, 40 feet in total
 - o There is no precedence to set 40 feet from center and if the City requires this, the applicant and property owner would fight the requirement since it is not outlined in city code.
- Start out with this and once they have the preliminary plat the applicant can reduce the number of lots but cannot increase the number of lots without additional public hearings
- The requirement for a performance guarantee is a policy one and will have to be promulgated through City Council as they are in control of that
- The pedestrian pathway is within the 60 foot right of way, a 60 foot wide road would not be developed in this subdivision.
- Clarified that the road heads south into the subdivision and then turns 90 degrees towards the east. A stop sign would be placed approximately at Lot 2 for incoming traffic, which would act as a traffic calming measure.

Commissioner Barnwell restated the following and requested confirmation from Mr. Bishop:

- Re-engineered the culverts to accommodate the 100 year storm flow
- Drainage easement has been widened to accommodate the channel

From an engineering and design perspective he believed these measures accommodates and conforms to city code and engineering design. So a 100 year storm flow is going to be taken care of with a 40 foot drainage easement and redesigned culverts.

Mr. Bishop responded by stating that the 40 foot easement is really a buffer to keep development away from the edges of the creek, particularly on the high side where the slopes are the steepest. On the low side, that 40 foot easement is more of keeping building out of the area of inundation, and the 40 foot easement may not follow the water service elevation upstream of the culvert and believed the 40 feet to be generous and he did not believe the supposed water coverage shown in the diagram were placed where the elevations of high water would be in 100 year storm, it does spread out toward the east and recommended caution about the diagrams that they are looking at and everything is based on elevation.

Commissioner Barnwell commented on the history that was provided and mapping but the conundrum for the Commission is forcing what should be code on an applicant that is dealing with the current code. The applicant has modified their design to meet an engineering spec to the best that they can the concerns the Commission has about drainage and it is hard to deny what the Applicant is stating and he requested input from Public Works Director Keiser.

Public Works Director Keiser responded that the city's drainage management plan was adopted in February 1982 and was codified. This is existing code, not speculative, to leave them in a natural state, but if the City took these literally we would not have built a road across the drainage way because the developer would not be allowed to fill it. So what the City has been trying to do is come up with a reasonable accommodation that addresses the spirit and the intent of the drainage management plan with reasonable development of property. She further stated that a hydrology detail on the creek was not performed by the city in the same manner that Mr. Bishop has and she respects his opinion on where the water flows and how elevations effect that flow. Ms. Keiser further stated that if Mr. Bishop could assure the city that the 40 foot easement they have been discussing will contain the one hundred year flood with the bounds of that creek then she will accept it.

Mr. Bishop stated that the high water surface in a 100 year storm maybe an appropriate delineation of the 40 foot easement as opposed to the alignment of the in size or low flow channel.

Public Works Director Keiser stated that if they can map they she would be able to accept that and that potential issues on the development of those lots and development of the overall subdivision and the drainage management plan, but they can be addressed when the time comes.

Commissioner Stark stated he had no questions but did have some comments for discussion.

Commissioner Highland requested clarification on what the Commission would be voting on.

Deputy City Clerk Krause explained that the motion before the Commission was made at the February 15, 2023 meeting and read into the record by the Chair, referring the Commissioners to their Working Agenda. She stated that the Commission can vote it up or down as it stands or can amend the motion to include the new information and recommendations from the staff report AIR PC 23-021 that was provided at this meeting by the City Planner.

City Planner Abboud displayed the recommendations from AIR PC 23-021 for the Commission's use. He recommended that the Commission amend the drainage easement to concur with the conclusions of the applicant and Mr. Bishop, the engineer.

Discussion ensued on getting the language correct for the amendments to the recommendations and amending the recommendation. City Planner Abboud recommended the following language to amend recommendation number five in the staff report as, "Move to amend recommendation number five to dedicate a drainage easement that encompasses the 100 year flood plain as

determined by a professional engineer.” He further stated that they should adopt Staff Report 23-021.

Commissioner Stark commented that it appears that Public Works Director Keiser has worked with the applicant and gone to quite a bit a detail, and it appears the applicant has complied in good faith meeting the concerns. She has provided her recommendations and comments; the City Planner has incorporated those into his new staff report and recommendations. The Commission cannot reject the applicants request if they have complied with city code and in some cases, they have gone beyond the minimum requirements, and do so with any legal standing.

Commissioner Highland requested additional clarification on the language for addressing the drainage easement.

Public Works Director Keiser stated that for the benefit of the applicant that they should add, “approximately 40 feet wide” for the applicant’s confidence.

HIGHLAND/BARNWELL MOVED TO AMEND THE MOTION TO INCLUDE STAFF REPORT 23-021 AND FURTHER AMEND COMMENT NUMBER FIVE TO READ, DEDICATE A DRAINAGE EASEMENT APPROXIMATELY 40 FEET WIDE THAT ENCOMPASSES THE 100 YEAR FLOOD PLAIN AS DETERMINED BY A PROFESSIONAL ENGINEER.

There was a brief comment that the applicant was willingly working with the Public Works Director and City Planner to address concerns.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested clarification on process to amending the main motion on the floor to address comment number two regarding the increased drainage area was to be forty feet from center.

City Planner Abboud recommended that they replace the comments with the new comments listed from AIR PC 23-021.

Chair Smith requested a motion and second to amend comment number two.

HIGHLAND/CONLEY MOVED TO AMEND THE COMMENTS TO REMOVE COMMENT NUMBER TWO, WHICH IS INCREASE DRAINAGE EASEMENT TO 40 FEET FROM CENTER OF DRAINAGE.

Discussion ensued on clarification to make sure the correct comments were included in the motion on the floor as amended. After a lengthy discussion it was determined that the Commission should vote down the amendment and then vote down the amended main motion that was reconsidered.

VOTE. (Amendment)YES. SMITH, HIGHLAND, CONLEY, STARK, BARNWELL, VENUTI.

Motion carried.

Commissioner Venuti called for a point of order regarding voting down a motion.

Deputy City Clerk Krause clarified that the Commission has the ability to vote down the amended main motion on the floor. She explained that this was the motion that was reconsidered and then postponed by the Commission.

City Planner Abboud responded to Commissioner Highland's concerns that the staff report 23-021 addressed the non-exception issue that was addressed in the original staff report 23-007

Commissioner Highland expressed some hesitancy on correctly reciting the motion as it was amended.

Deputy City Clerk Krause offered to read the motion as amended into the record as follows:

MOVED TO ADOPT STAFF REPORTS 23-007 AND 23-021 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH COMMENTS ONE THROUGH FIVE AS FOLLOWS:

1. THE CITY OF HOMER DOES NOT OBJECT TO REQUESTS FOR EXCEPTION TO CODE LISTED ON THE STAFF REPORT
2. DISPLAY APPROXIMATE LOCATIONS OF LOW WET AREAS SUBJECT TO INUNDATION AND AREAS SUBJECT TO FLOODING OR STORMWATER OVERFLOW ON PLAT OR ADDITIONAL SHEET
3. DISPLAY EXISTING WATER AND WASTE WATER MAINS.
4. CORRECT PLAT NUMBER TWO TO STATE, "THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER"
5. DEDICATED DRAINAGE EASEMENT APPROXIMATELY 40 FEET WIDE THAT ENCOMPASSES 100 YEAR FLOOD PLAIN AS DETERMINED BY PROFESSIONAL ENGINEER.

Chair Smith requested clarification on the amended main motion from the Clerk.

City Planner Abboud recommended that removing the reference to staff report 23-007 would remove any reference to the unwanted comments.

Deputy City Clerk Krause stated that the motion would need an amendment to remove the reference of Staff Report 23-007 from the motion.

Chair Smith requested an amendment to remove the reference to Staff Report AIR PC 23-007 from the main motion on the floor.

STARK/VENUTI MOVED TO REMOVE THE REFERENCE OF STAFF REPORT 23-007 FROM THE MOTION ON THE FLOOR.

There was no discussion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.
Motion carried.

Chair Smith stated the motion before the Commission as amended.

MOVED TO ADOPT STAFF REPORT PC 23-021 WITH COMMENTS ONE THROUGH FIVE AS AMENDED.

There was a brief discussion regarding a second to the motion. Commissioner Barnwell seconded the motion.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith expressed his appreciation for everyone's assistance and perseverance in getting through this preliminary plat.

Public Works Director Keiser expressed her appreciation to the applicant and his professionals for their cooperation and dedication to helping find solutions. She really appreciated their professionalism. She noted that they are not far from where they originally started the public brought forward numerous concerns and taking the time to review and she could confidently state that the issues have been reviewed in every which way and that the city has done the right thing and the Commission has made the correct determination.

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

- 12.A. City Manager's Report
CM Report for March 13, 2023

Chair Smith commented on the approximate 40 pages of information mostly related to budgetary matters which were very interesting.

13. COMMENTS OF THE AUDIENCE

14. COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that it was a first time issue and very interesting experience.

City Planner Abboud expressed his thanks and that the meeting did not turn out as bad as he expected, regarding the motion and figuring out how to dispose of the previous staff report. He announced that there

would be three weeks before the April 5th meeting and he will be in Philadelphia at the national APA conference. Julie Engebretsen would be staffing the next meeting.

Public Works Director Keiser thanked everyone for their patience and assistance working through the Forest Trails Subdivision Preliminary Plat. She then stated that they will be seeing a new standard in the way the city reviews these developments, particularly drainage issues. They were eye opening as she dove into the details of what can and cannot be done.

15. COMMENTS OF THE COMMISSION

Commissioner Highland joked about being paid since she was included as staff then noted that it was an interesting meeting and glad to see that the city is dealing with the drainage issues even though it may cause some angst for some.

Commissioner Conley expressed his appreciation for the efforts of the Chair to guide the Commission through matters tonight. He expressed his opinion that it was very important to take a critical approach and consider details of how projects and development affects the city so the time expended tonight was worthwhile. He thanked the staff for their support to the Commission.

Commissioner Venuti concurred that it was an interesting meeting. He noted the joint worksession that Council will be having on April 3rd with the advisory bodies and encouraged the other Commissioners to attend as he will be unable to attend due to a scheduling conflict with a Borough Planning Commission meeting.

Commissioner Stark expressed his appreciation for the staff and their attention to detail and recognizing Public Works Director's efforts to work with the applicant on the Forest Trails Preliminary plat to find some effective solutions and for the City Planner in evaluating all the materials to present recommendations to the Commission. He thanked Chair Smith for keeping the meeting functioning. Mr. Stark then expressed his appreciation to the Clerk, noting that what she does is not easy and trying to assist the Commissioners in understanding the stuff they are doing.

Commissioner Barnwell echoed the sentiments of Commissioner Conley regarding critical thinking that the Commission did tonight regarding development but acknowledged that it could not be done without the assistance from the Public Works Director. He then commented that as a "map person" he really appreciates the research and information provided. Mr. Barnwell expressed his appreciation to the reports from the City Planner and the detailed information that was included in the report. He then thanked Deputy City Clerk Krause for providing her guidance to the Commission on the motions and rules. Mr. Barnwell then expressed his belief that the Commission has a very good diverse bunch of people with a Chair that is really calm with a good head on his shoulders and can keep the Commission moving forward.

Chair Smith echoed the sentiments expressed by the other Commissioners regarding the efforts, guidance and knowledge of the staff, and expressed his appreciation for the applicant's patience bearing with the Commission's growth curve. He believed this action would assist the city develop more efficiently and the Commission be more effective. He related the experience of participating and attending the Kachemak Bay Traditional Games over the weekend with attendance by 350 children and then being notified that he was possibly exposed to COVID, explaining that was his reason for not attending the meeting in person tonight, but he advocated that the Commissioners should attend meetings in person and appreciated

Commissioner Barnwell being the representative in Chambers tonight. He thanked Public Works Director Keiser for her informative presentation at the worksession as well.

16. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:40 p.m. The next Regular Meeting is Wednesday, April 5, 2023 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: _____

Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669
Phone: (907) 714-2200
Fax: (907) 714-2378

TIME EXTENSION REQUEST FORM

☐ Name of Subdivision: _____

☐ Location of Subdivision: _____

☐ KPB Number: _____

☐ Date of Planning Commission Approval(s)

☐ Reason for time extension request.

Date: _____

Signature of Surveyor/Property Owner: _____



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

May 1, 2019

**NOTICE OF DECISION
KENAI PENINSULA BOROUGH PLAT COMMITTEE
MEETING OF APRIL 22, 2019**

Re: Right of Way Acquisition Sterling Highway Reconstruction Anchor Point to Baycrest Hill
Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of April 22, 2019 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

This notice and unapproved minutes of the subject portion of the meeting were sent May 1, 2019 to:

City of: City of Homer
491 East Pioneer Avenue
Homer, AK 99603-7624

Advisory Planning Commission/Community Council:
Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603

Survey Firm: State of Alaska DOT & PF
4111 Aviation Ave.
Anchorage, AK 99502

Subdivider/Petitioner: State of Alaska DOT & PF
4111 Aviation Ave.
Anchorage, AK 99502

Interested Parties:

ALASKA STATE D N R, 550 W 7TH AVE STE 650, ANCHORAGE, AK 99501

ANCHOR RIVER INN, INC, ATTN: ROBERT CLUTTS, PO BOX 154, ANCHOR POINT, AK 99556

BUZUNIS GARY R & LOUELLA FAMILY 2002 TRUST, PO BOX 39376, NINILCHIK, AK 99639

DEMAIN JEFFREY G & NENNO BRUCE & IGLOO PROPERTIES LLC, 3841 PIPER ST STE T4-054, ANCHORAGE, AK 99508

DRAGONFLY LLC, 64362 BRIDGER RD, HOMER, AK 99603

FORREST MELINDA, PO BOX 20544, KEIZER, OR 97307

JERREL DAN D & DAN H & D K & DAVID F & V M, PO BOX 653, ANCHOR POINT, AK 99556

JERREL DAVID, PO BOX 653, ANCHOR POINT, AK 99556

KACHEMAK HERITAGE LAND TRUST, 315 KLONDIKE AVE, HOMER, AK 99603

MCCLAREN CLARENCE JAMES AND TERI HOPE, 37895 STERLING HWY, ANCHOR POINT, AK 99556

REUTOV FRED AND VERA, 10271 S ROSEWOOD WAY, MOLALLA, OR 97038

TAYLOR PAUL, PO BOX 302, ANCHOR POINT, AK 99556

TSOU DENNIS YUNCHENG, 430 PAINTBRUSH CT, HOMER, AK 99603

WILLIAMS SUSAN E LIVING TRUST, PO BOX 151, ANCHOR POINT, AK 99556

YOUNG SONJA M MARTIN & THOMAS, PO BOX 537, HOMER, AK 99603

KPB File Number: 2019-032

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Right of Way Acquisition Plat
Sterling Highway MP 157-169, Anchor Point to Baycrest Hill
KPB File 2019-032; State of Alaska

Staff Report given by Scott Huff

Plat Committee Meeting: 4/22/19

Supporting Information:

The proposed right-of-way acquisition plat is for reconstruction of the Sterling Highway from Milo Fritz Avenue in Anchor Point to Baycrest Hill just outside the Homer City limits. The plat covers 12 miles of the highway. DOT also provided a copy of plan and profile sheets.

Notice of the right-of-way acquisition plat was provided to the 14 landowners from whom right-of-way is being acquired, KPB Roads Department, KPB Homer office, utility providers, Anchor Point EMS, Homer EMS, Kachemak EMS, the Anchor Point Advisory Planning Commission, and Ninilchik Traditional Council.

Notices to private property owners included a copy of the first sheet of the plat, the overall vicinity map, and the right-of-way sheet pertinent to each private landowner.

The plat is reviewed and approved under KPB 20.10.070, Right-of-way Acquisition Plat. Preliminary approval of the plat shall be for a period of 24 months. Additional time extensions may be granted by the planning director for specified time periods upon finding that it is in the public interest to do so.

ACS submitted a statement of no objections.

ENSTAR submitted a statement of no comments, objections, or recommendations.

Homer Electric Association advised staff that DOT already submitted the right-of-way acquisition plat to HEA for review. HEA has no comments.

The correct number of preliminary plat copies were provided. For future right-of-way acquisition plat submittals, **staff recommends** the surveyor contact staff before making copies. For right-of-way acquisition plats with more than 10 pages, platting staff will work with DOT staff to modify the submittal requirements, such as, provide one full-sized paper copy, seven 11x17 paper copies, and one digital copy.

STAFF RECOMMENDATIONS: Grant a two-year approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.10.070 AS FOLLOWS:

1. Correct the following status labels:

SHEET 1

- Remove Record of Survey. This platting action is being reviewed in accordance with KPB 20.10.070 Right-of-Way Acquisition Plat. KPB does not review Record of Survey plats. Revise the Platting Authority Approval per KPB 20.10.070. Within the vicinity map, correct the spelling of Chukchi Sea. Correct the label for the site map (U.S.G.S). Provide the KPB File No on the first page of the document.

SHEET 3

- Correct the spelling of Jeppesen (Anchor River S.J. Chapman Jeppesen)
- Correct the status parcel line for Griner Subdivision Overson Replat (2018-32 HM) located between Doc's Road and Griner Avenue.

SHEET 4

- Add subdivision to the plat's name: Anchor Valley Estates Subdivision (both sides of the highway).

SHEET 5

- Add subdivision to the plat's name: Anchor Valley Estates Subdivision.
- Add Unit 1 to the plat's name: Charlton Subdivision Unit 1.

SHEET 6

- No corrections are needed. Staff notes McLaren Subdivision, which adjoins the northern boundary of A to S Subdivision, received preliminary plat approval and a time extension request. Preliminary approval is valid through August 8, 2020. A status label is not required at this time.

SHEET 7

- Correct Carolyn Street to Hard Rock Street.
- Remove subdivision from the plat's name: Eight Mile

SHEET 8

- Remove the second label for Endless View Loop located to the east.
- Revise the order of Belnap Subdivision Unit 3 and Belnap Subdivision Unit 4. Unit 4 parallels the highway. Unit 3 is east of Unit 4. Since this sheet is an overall vicinity map, Unit 3 could be omitted in this case.
- Add subdivision to the plats' names: Sunny Slope Subdivision Unit 3, Sunny Slope Subdivision Unit 2.
- Revise the subdivision's name: Sunny Slope Four.
- The road labels located within Sec. 9 and Sec. 8 can be removed.
- Add section lines to show Section 4,5,8,9 at the section corner location.
- The label for Yonder Forty Subdivision can be removed.
- A street label for Diamond Ridge Road could be added as this is a main roadway intersection.

SHEET 9

- A street label for Diamond Ridge Road could be added as this is a main roadway intersection.
- Revise the name for Diamond Cape: Diamond Cape Unit 1 is the subdivision to the west and Diamond Cape Unit 2 is next to the highway.
- Update the name for Bouman's Bluff Amended south of the 2010 Replat: Bouman's Bluff 2017 Addition.

SHEET 10

- Remove the 10-foot utility easement adjoining the right-of-way and the 20-foot utility easement within 5 feet of the side lot line for Lot 7, HM 54-2269. This plat did not grant utility easements.
- The North Fork Road has had this name for many years. Remove Anchor River Road.
- Update the label for Lot 16A and Lot 14A: Anchor River Subdivision No. 2. Re-position the label for Plat 53-891 HRD is wholly within Lot 9.
- Lot 19 was replatted, but not renumbered, by HM 77-54, River Ridge Subdivision.

SHEET 11

- Move the label for Anchor River Inn, Plat 79-122 HRD so it is wholly within Lot 2.

SHEET 13

- Update the label for Lots 1 and 2: Lot 1A, Griner Subdivision Overson Replat, HM 2018-32
- Provide the plat name and number for Lot 11 since it is different from the adjoining lot: Griner

Subdivision Three, Plat 2000-10 HRD. This lot is sufficiently distant from the highway that it could be omitted if preferred.

SHEET 17

- Clarify, or label, the symbol located to the east of the existing building on the unsubdivided parcel north of the highway. It appears to be a bollard that will be set during the construction of the project.

SHEET 18

- Correct the section line easement to 50 feet affecting the unsubdivided 112.5-acre parcel (SE1/4NE1/4, W1/2SE1/4). The State of Alaska acquired this parcel in 1958 (Foreclosure 22). See the Deed recorded in the Homer Recording District Book 14 Page 160.

SHEET 19

- The patent for the NW1/4NW1/4 Section 11 T5S R15W was actually 50-64-0004 for the N1/2NW1/4 Section 11 T5S R15W. Unsubdivided is sufficient for a status label. If the surveyor prefers to include the patent number in the status label, staff recommends it be corrected.

SHEET 21

- Correct the subdivision name for Tract B: Two Moose Meadows Three. This plat granted a 10-foot utility easement fronting the highway that increased to 20 feet within 5 feet of side lot lines. Since the utility easement affecting Two-Moose Meadows has been depicted, for consistency, staff recommends the utility easement adjoining the highway granted by Two Moose Meadows Three be depicted.

SHEET 22

- The boundary near the SE1/16 corner is somewhat congested. Although not required, a detail of this area would be beneficial to future surveyors.

SHEET 23

- Complete the label for the subdivision north and south of the highway: Anchor Valley Estates Subdivision.
- The State Department of Natural Resources owns Lot 7 Block 2. Change the section line easement width to 50 feet within this lot.
- Based on Plat Note 1 on HM 83-37, increase the width of the utility easement along the highway to 20 feet.

SHEET 24

- Based on Plat Note 1 on HM 83-37, increase the width of the utility easement along the highway to 20 feet.
- Complete the label for the subdivision north and south of the highway: Anchor Valley Estates Subdivision.
- The unsubdivided parcel located within Sec. 13 is owned by State of AK DNR. Change the section line easement within Sec. 13 to 50 feet. This information can be removed from Sheet 24 if the surveyor wishes.

SHEET 25

- Complete the label for the subdivision north and south of the highway: Anchor Valley Estates Subdivision.
- Based on Plat Note 1 on HM 83-37, increase the width of the utility easement along the highway to 20 feet.

SHEET 26

- Complete the label for Anchor Valley Estates Subdivision north and south of the highway: Anchor Valley Estates Subdivision.
- Based on Plat Note 1 on HM 83-37, increase the width of the utility easement along the

highway to 20 feet within this plat.

SHEET 30

- BLM conveyed the NE1/4NE1/4 to the State on June 25, 1963. Correct the section line easement width to 50 feet.
- Change unsubdivided to Government Lot 4. The two parcels north of the highway could be labeled as portion of Government Lot 4.

SHEET 31

- At the bottom of the page, reposition the unsubdivided label so that it is legible.

SHEET 33

- Provide a label for the 30' utility easement within Lot 7

SHEET 34

- The parcels of land located northeast of the highway within SE1/4 SE1/4 Sec. 19 and the SW1/4 SW1/4 Sec. 20, as well as the NW1/4 SW1/4 Sec. 20, is State owned land. Correct the section line easement width to 50 feet.
- The Committee approved a preliminary plat for property adjoining Lot 9, HM 86-77. Preliminary approval is valid through August 8, 2020. Unsubdivided is correct at this time. Verify the status prior to plotting the mylar.

SHEET 35

- BLM conveyed the N1/2 NE1/4 Section 30 to DNR (Patent 50-91-0395). Correct the section line easement width within Section 30 to 50 feet.
- The State Department of Natural Resources owns the SE1/4 SE1/4 Section 19 lying east of the highway and the SW1/4 SW1/4 Section 20 lying east of the highway. Remove the information for Patent 1140265, and correct the section line easement widths to 50 feet.

SHEET 38

- Provide labels for Lot 1 and Tract A, Hillstrand Subdivision and the 15-foot utility easement along the highway, which widens to 20 feet within 5 feet of side lot lines.

SHEET 39

- Remove the 'parcel 2' label within Lot A-2 Hughes Tool Co. Sayer Addition.
- Cite HM 2007-110 as a source for the 100-foot wide transmission line easement.
- Remove Deed of Record Boundary Survey Plat 86-6BS H.R.D. This property was surveyed per HM 2007-110.
- If possible, add status labels for the small remnant unsubdivided parcels located just east of Sterling Highway and north and south of North Fork Road.

SHEET 40

- Remove Hughes Tool Co Deed of Record Boundary Survey from the lots created by HM 2007-110.
- Correct the plat number for Hughes Tool Co. Sayer Addition No. 6 to Plat 2007-110 HRD

SHEET 41

- If the surveyor prefers, the aliquot parts label can be revised to unsubdivided to match the other labels.

SHEET 43

- Re-position the label for Willow Creek Acres Replat of Lot 3 so it is within Lots 3-A and 3-B only.

SHEET 48

- Add Block 1 to the label for Sunny Slope Subdivision Unit 1.

SHEET 49

- Show the 30 foot roadway easement located within Lot 1 Tulin Park (HM 95-1). This is where the existing access road is located.

SHEET 51

- Add Block 6 to the label for Lot 1 Diamond Cape Unit 2.
- Show and label the 10-foot utility easement adjoining the north boundary line of Diamond Cape Unit 2.

SHEET 52

- Depict the 50-foot temporary turnaround affecting Lot 8 Bluff Haven Estates.
- It appears that 63-887 HM dedicated a 33 foot right of way centered on the centerline of Walter Thomas Road. Plat 76-94 HRD dedicated a 30 foot right of way south of the boundary of Tract B for a total width of 46.5 feet for Walter Thomas Road Right of Way.
- A public access easement, 5 foot in width and located on the north side of Walter Thomas Road Right of Way was granted and recorded under Serial No. 2016-000751-0 HRD.

SHEET 53

- Change Unsubdivided to Government Lot 4 adjoining the public access easement that connects with Bluff Road.
- 'Sheet 53' can be removed from the lower left corner of the drawing.

SHEET 54

- Move 2010 Replat so it is wholly within Lot 2A.
- Correct the labels for Lot 2C and Lot 1B. Correct the subdivision name (Bouman's Bluff 2017 Addition).

Although not required, Staff suggests that all subdivision name labels be consistent by either showing the plat recording number or not.

2. Survey and monumentation to meet Ordinance requirements; or an exception having been granted.
3. Revise Plat Approval statement to agree with KPB 20.10.070(C)(5).
4. Contact the Platting Manager before submitting the paper final plat. Staff would be agreeable to a reduced size paper final plat submittal however; **the surveyor is responsible** for ensuring the scale on the mylars is correct. Staff can review a full size final plat submittal if the surveyor prefers.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

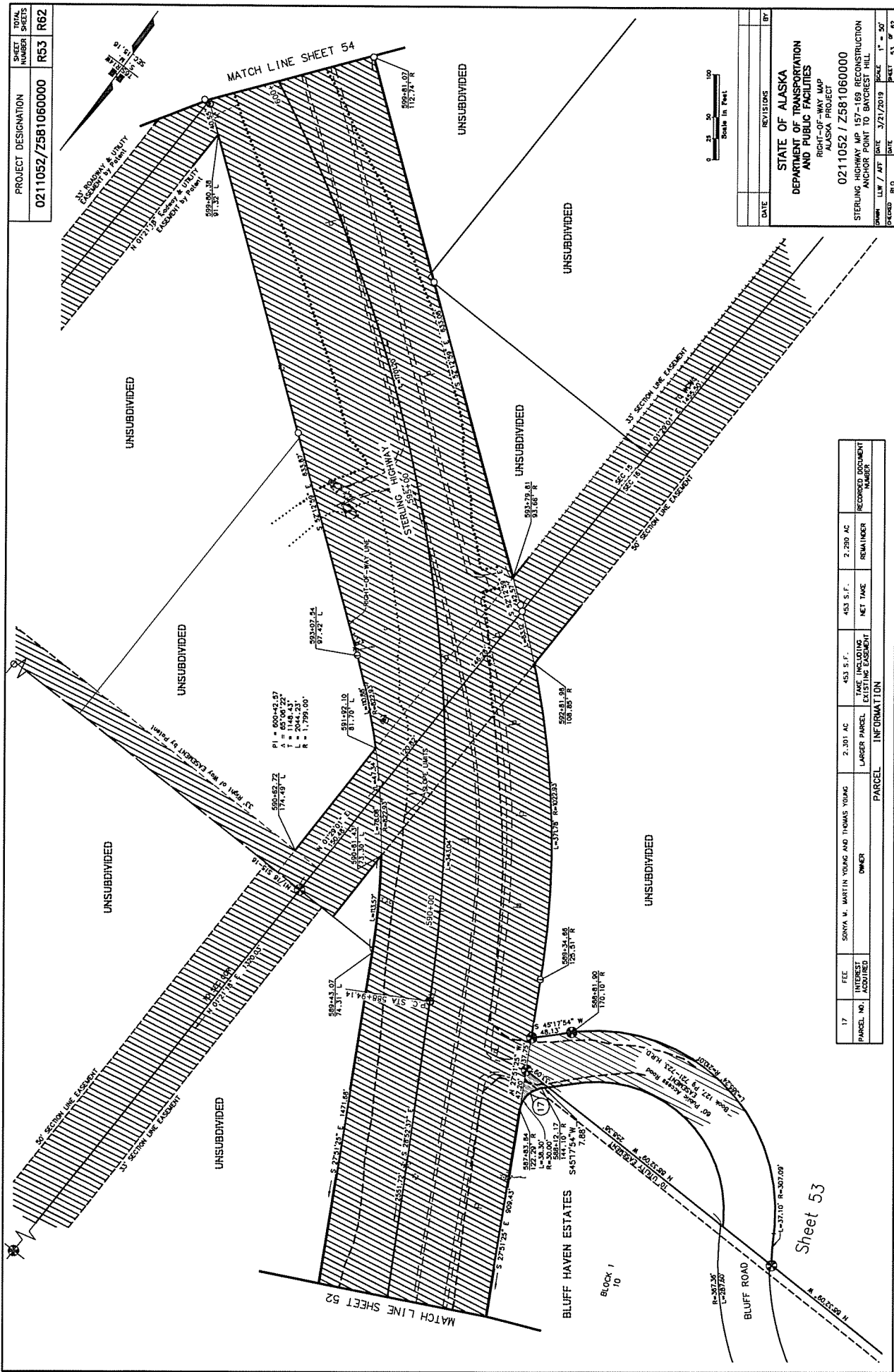
END OF STAFF REPORT

Chairman Carluccio opened the meeting for public comment. Seeing and hearing no one wishing to comment public comment was closed and Chairman Carluccio opened discussion among the committee.

MOTION: Commissioner Whitney moved, seconded by Commissioner Ecklund to approve the preliminary plat, Right of Way Acquisition Sterling Highway Reconstruction MP 157-169, Anchor Point to Baycrest Hill based on staff recommendations and borough code.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

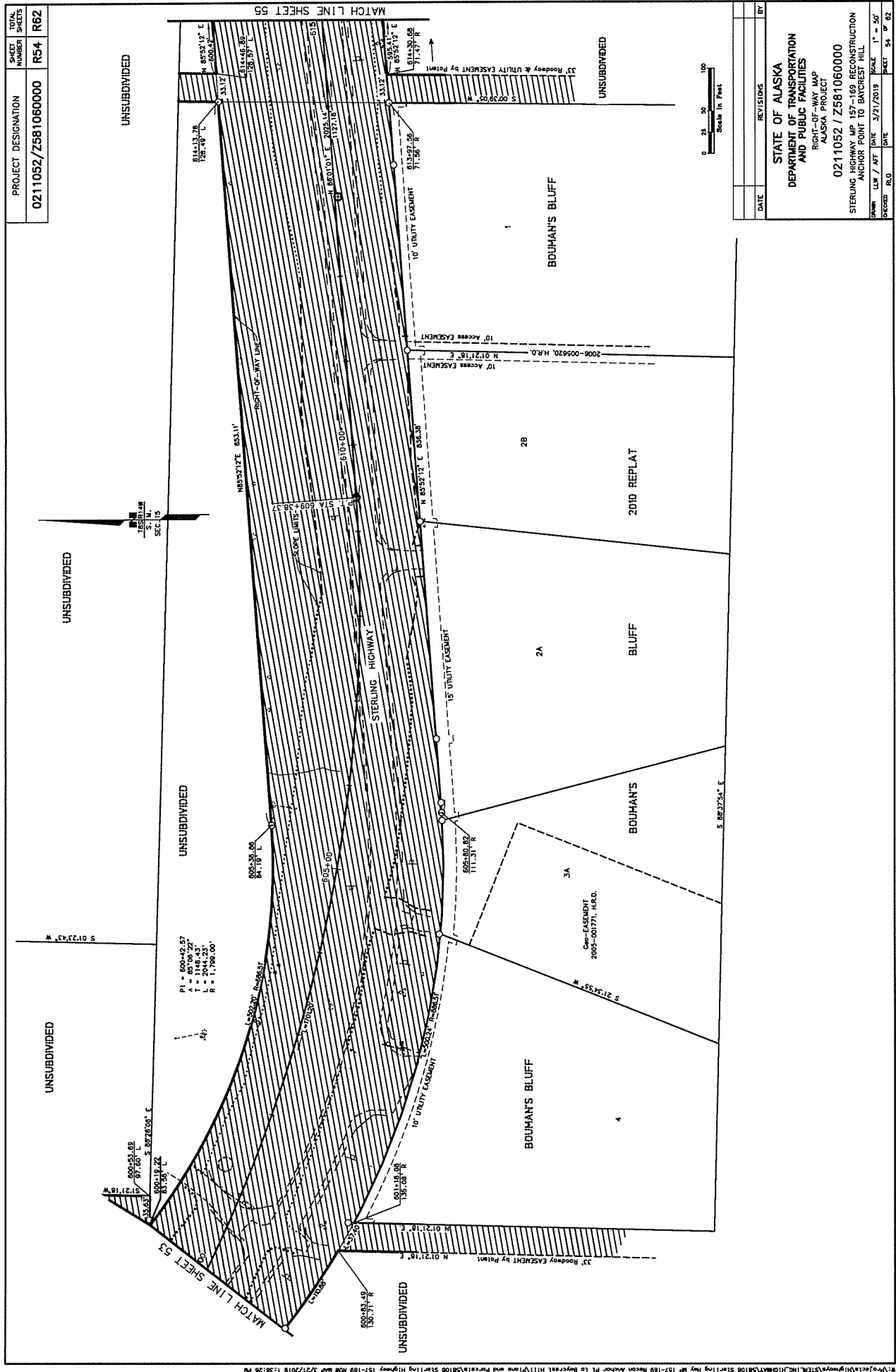
PROJECT DESIGNATION	0211052/Z581060000	SHEET NUMBER	R53	TOTAL SHEETS	R62
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DATE	REVISIONS	BY

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 RIGHT-OF-WAY MAP
 ALASKA PROJECT
 0211052 / Z581060000
 STERLING HIGHWAY MP 157-169 RECONSTRUCTION
 FROM ANCHORAGE POINT TO BAYCROSS
 SCALE 1" = 50'
 DRAWN L.W. / A.T. DATE 3/21/2019
 CHECKED R.D. DATE 3/21/2019

PARCEL INFORMATION			
PARCEL NO.	OWNER	LARGER PARCEL	RECORDED DOCUMENT NUMBER
17	SONYA M. MARTIN YOUNG AND THOMAS YOUNG	2.200 AC	2,200 AC
		453 S.F.	453 S.F.
		NET TAKE	REMAINDER

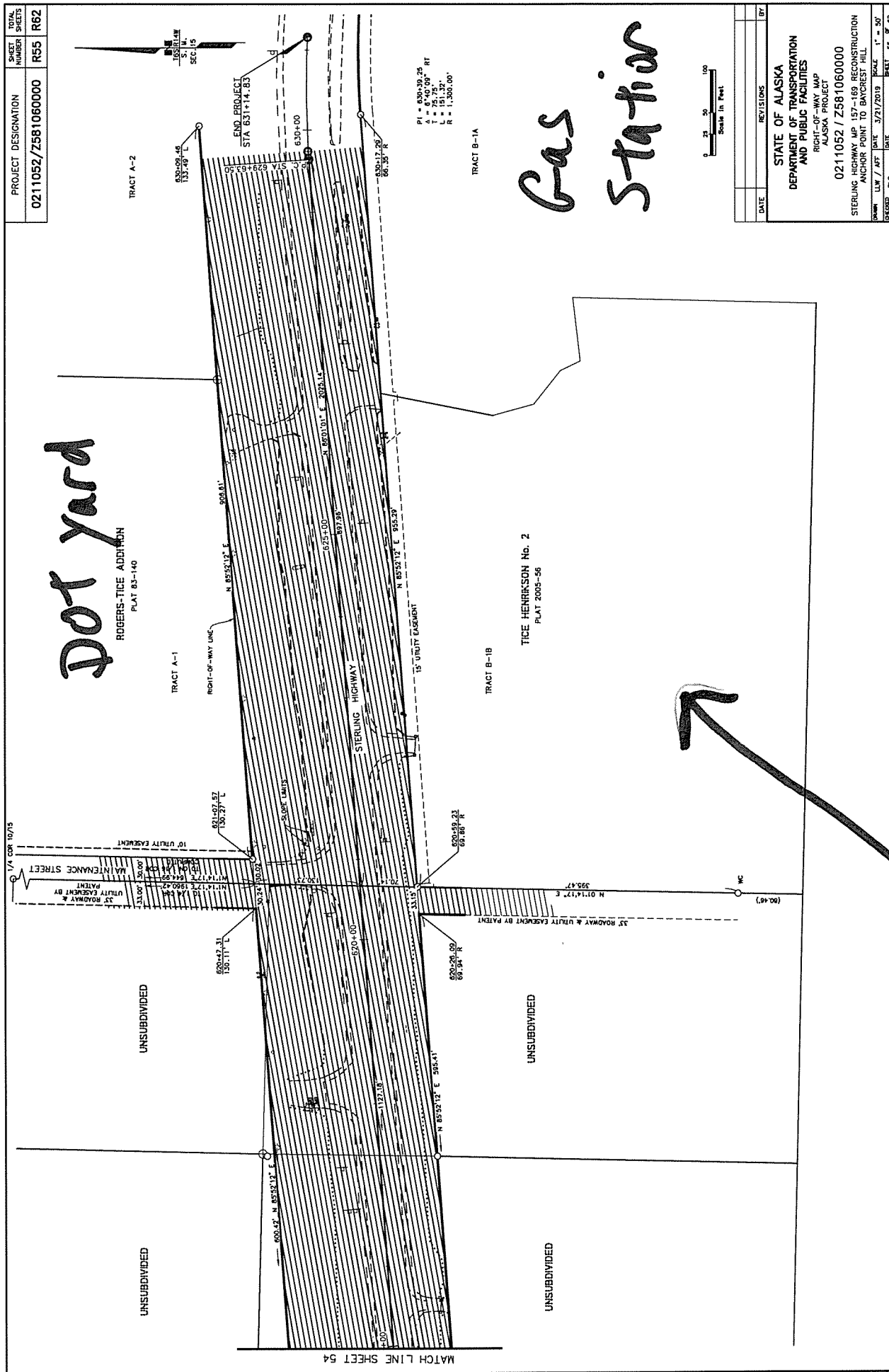


PROJECT DESIGNATION	SHEET NUMBER	TOTAL SHEETS
0211052/Z581060000	R54 R62	

DATE	REVISIONS	BY

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES RIGHT-OF-WAY MAP ALASKA PROJECT 0211052 / Z581060000 STERLING HIGHWAY MP 157-169 RECONSTRUCTION ANCHOR POINT TO BAYCREST HILL	
DRAWN	LMW / JAT
CHECKED	RJD
DATE	3/21/2019
SCALE	1" = 50'
SHEET	54 OF 62

PROJECT DESIGNATION	SHEET NUMBER	TOTAL SHEETS
0211052/Z581060000	R55	R62





City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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(p) 907-235-3106

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HOMER PLANNING COMMISSION

Approved CUP 2023-02 at the Meeting of March 15, 2023

RE: Conditional Use Permit (CUP) 2023-02

Address: 3375 Sterling Highway

Legal Description: T 6S R 14W SEC 15 SEWARD MERIDIAN HM 2005056 TICE-HENRIKSON NO 2 TRACT B-1A

DECISION

Introduction

Jeff Erickson, representing Home Plate LLC (the “Applicant”), applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) under Homer City Code (HCC) 21.24.040(d), for a building area in excess of 8,000 square feet in the General Commercial 1 (GC1) District.

The applicant proposed to construct a 1,060 square foot addition to the existing commercial structure known as Home Run Shortstop Tesoro, a gas station that provides convenience items and contains a restaurant.

A public hearing was held for the application before the Commission on March 15, 2023, as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to six property owners of eight parcels within 300 feet of the proposal, as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the March 15, 2023 meeting of the Commission, six Commissioners were present. Commissioner Chiappone was absent. The Commission approved CUP 2023-02 unanimously with ten findings and one condition.

Evidence Presented

Prior to the hearing, Chair Smith declared an ex-parte contact with the applicant’s wife and, after discussion, the Commission voted down a motion that he had a conflict of interest. Associate Planner, Bella Vaz reviewed the staff report. The Applicant stated he was available and answered a question. No members of the public testified.

It was then moved and approved with unanimous consent to approve CUP 23-02 with Findings 1 through 10 and one condition.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determined that CUP 2023-02, to allow more than 8,000 square feet of building area on a lot in the General Commercial One District per HCC 21.24.040(d), satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

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

Finding 1: The applicable code authorizes the structure and use in the GC1 zone district.

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 uses and structures are compatible with the GC1 zone district found at the top of Baycrest.

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: Building area over 8,000 sq. ft. on the site is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Finding 4: The proposal is compatible with existing uses of surrounding land.

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

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the proposed facility.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Finding 6: The proposal will not cause undue harmful effect upon desirable neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by City code.

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 applicable regulations and conditions specified in Title 21.

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

Finding 9: The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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

Finding 10: Project will comply with the applicable provisions of the CDM.

Condition 1: Outdoor lighting must be down lit per HCC 21.59.030 and Chapter 3 of the Community Design Manual.

HCC 21.71.040(b). b. 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 specific conditions deemed necessary.
- 2. Fences and walls:** No specific conditions deemed necessary.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.

- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific 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.
- 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.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2023-02 is hereby approved, with Findings 1 through 10 and the following condition.

Condition 1: Outdoor lighting must be down lit per HCC 21.59.030 and Community Design Manual Chapter 3.

Date

Chair, Scott Smith

Date

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.070, any person who has standing to appeal per HCC 21.93.050 and is aggrieved by this determination may appeal this decision to a Hearing Officer within

fifteen (15) 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 _____, 2023. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date

Courtney Dodge, Assistant Planner

Jeff Erickson
PO Box 3695
Homer, AK 99603

Michael Gatti, JDO Law
3000 A Street, Suite 300
Anchorage, AK 99503

Rob Dumouchel, City Manager
City of Homer
491 E Pioneer Avenue
Homer, AK 99603



City of Homer

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HOMER PLANNING COMMISSION

Approved CUP 2023-03 at the Meeting of March 15, 2023

RE: Conditional Use Permit (CUP) 2023-03
Address: 1368 Lakeshore Dr.

Legal Description: T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0000839 BAY VIEW SUB LOT 87

DECISION

Introduction

Andrew Reed, representing Emerald Air Service (the “Applicant”), applied to the Homer Planning Commission (the “Commission”) for a Conditional Use Permit (CUP) under Homer City Code (HCC) 21.24.030(c), for multi-family structure in the General Commercial 1 (GC1) District.

The applicant proposed to construct a 4-unit multi-family structure on a lot in the GC1 District adjacent to Beluga Lake.

A public hearing was held for the application before the Commission on March 15, 2023, as required by Homer City Code 21.94. Notice of the public hearing was published in the local newspaper and sent to 16 property owners of 27 parcels within 300 feet of the proposal, as shown on the Kenai Peninsula Borough tax assessor rolls. Public notices contained information on how to submit written testimony, participate telephonically, or participate on the Zoom meeting platform.

At the March 15, 2023 meeting of the Commission, six members were present. Commissioner Chiappone was absent. The Commission approved CUP 2023-03 unanimously with ten findings and two conditions.

Evidence Presented

City Planner, Rick Abboud reviewed the staff report. The Applicant described the proposed improvements. No members of the public testified on the item. After discussion, it was then moved and approved with unanimous consent to approve CUP 23-03 with Findings 1 through 10 and Conditions 1 and 2.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determined that CUP 2023-03, to allow a multi-family dwelling in the GC1 District per HCC 21.24.030(c), satisfies the review criteria set out in HCC 21.71.030 and is hereby approved.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

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

Finding 1: The applicable code authorizes the 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 structure and use is compatible with the purpose of the 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: A multi-family structure is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Finding 4: The proposal is compatible with existing uses of surrounding land.

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

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the proposal.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Finding 6: The proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by City code.

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

Finding 8: Gaining an approved CUP and subsequent zoning permit will provide for compliance with applicable regulations and conditions specified in Title 21.

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

Finding 9: The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

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

Finding 10: The project is required to comply with the Outdoor Lighting requirements of the CDM.

Condition 1: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM.

HCC 21.71.040(b). b. 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 specific conditions deemed necessary.
- 2. Fences and walls: Condition 2:** Any dumpster shall be screened on three sides.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.

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

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

11. A time period within which the proposed use shall be developed: No specific conditions deemed necessary.

12. A limit on total duration of use: No specific 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.

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.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2023-03 is hereby approved, with Findings 1 through 10 and the following conditions.

Condition 1: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM

Condition 2: Any dumpster shall be screened on three sides.

Date

Chair, Scott Smith

Date

City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.070, any person who has standing to appeal per HCC 21.93.050 and is aggrieved by this determination may appeal this decision to a Hearing Officer within fifteen (15) 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 _____, 2023. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date

Courtney Dodge, Assistant Planner

Andrew Reed
PO Box 1191
Homer, AK 99603

Michael Gatti, JDO Law
3000 A Street, Suite 300
Anchorage, AK 99503

Rob Dumouchel, City Manager
City of Homer
491 E Pioneer Avenue
Homer, AK 99603



Staff Report PI 23-022

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: April 5, 2023
SUBJECT: City Planner's Report

3.27.23 City Council Regular Meeting Tentative Agenda

Ordinance 23-15, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 11.20.070 to Specify that a Performance Guaranty is Required for New Subdivisions. City Manager/ Public Works Director. Recommend Introduction March 28, 2023 Public Hearing and Second Reading April 10, 2023.

Ordinance 23-16, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating a 2023-2025 Alaska Clean Water Actions (ACWA) Grant from the Alaska Department of Environmental Conservation (ADEC) in the Amount of \$153,307 for the Beluga Slough Green Infrastructure Storm Water Treatment System. City Manager/ Public Works Director. Recommend Introduction March 28, 2023 Public Hearing and Second Reading April 10, 2023.

Resolution 23-026, A Resolution of the City Council of Homer, Alaska in Support of Entering into the US Army Corps of Engineers General Investigation Study for the New Large Vessel Harbor and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Adopted.

Resolution 23-027, A Resolution of the City Council of Homer, Alaska Awarding a Task Order in the Amount of \$45,000 to HTRW, LLC of Anchorage, Alaska to test for PCB Laden Materials at the Homer Education and Recreation Complex (HERC) Buildings and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Failed.

Resolution 23-028, A Resolution of the City Council of Homer, Alaska Supporting the Alaska Legislature Adopting Definitions Related to Electric Bicycles and Allowing Municipalities to Regulate Them. Aderhold. Adopted.

Appropriation Reduction related to Ordinance 23-11 and Veto of Resolution 23-017 in accordance with HCC 2.08.070 Mayor's veto. Mayor. Veto carried.

Housing Forum

I participated in the Housing event on Saturday the 25th. I believe we had a great success. It was a 'bluebird' day while the Winter King Tournament was in progress and we had nearly 100 people show up and participate. We presented data from our survey and formed breakout groups to gain feedback on the survey and identify our issues with housing in the Homer area. Later we broke out into groups again to offer potential solutions.

I was impressed with the wide range of solutions. Everyone took time to listen and not be confrontational, as the solutions suggested those that ranged from government based solutions to the get government out of the way and everything in between. There will definitely be follow up and next steps formulated to address housing needs in the Homer area. We will keep the Planning Commission informed and encourage all to be part of the process.

Preliminary Plats

I have received a draft ordinance that Council members Erikson and Davis has passed to myself via the Planning Commission Chair. The Chair has requested that the Commission hold a work session to discuss the provisions. As I started reviewing the concepts, I forwarded the draft to the City Manager for consideration of the use of professional services to evaluate the concepts and work towards an update to Title 22 and associated code and city documents.

I do understand the intent of the draft, but believe that a thorough evaluation of our policies and procedures are in order. I believe that we should look at what we do in its entirety and propose palatable solutions that works with our particular subdivision arrangement with the borough. I want to be careful that we do not have unintended consequences while looking for a quick fix.

I have made an initial contact with Max Best, former borough Planning Director for some consultation. He is going to be out of town for the next two months and I have not yet identified others qualified to assist. Additionally, I will be out town for two weeks. It looks as though it is something that may be approached in May.

Transit

I have been participating in a group we are now calling the Southern Kenai Peninsula Transit Coalition (SKPTC) and we are looking into providing transit solutions for those on the Southern Kenai Peninsula. I have provided a letter of support for a small (up to \$10,000) APTA public transit grant to help kick start the continued community conversation around creating a transit system in Homer. The request for the letter came from a state participant in our coalition for a grant administered by the Independent Living Center. The funding, if received in April, would lead to a community forum in May, continued collection of community surveys this spring, and at least 30 key informant interviews of businesses and community leaders in the Homer area in early summer. This would help lead to a more informed statement of need for community and public transit for the Homer area and an eventual application this fall for a much larger FTA/State Rural Transit

Planning grant to do the detailed planning and cost projections for implementing a system, hopefully in 2025. What kind of system—fixed routes, deviated fixed route, micro-transit, or other--are all to be explored in the larger planning grant.

Employee training

Recently Bella Vaz had received a week of state sponsored training in administering our FEMA flood regulations. While she is planning to transition into the City Manager's Office as an assistant to the manager (Christine Drais, the current assistant has resigned), we are planning on her continuing to administer Flood Plain Regulations and perform permitting duties for the near term, at least.

I am off to the APA National Planning Convention held in Philadelphia and am taking some vacation time at the end of the conference and will return to the office April 13th.

Courtney Dodge will be out of the office most of April; she is headed to Oregon to get married! She'll be back in the office in May.

With these transitions and travels, the Planning Office will be very short staffed for April. Staff recommends cancelling the April 19th Commission meeting, if no applications are received. No CUP's were submitted by the deadline; Friday (3/31) is the plat deadline.

EDC

The Commission has finalized their vision statement, and will tackle the mission statement next. The final design for Pioneer Avenue street banners should be ready shortly. Staff is also working on a grant for playground equipment and upgrades for Bayview Park (top of Main Street).

Commissioner Report to Council

4/10/23 _____
4/24/23 _____

Attachments

Commission calendar

**PLANNING COMMISSION
2023 Calendar**

	AGENDA ITEM DEADLINES	MEETING DATE	COMMISSIONER SCHEDULED TO REPORT	CITY COUNCIL MEETING FOR REPORT*	ANNUAL TOPICS/EVENTS
JANUARY	12/14/22 Public Hearing Items 12/16/22 Preliminary Plat Submittals 12/23/22 Regular Agenda Items	01/04/23		Monday, 01/09/23 6:00 p.m.	•
	12/28/22 Public Hearing Items 12/30/22 Prelim Plat Items 01/06/23 Regular Agenda Items	01/18/23		Monday 01/23/23 6:00 p.m.	•
FEBRUARY	01/11/23 Public Hearing Items 01/13/23 Prelim Plat Items 01/20/23 Regular Agenda Items	02/01/23	Highland	Monday 02/13/23 6:00 p.m.	• PC Training on Legislative vs Quasi-Judicial decisions • Developing and Writing Decisions & Findings
	01/25/23 Public Hearing Items 01/27/23 Prelim Plat items 02/03/23 Regular Agenda Items	02/15/23		Monday 02/27/23 6:00 p.m.	•
MARCH	02/08/23 Public Hearing Items 02/10/23 Prelim Plat Items 02/17/23 Regular Agenda Items	03/01/23		Monday 03/13/23 6:00 p.m.	• AK APA Conference • Comp Plan & Title 21 Update, Grading Permit, Homer Housing Event Presentation/Discussion
	02/22/23 Public Hearing Items 02/24/23 Prelim Plat Items 03//23 Regular Agenda Items	03/15/23		Tuesday 03/28/23 6:00 p.m.	• Presentation on Old Town, Transportation Plan Updates and Timeline
APRIL	03/15/23 Public Hearing Items 03/17/23 Prelim Plat Items 03/24/23 Regular Agenda Items	04/05/23		Monday 04/10/23 6:00 p.m.	• HNMTTP Review • Comp Plan Review
	03/29/23 Public Hearing Items 03/31/23 Prelim Plat Items 04/07/23 Regular Agenda Items	04/19/23		Monday 04/24/23 6:00 p.m.	• Due to Staffing Shortages – Absences, Vacations and Transfers - City Planner Recommends Cancelling this meeting.
MAY	04/12/23 Public Hearing Items 04/14/23 Prelim Plat Items 04/21/23 Regular Agenda Items	05/03/23		Monday 05/08/23 6:00 p.m.	•
	04/26/23 Public Hearing Items 04/28/23 Prelim Plat Items 05/05/23 Regular Agenda Items	05/17/23		Monday 05/22/23 6:00 p.m.	•
JUNE	05/17/23 Public Hearing Items 05/19/23 Prelim Plat Items 05/26/23 Regular Agenda Items	06/07/23		Monday 06/12/23 6:00 p.m.	• Reappointment Applications will be sent out

JUNE	05/31/23 Public Hearing Items 06/02/23 Prelim Plat Items 06/09/23 Regular Agenda Items	06/21/23	Monday 06/26/23 6:00 p.m.	•	
JULY	06/28/23 Public Hearing Items 06/30/23 Prelim Plat Items 07/07/23 Regular Agenda Items	07/19/23	Monday 07/24/23 6:00 p.m.	•	Reappointment Application Due
AUGUST	07/12/23 Public Hearing Items 07/14/23 Prelim Plat Items 07/21/23 Regular Agenda Items	08/02/23	Monday 08/14/23 6:00 p.m.	•	Spit Comp Plan review
	07/26/23 Public Hearing Items 07/28/23 Prelim Plat Items 08/04/23 Regular Agenda Items	08/16/23	Monday 08/28/23 6:00 p.m.	•	Election of Officers Training - City Clerk's Office
SEPTEMBER	08/16/23 Public Hearing Items 08/18/23 Prelim Plat Items 08/25/23 Regular Agenda Items	09/06/23	Monday 09/11/23 6:00 p.m.	•	Capital Improvement Plan
	08/30/23 Public Hearing Items 09/01/23 Prelim Plat Items 09/08/23 Regular Agenda Items	09/20/23	Monday 09/25/23 6:00 p.m.	•	Economic Development Visitor
OCTOBER	09/13/23 Public Hearing Items 09/15/23 Prelim Plat Items 09/22/23 Regular Agenda Items	10/04/23	Monday 10/09/23 6:00 p.m.	•	Floodplain or other Hazard regulation Overview
	09/27/23 Public Hearing Items 09/29/23 Prelim Plat Items 10/06/23 Regular Agenda Items	10/16/23	Monday 10/23/23 6:00 p.m.	•	
NOVEMBER	10/11/23 Public Hearing Items 10/13/23 Prelim Plat Items 10/20/23 Regular Agenda Items	11/01/23	Monday 11/27/23 6:00 p.m.	•	Annual Meeting Schedule Approval
DECEMBER	11/15/23 Public Hearing Items 11/17/23 Prelim Plat Items 11/24/23 Regular Agenda Items	12/06/23	Monday 12/11/23 6:00 p.m.	•	Review Commission Bylaws, Policies and Procedures Town Center Plan Review

*The Commission's opportunity to give their report to City Council is scheduled for the Council's regular meeting following the Commission's regular meeting, under Agenda Item 8 – Announcements/ Presentations/ Borough Report/Commission Reports. Reports are the Commission's opportunity to give Council a brief update on their work. Attend via Zoom or in Person.



City of Homer

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Staff Report 23-023

TO: Homer Planning Commission
FROM: Rick Abboud, City Planner
DATE: April 5, 2023
SUBJECT: Conditional Use Permit (CUP) 23-04

Synopsis The applicant proposes to amend CUP 23-01 to gain acceptance of structures found within the 20ft. setback from rights-of-ways. A Conditional Use Permit (CUP) is required per HCC 21.18.040(b)(4). When approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street, may be reduced in the Central Business District.

Applicant: Melody Livingston, Land/restaurant owner (Wild Honey Bistro)
106 W Bunnell #2
Homer, AK 99603
Location: 106 W Bunnell Ave. condo unit
Legal Description: Chamberlain & Watson No 4 Lot 1-A , and T 6S R 13W SEC 19 Seward Meridian
HM 2011002 INLET TRADING POST CONDOMINIUMS UNIT 2
Parcel ID: 17516052 (parcel) 17516052C001 Unit 1, 17516052C002 Unit2
Size of Existing Lot: 11,441 square feet
Zoning Designation: Central Business District
Existing Land Use: Commercial mixed use
Surrounding Land Use: North: Residential condos and commercial
South: RV Park, hotel
East: Mixed use residential and commercial
West: Restaurant, parking and residential condos

Comprehensive Plan: Chapter 4, Goal 4, Objective A, Implementation item 4-A-2: Create an overlay zone of the “Old Town” section of the CBD, establishing general standards for building design and construction. Aim for future buildings to continue in the style of the older buildings in the area as well as the several more recently constructed buildings that follow these traditions. Chapter 4, Goal 3: Encourage high quality buildings and site design that complements Homer’s beautiful natural setting, and Goal 1, Objective D, Implementation item 1-D-3: Support planning and zoning regulations that promote land use strategies that include compact, mixed-use development, high density development, and infill.

Wetland Status:	Not within wetlands
Flood Plain Status:	Zone D, flood hazards not determined.
BCWPD:	Not within the Bridge Creek Watershed Protection District
Utilities:	Public utilities service the site.
Public Notice:	Notice was sent to 56 property owners of 40 parcels as shown on the KPB tax assessor rolls.

Introduction

The applicant is proposing to tear down a portion of the existing Quonset hut like structure and extend the kitchen of the Wild Honey Bistro into its footprint. According to Kenai Peninsula Borough records, the structure to which the proposed addition is to be adjoined to was constructed in 1937. As the applicant is moving (removing) an existing structure (which affects lot coverage), a CUP has been approved per HCC 21.18.040(d) building area in excess of 30 percent of the lot area.

This amendment to the CUP is to address the portions of structures located in the 20ft. setback adjacent to rights-of-way. The previous CUP did not request approval of the reduced setback and the Commission was unable to grant the approval of the setback, as it had not been part of the application and had not been advertised to the public. The Commission made a condition of the CUP to gain approval for the structures located in the setback. As this application is an amendment to CUP 23-01, all the previous conditions apply and address the concerns of the proposed development.

Analysis

Approval of structures within the 20' setback to West Bunnell Avenue and Main Street

106 W Bunnell Ave is the site of four buildings and has adopted a condominium form of ownership for various elements found on the lot. Located at the northwest corner of Main Street and West Bunnell Ave, the three story Inlet Trading Post building currently houses the Bunnell Street Arts Center, Old Town Bed and Breakfast, the Fringe consignment store, and has other office space in the basement. This building will remain unchanged and is not part of the proposed new construction. The building to the west and adjacent to the three story building is the single story restaurant Wild Honey Bistro. Additionally, there two Quonset structures, one houses a dining area and the other is used for storage and is located behind the restaurant and dining area. The proposed new construction applies only to the building housing the restaurant and will not amount to any additional improvements within the 20' setback.

The requirement of the CUP allows for public review of the proposal and how it may be accommodated onsite. This particular site and some surrounding properties have created a "Homer" feel to the area for over eighty years and have inspired the recommendation found in the Comprehensive Plan to create an "Old Town" overlay zone which is intended to expand

upon the features of the older structures such as the ones found on this site. The site is already largely impervious and has maintained greenspace along lot lines. As the property was developed long before local development requirements were adopted, allowing the structures to remain within the 20' setback allows the lot to retain a relative high density and maintains a desirable pedestrian environment, as described in the Comprehensive Plan Appendix A under Central Business District and the future considerations for Downtown Mixed Use District. The existing site provides an example of most all of the design guidelines found in the Community Design Manual (CDM) that is reviewed in the attached document.



Exterior facing Bunnell Avenue 2.9.23

Non-conforming status

The principle structures housing the Bunnell Art Gallery and Wild Honey Bistro were built in 1937 according to Borough records, well before setback regulations applied. A review of historical photos make it unclear that the decks and porch were constructed prior to setback regulations, therefor the allowance for structures in the setback is best addressed with the code allowance for just such a condition found in code and approved with this CUP.

An amendment to the approved CUP for the structures in the setback will fulfill a requirement of CUP 23-01. As this is an amendment to CUP 23-01, the conditions of the permit remain. These conditions addressed: gaining owner signatures, offsite parking, screening requirements, use of down lit lighting fixtures, as well as gaining approval for structures within the setback.



Picture from 2018 Homer Comprehensive Plan – showing alignment of neighboring buildings

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review criteria, and establishes the following conditions:

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

Analysis: HCC 21.18.040(b)(4) If approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street, may be reduced.

HCC 21.18.020(a) authorizes retail business (Bunnell and the Fringe),

HCC 21.18.020(cc) authorizes a rooming house (Old Town Bed and Breakfast), and

HCC 21.18.020(d) authorizes restaurants.

CUP 23-01 authorizes more than 30% building area in the lot.

Finding 1: If approved by a Conditional Use Permit, the setback from a dedicated right-of-way may be reduced.

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

Applicant: The purpose of the CBD zoning district is for a centrally-located shopping and restaurant, among others, and the proposed addition is compatible with the purpose of the district

Purpose statement: The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

Analysis: The purposes of the structures are well within the stated purpose of the district. The structures provide elements recommended in the comprehensive plan regarding the development types. The site provides connections and accommodations for pedestrians and a host of other recommendations found in the Community Design Manual. These elements are supported with the structures and pedestrian amenities brought closer to the street creating a desirable dense, compact design in support of mixed-use as desired in this area as discussed in the 2018 Homer Comprehensive Plan. The result of the structures located closer to the rights-of-way enhances a human scale and friendly pedestrian environment.

Finding 2: The purpose of the Central Business District includes providing for general retail shopping, restaurants, and encourages pedestrian-friendly design and amenities. The proposed development is compatible with the purpose statement of the 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.

Applicant: Proposed project will increase adjoining property values. The project replaces an unsightly and deteriorating structure with a new useful structure that will match the aesthetics of the surrounding buildings.

Analysis: Many uses in the Central Business District have greater negative impacts than would be realized from location of principle uses and associated improvements in the setback. Mobile homes, auto repair, and shelters for the homeless may have a greater impact on nearby property values. Assisted living, group care, religious, cultural and fraternal assembly could generate a good deal of traffic. The architectural and pedestrian qualities of this project will help maintain neighborhood character and existing property values in support a commonly visited restaurant. The allowance for

the structures found in the setback will continue the established pattern of development to allow continued use of the well-established lots providing building to the lot line, pedestrian amenities, and parking to the rear as prescribed in the 2018 Comprehensive Plan and the Community Design Manual.

Finding 3: The structures found in the setbacks are not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

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

Applicant: Proposed use is the same as the current use.

Analysis: Surrounding uses of land include AJ's restaurant and bar to the west, residential cottages of the north, mixed use commercial/residential to the east, and an RV park, private residence and hotel across the street. The structures distances into the setback is not exceptional to that of many of the neighbors. These developments may constitute nonconformities due setbacks, as they were developed prior to City regulations, but it has been recognizing through the citations of the comprehensive plan elements that these developments are a desirable for the area and not just something that should be eliminated. The site has included a restaurant for over twenty years, and the property has contained mixed uses at current density for decades. Allowing the continuance of the development within the existing setback is in-line with comprehensive plan goals for the area that encourages dense compact development.

Finding 4: Redevelopment of the existing restaurant with the proposed site plan and current setback distances are compatible with existing mixed uses of surrounding land.

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

Analysis: The site is served by municipal water, sewer, police and fire services, and two city maintained paved roads.

Finding 5: Existing roads, public water, sewer, police and fire services are adequate to serve the site.

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.

Applicant: Use and traffic will remain consistent, but proposed building will better fit the design of adjoining buildings and be more attractive overall.

Purpose statement: The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

Analysis: Desirable neighborhood character could be described by a portion of the purpose statement for the district. The proposed project is centrally located within the City of Homer and continues the general retail and restaurant uses of the property. The proposed design aligns well with existing buildings and sustains the character promoted in the Comprehensive Plan. The current setback distance promotes, mixed-use development, higher density development, and infill as supported in Chapter 4 Goal 1 Implementation item D-3 of the 2018 Homer Comprehensive Plan.

Finding 6: The Commission finds the proposal will not cause an undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Analysis: Public services such as paved streets, water, sewer, and public safety are adequate to serve the proposed use. Fire Marshal review of the project is required to gain a zoning permit for construction supporting commercial occupancy.

Finding 7: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

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

Analysis: Gaining a CUP and subsequent zoning permit will require compliance with applicable regulations.

Finding 8: An approved CUP and zoning permit will ensure that the proposal will comply with applicable regulations and conditions specified in Title 21.

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

Applicant: Part of Goal One is to promote mix-use with moderate to high density, which the project accomplishes (as it better serves the current use). Goal Three encourages high quality structures and this project will increase the quality of the existing structures.

Analysis: Chapter 4 Goal 4 Implementation item A-2: Create an overlay zone of the “Old Town” section of the CBD, establishing general standards for building design and construction. Aim for future buildings to continue in the style of the older buildings in the area as well as the several more recently constructed buildings that follow these traditions. Goals of the Land Use Chapter of the Homer Comprehensive Plan include Chapter 4 Goal 3: Encourage high quality buildings and site design that complements Homer’s beautiful natural setting, and Goal 1 Implementation item D-3: Support planning and zoning regulations that promote land use strategies that include compact, mixed-use development, high density development, and infill.

The continued use of the buildings and structures found within the setback promote compact development and is in keeping with the applicable goals and objectives of the Comprehensive Plan. An analysis of the applicable goals and objectives of the Comprehensive Plan are attached.

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 1 Objective D-3, Goal 3 and Goal 4 Objective A-2 and no evidence has been found that it is contrary to the applicable land use goals and objects of the Comprehensive Plan.

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

Analysis: The three sections of the CDM apply: Site Plan Review, Architecture and Site Design. The proposed project does not significantly change the existing site plan, architecture, or site design. The CDM review will be commiserate with the scale of the proposed improvements. A review of the CDM is attached.

Staff finds the project complies with the applicable provisions of the CDM in many existing aspects and the project will provide increased compliance listed below as found in the conditions of cup 23-01:

1. The new construction will match the existing architectural style, siding material and color for the Inlet Trading Post building. Matching this style will maintain visual

- compatibility between structures (see applicants supplemental response to question 2).
2. Conditions 3 and 4 to provide screening for the dumpster and parking lot.
 3. Condition 6 for compliance with outdoor lighting requirements.

Finding 11: Conditions of CUP 23-01 provides for compliance with the applicable provisions of the CDM.

HCC 21.71.040(b). b. 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 specific conditions deemed necessary
- 2. Fences and walls:** No specific conditions deemed necessary
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.
- 8. Maintenance of the grounds, building, or structures:** No specific conditions deemed necessary.
- 9. Control of noise, vibration, odors or other similar nuisances:** No specific conditions deemed necessary.
- 10. Limitation of time for certain activities:** No specific conditions deemed necessary.
- 11. A time period within which the proposed use shall be developed:** No specific conditions deemed necessary.
- 12. A limit on total duration of use:** No specific 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.
- 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.

PUBLIC WORKS COMMENTS: No comments received.

FIRE DEPARTMENT COMMENTS: No comments received.

PUBLIC COMMENTS: None at time of staff report.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 23-01 with findings 1-10.

Attachments

Application

Comprehensive Plan review

CDM review

Public Notice

Aerial Photograph

Melody Livingston

Scott Livingston

Broad Point, LLC (d/b/a Wild Honey Bistro)

106 W Bunnell, Unit B

Homer, AK 99603

Ph: (907) 942-5205

Email: eat@wildhoneybistro.com

March 15, 2023

ATTN: Planning Commission - City of Homer

RE: Resubmission for hearing on April 5, 2023, of CUP 23-01 for approval of non-conforming setback for 106 W Bunnell, Unit B

Dear City Planning Commission,

This letter accompanies the resubmission of CUP 23-01 for further consideration as to the non-conforming setback. This CUP was first presented to the Commission at the March 1st hearing, earlier this year. The City Planner took the position that a separate CUP hearing was needed in order for the Commission to make a determination as to whether to accept the historically non-conforming setback for the property. We do not believe a separate hearing is necessary and have submitted a request to the Commission to clarify its decision at the presentation of Decisions and Findings at the hearing scheduled on March 15th.

However, pursuant to this letter and the accompanying attachments, we are also submitting the CUP for further consideration at the upcoming April 5th hearing in the event that the Commission determines that it is unable or unwilling to clarify its decision at the March 15th hearing.

For purposes of this resubmission, we have added a reference to the statute governing the setbacks in the Central Business District (see pg. 3, section (a); 28.18.040(b) - allowing reduction of setback on approval of CUP).

As a reminder of the discussion that occurred at the March 1st hearing:

- The Commission was made aware of the non-conformity to the setback and discussed the issue during the March 1st hearing.
- The Commission was informed about and agreed that the historically non-conforming setback for Wild Honey and the Bunnell was consistent with surrounding properties (AJ's Steakhouse, the Driftwood Inn, etc.).
- It was also noted at the hearing that there were plans in the works to modify the setback generally for Old Town. (Although these have not yet been adopted.)

As noted in the originally submitted CUP and at the March 1st hearing, the proposed project retains the existing footprint of the Wild Honey structures, does not expand the historical non-conforming setback, and all of the proposed construction is at the rear of the affected structures.

Finally, we would also remind the Commission that it has previously approved both the setback and lot coverage for the 106 W Bunnell property pursuant to a previously CUP that was submitted for this property in 2020. Under that CUP, the Commission approved a complete demolition and rebuild of the Unit B structures, allowing Wild Honey to maintain the existing footprint and thereby approving the historically non-conforming setback and lot coverage. (Wild Honey voluntarily withdrew the 2020 CUP after being unable to proceed with the project due to high building costs.) However, it seems clear that the Commission has in no instance seen the historically non-conforming lot coverage or setback as barring renovation of the Wild Honey space.

Considering the above, the materials already provided to the Commission by the applicant and the City Planner at the March 1st hearing, and the documentation attached hereto, we ask the Commission to additionally approve the non-conforming setback and direct the City Planner to move forward, with all due speed, with the administrative actions needed to allow the project to continue.

Sincerely,

A handwritten signature in black ink, appearing to read 'mg', followed by a long horizontal flourish.

Melody Livingston, Owner/Operator
Wild Honey Bistro (Homer, AK)

Asia Freeman
Inlet Trading Post
106 West Bunnell, Suite A
Homer, AK 99603

To: City of Homer

Date: March 12, 2023

Re. CUP 23-01

I, Asia Freeman agree to be bound to any terms of CUP 23-01 that may be borne by reason of my interest of the property known as T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2003005 CHAMBERLAIN & WATSON NO 4 LOT 1-A to which the CUP has been granted.

Asia Freeman

From: Asia Freeman asia@bunnellarts.org  

Subject: CUP 23-01 Wild Honey.pdf

Date: March 12, 2023 at 9:07 AM

To: Ed Livingston livingston.edscott@gmail.com, (null) (null) metodyliving@yahoo.com, Michael slideruleblues@gmail.com

Hi Scott and Melody,

Michael and I have internet in Loreto this morning so I'm sending this along.
We'll look out for subsequent directives.

Best,

Asia



CUP 23-01 Wild
Honey.pdf

Asia Freeman
Artistic Director
asia@bunnellarts.org

Melody Livingston

Broad Point, LLC (d/b/a Wild Honey Bistro)
106 W Bunnell, Unit 2
Homer, AK 99603
Ph: (907) 942-5205
Email: eat@wildhoneybistro.com

February 8, 2023

ATTN: **Planning Commission - City of Homer**

RE: Cover Letter to CUP for 106 W Bunnell, Unit B

Dear City Planning Commission,

This letter accompanies and supplements the CUP submitted on February 8, 2023. The CUP was submitted for approval for the tear down of an existing, deteriorating structure and replacing with a new structure on the same footprint that will provide a dedicated food preparation space accessible from the currently-existing cafe.

Currently, the property is historically non-conforming in regard to lot coverage and the set back. The set back is not at issue under this CUP as no changes are proposed to the Bunnell side of the property and the setback will not be affected. Lot coverage also remains unchanged as the proposed demolition and construction simply replaces an existing building that is quickly deteriorating and will eventually become unusable in order to add kitchen prep space to the existing cafe. The lot coverage, and overall square footage for Wild Honey and the property overall, does not change under this proposal.

As noted, granting the CUP is justified as the non-conforming elements are either unaffected or remain unchanged by the proposed work and the work proposed constitutes a direct improvement to the property and will be positive for the neighborhood as it upgrades the long-term viability of the property and the aesthetics of the property for the surrounding neighbors. In short, the status quo is maintained as to the non-conforming elements and significant improvements will be made under the proposal.

- Question 1 - The property is currently a commercial condo with two units:
 - Unit 2 (16% ownership, by internal square footage) is owned by the CUP applicant, is used as a restaurant (Wild Honey Bistro), and consists of three structures - the cafe space, which is attached to but not accessible from the Bunnell building; a smaller quonset hut that sits to the West of the cafe and is used as a seating annex; and a larger quonset hut in the rear used for general storage.

- Unit 1 (84% ownership, by internal square footage) consists of a single structure housing the Bunnell Arts Center (art gallery), Old Town Bed & Breakfast (short-term rental space), and The Fringe (clothing retail).

The lot is 0.26 acres (11,441 sq. ft.). Lot coverage is estimated to be just under 36%. This estimate was calculated by taking the outside dimensions of the Bunnell Arts Center building (~67 ft. x 37 ft = 2,442 sq. ft.) and outside dimensions of the space covered by the three structures constituting Unit 2 (~37 ft. x 44 ft = 1,628 sq. ft.) and dividing the combined total square footage (2,442 sq. ft. + 1,628 sq. ft. = 4,070 sq. ft.) against the lot size (4,070 sq. ft. ÷ 11,441 sq. ft. = 35.58%).

- Question 2 - Use of the property will not change and Unit 2 will continue to be used as a dine-in/carry-out restaurant. The rear quonset hut will be partially demolished in order to allow for construction of a prep kitchen, which will be connected to the rear of the existing, original cafe structure. No other changes will be made to the other structures or to the front (Bunnell Avenue) side of the property.

The planned demo and new building will replace the old, deteriorating quonset hut structure with a useful space that will better allow Wild Honey to service its current customers. The new structure will also be sided and painted to match the main Bunnell building and the Bunnell Avenue side of the existing cafe. This will be much more visually pleasing than current.

- CUP Review Criteria (f) & Parking Questions - The CUP does not reduce the currently-available parking, nor does it seek or require an expansion of available parking.

Wild Honey Bistro has inside seating available for up to 24 customers (4 two-top tables in the main cafe, and 8 two-top tables in the small quonset annex) and overflow seating on the outside deck for 8 (two four-top tables) that is available in the summer, weather permitting. The proposed construction does not add or reduce total seating.

Current parking is available in the front (approximately 20 spaces, counting both side of Bunnell) and rear (10 spots) of the cafe, and Wild Honey has an agreement with the owner of AJ's Steakhouse for use of their parking lot in the mornings and afternoons, prior to AJ's opening at 5:00PM. None of this parking will be affected by the proposed changes.

The existing cafe has a very small kitchen space which limits how quickly customer orders can be fulfilled. During the summer season, wait times get excessively long due to the limited capacity of the current kitchen space (getting up to over an hour during the height of the season). Additionally, prep during the summer season has to happen outside of normal work hours as the kitchen is not able to

simultaneously handle prep work and servicing customer orders when the cafe is busy.

Converting a portion of the back quonset hut to kitchen prep space will help reduce wait times and allow prep work to be done at the same time that customer orders are being completed. The new prep space also will allow onsite preparation of all bakery products, the majority of which are currently being prepared in a cottage kitchen offsite.

Due to reduced wait times, approval of the CUP may actually result in lower parking competition as customers will be less likely to build up on the site while they wait to be served. This will be particularly impactful during summer months where parking competition is highest. As noted above and elsewhere in the application, the CUP simply seeks to add a prep space to the existing Wild Honey cafe structure. The renovation will not add any additional seating and overall square footage will stay the same.

The addition of a dedicated prep space will allow better service of the existing customer base as noted above, but will also provide a better working environment for Wild Honey's employees. Wild Honey employees will benefit as the new space will allow prep work to be done during regular business hours, rather than on days that the cafe would otherwise be closed or evening hours.

In addition to the responses above, please note that we will be working with the Fire Marshall and Alaska DEC to ensure that the kitchen expansion meets fire and food service requirements and that we are in compliance with all required permits and approvals.

If there is additional information that will assist with making a determination, please let us know and we will be happy to provide.

Sincerely,

A handwritten signature in black ink, appearing to read 'ML', with a long horizontal flourish extending to the right.

Melody Livingston, Owner/Operator
Wild Honey Bistro (Homer, AK)

Asia Freeman
Michael Walsh
106 W Bunnell Ave, Unit 1
Homer, AK 99603
asia@bunnellarts.org
slideruleblues@gmail.com

February 7, 2023

Melody Livingston

Broad Point, LLC (d/b/a Wild Honey Bistro)
106 W Bunnell Ave, Unit 2
Homer, AK 99603
Ph: (907) 942-5205
Email: eat@wildhoneybistro.com

RE: Support for February 2023 CUP Application Submitted by
Melody Livingston for 106 W Bunnell Ave, Unit 2

Dear Melody,

Michael and I are pleased to support your CUP application which works within the existing footprint and sightlines of the historic Inlet Trading Post.

We appreciate that your plan, including the drawing and description, shows that you will remove a dilapidated storage structure behind the existing cafe and replace it with an attractive and functional kitchen space that will be sided and painted to match the Trading Post. We like that your plan overall does not change the building's historic silhouette.

We appreciate your plan for structural and functional improvement of the building within Wild Honey Bistro's existing footprint as a cafe.

Thank you for your thoughtfulness in this design and your patience with this process of working towards both historic preservation of a Homer landmark, and improved functionality for your wonderful cafe.

Sincerely,

Asia Freeman

Asia Freeman
Owner, 106 W Bunnell Ave, Unit 1



Michael Walsh
Owner, 106 W Bunnell Ave, Unit 1



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Applicant

Name: Melody Livingston Phone No.: (907) 942-5205

Address: 51789 East End RD Email: melodyliving@yahoo.com

Property Owner (if different than the applicant):

Name: (same as applicant) Phone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 106 W Bunnell Ave, Unit B Lot Size: 0.26 acres acres KPB Tax ID # 17516052

Legal Description of Property: T65 R13W, Chamberline & Watson N.4 Lot 1-A

For staff use:

Date: _____ Fee submittal: Amount _____

Received by: _____ Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. Site Plan - drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning staff can provide a blank map.)
5. This completed application form
6. Payment of application fee (nonrefundable)
7. Any other information required by Code or staff to review your project

Circle Your Zoning District

	RR	UR	RO	<u>CBD</u>	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				x	x	x	x	x			x	

Circle applicable additional permits. Planning staff can assist with these questions.

- ☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than three (3) apartments? If yes, Fire Marshal Certification is required.
Status: _____
- ☒ Y ☐ N Will development trigger a Development Activity Plan?
Application Status: _____
- ☒ Y ☐ N Will development trigger a Storm Water Plan?
Application Status: _____
- ☒ Y ☐ N Does the site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- ☒ Y ☐ N Is development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y ☐ N Does the project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <https://www.cityofhomer-ak.gov/planning/community-design-manual>
- ☒ Y ☐ N Do the project require a traffic impact analysis?
- ☒ Y ☐ N Are there any nonconforming uses or structures on the property?
- ☒ Y ☐ N Have nonconforming uses or structures on the property been formally accepted by the Homer Advisory Planning Commission?
- ☒ Y ☐ N Does the site have a State or City driveway permit? Status: Active
- ☒ Y ☐ N Does the site have active City water and sewer permits? Status: Active

Conditional Use Permit Application Questions. Use additional sheets if necessary.

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

See cover letter for response.

2. What is the proposed use of the property? How do you intend to develop the property?

Attach additional sheet if needed. Provide as much information as possible.

See cover letter for response.

Conditional Use Permit Review Criteria Information. Use additional sheets if necessary. Per HCC 21.71.030 Review Criteria, the applicant must produce evidence sufficient to enable meaningful review of the application. Unless exceptions or other criteria are stated elsewhere in the Code, the application will be reviewed under these criteria:

- a. What code citation authorizes each proposed use and structure by conditional use permit?

21.18.040(d) - greater than 30 percent lot coverage on approval of CUP; 21.18.040(b) - setback may be reduced on approval of CUP

21.18.020(d) - permitted use of restaurant; 21.18.030(a) - conditional use for planned unit developments;

21.18.030(h) - conditional use allowing more than one building containing a permitted principal use on lot

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.

The purpose of the CBD zoning district is for a centrally-located shopping and restaurant, among others, and the proposed addition is compatible with the purpose of the zoning district and the current use of the property.

- c. How will your proposed project affect adjoining property values?

Proposed project will increase adjoining property values. The project replaces an unsightly and deteriorating structure with a new, useful structure that will match the aesthetics of the surrounding buildings.

- d. How is your proposal compatible with existing uses of the surrounding land?

Proposed use is the same as the current use.

- e. Are/will public services adequate to serve the proposed uses and structures?

Yes.

- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?

Use an traffic will remain consistent with current use. The proposal is designed to allow better service relating to the current use and traffic levels. The project will enhance the current use, may help relieve congestion during peak periods of parking competition (see cover letter for additional details on this point), will better fit the design of adjoining building, and be more attractive overall.

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

Page 20 of 44

No.

- h. How does your project relate to the goals of the Comprehensive Plan? Find the Comprehensive Plan on the City's website:

www.cityofhomer-ak.gov/planning/comprehensive-plan

Part of Goal One is to promote mix-use with moderate to high density, which the project accomplishes (as it better serves the current use).

Goal Three encourages high quality structures and this project will increase the quality of the existing structures.

- i. The Planning Commission may require special improvements. Are any of the following a component of the development plan, or are there suggestions on special improvements you would be willing to make? **Circle each answer and provide clarification on additional pages if Yes is selected.**

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

Parking Questions.

1. How many parking spaces are required for your development? No additional parking required
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b)
2. How many spaces are shown on your parking plan? see cover letter
3. Are you requesting any reductions? No

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property: Page 21 of 44

CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Per HCC 21.71.020(a)(9), if the applicant is not the owner of the subject lot, the owner's signed authorization grants the applicant authority to:

- (a) apply for the conditional use permit, and
- (b) bind the owner to the terms of the conditional use permit, if granted.

Applicant signature: _____

Date: 2/8/23

Property Owner signature: _____

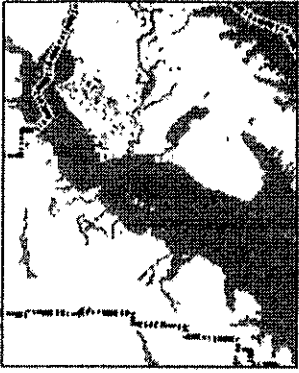
Date: 2/8/23



Geographic Information Systems

1st North Seward Street, Seward, Alaska 99601

Map title goes here.



Legend

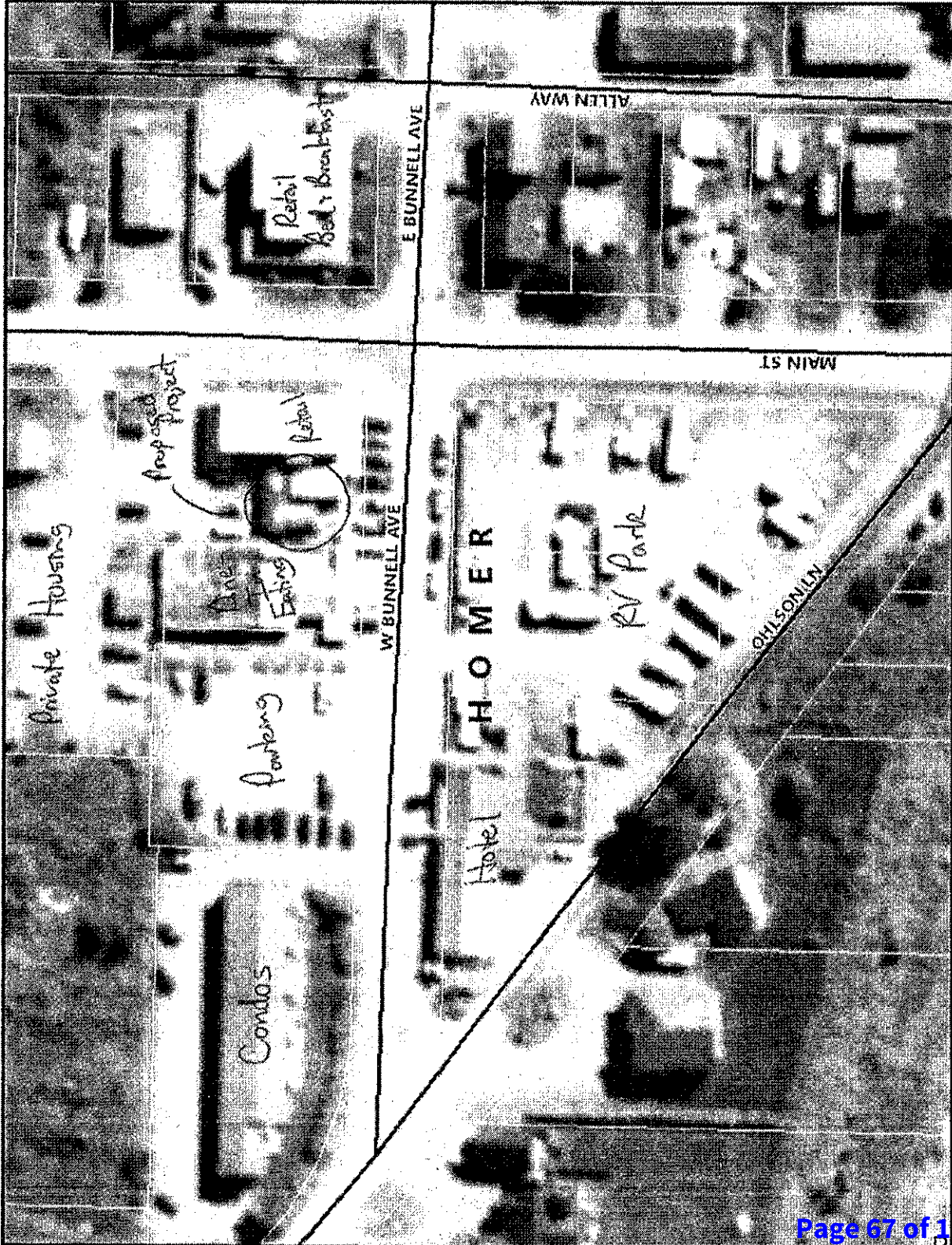
- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
- Town Medium Volume
- Town Low/Seasonal; Other
- Proposed
- Parcels



Page 22 of 44

Notes

Enter map notes here.



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

67

DATE PRINTED: 8/26/2020

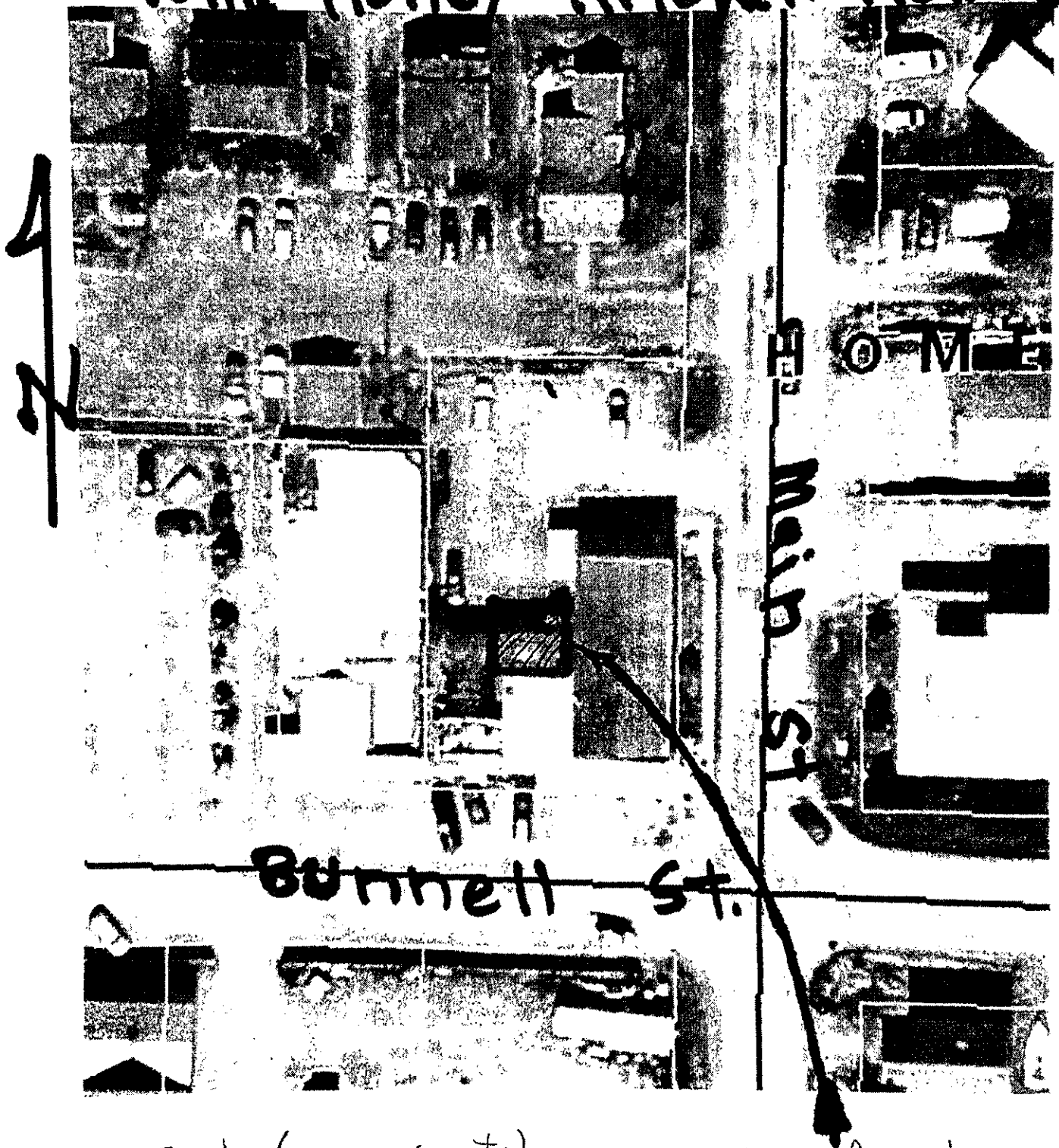
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Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

Wild Honey Kitchen Remodel



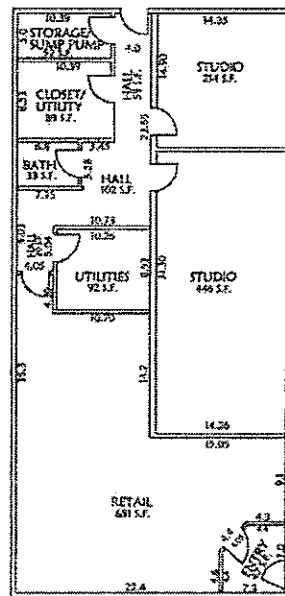
Scale (approximate)
1" = 40' - 0"

area for demo & replacement

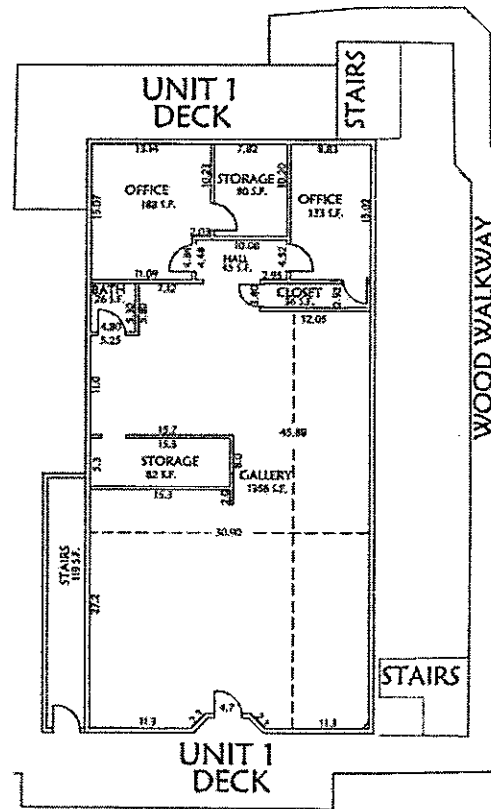
Site Plan

INLET TRADING POST UNIT 1

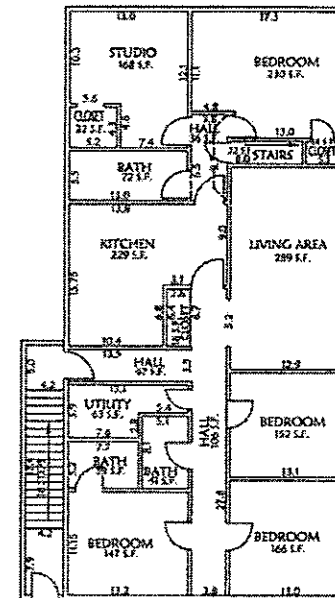
UNIT 1 INTERIOR
BASEMENT 1815 SQ. FT.
FIRST FLOOR 2065 SQ. FT.
SECOND FLOOR 1858 SQ. FT.
TOTAL 5738 SQ. FT.



BASEMENT
DECLARANT RESERVES RIGHT TO
ESTABLISH AS A SEPARATE UNIT.



GROUND FLOOR
DECLARANT RESERVES RIGHT TO
ESTABLISH AS A SEPARATE UNIT.



SECOND FLOOR
DECLARANT RESERVES RIGHT TO
ESTABLISH AS A SEPARATE UNIT.

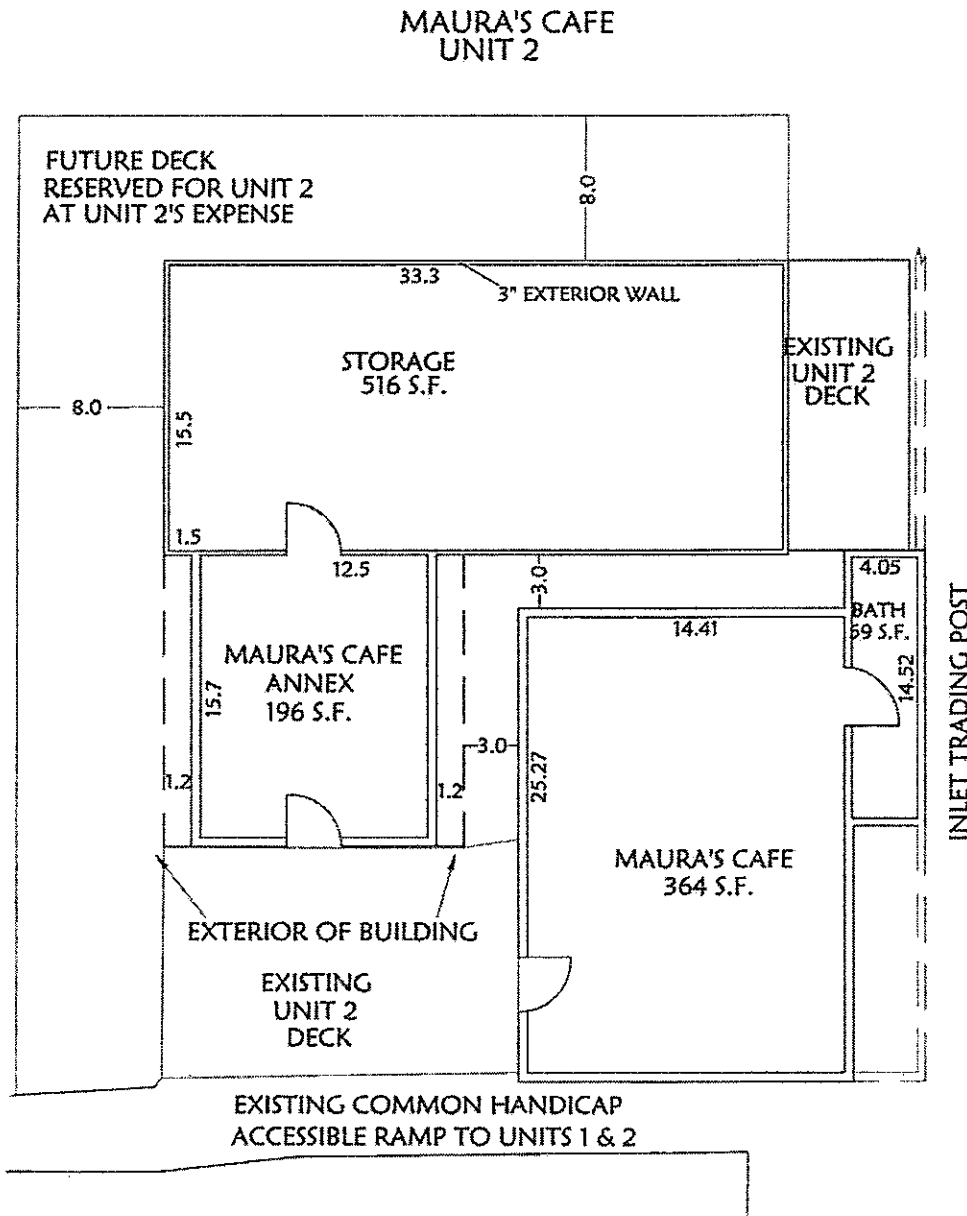


SCALE 1" = 10'

NOTE: 1. ALL AREAS SHOWN ARE NET INTERIOR.
AREAS DO NOT INCLUDE SPACE OCCUPIED BY INTERIOR WALLS

INLET TRADING POST ASBUILT DRAWING LOT 1-A CHAMBERLAIN AND WATSON NO. 4 RECORDED AS PLAT NO. 2003-005 H.R.D. LOCATED IN THE SW 1/4 SEC. 19., T. 65., R. 13W. S.M. WITHIN THE CITY OF HOMER KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA (H.R.D.), CONTAINING 0.26 ACRES MORE OR LESS		
SEABRIGHT SURVEY & DESIGN 1044 EAST ROAD, SUITE A HOMER ALASKA 99603 (907) 235-4247 EMAIL: seabrightz@gmail.com		
DRAWN BY: KB	DATE: 1-2011	SCALE: 1" = 10'
CHK BY: KB	DATE: 1-2011	SHEET 2 OF 4

UNIT 2 INTERIOR
TOTAL 1076 SQ. FT.



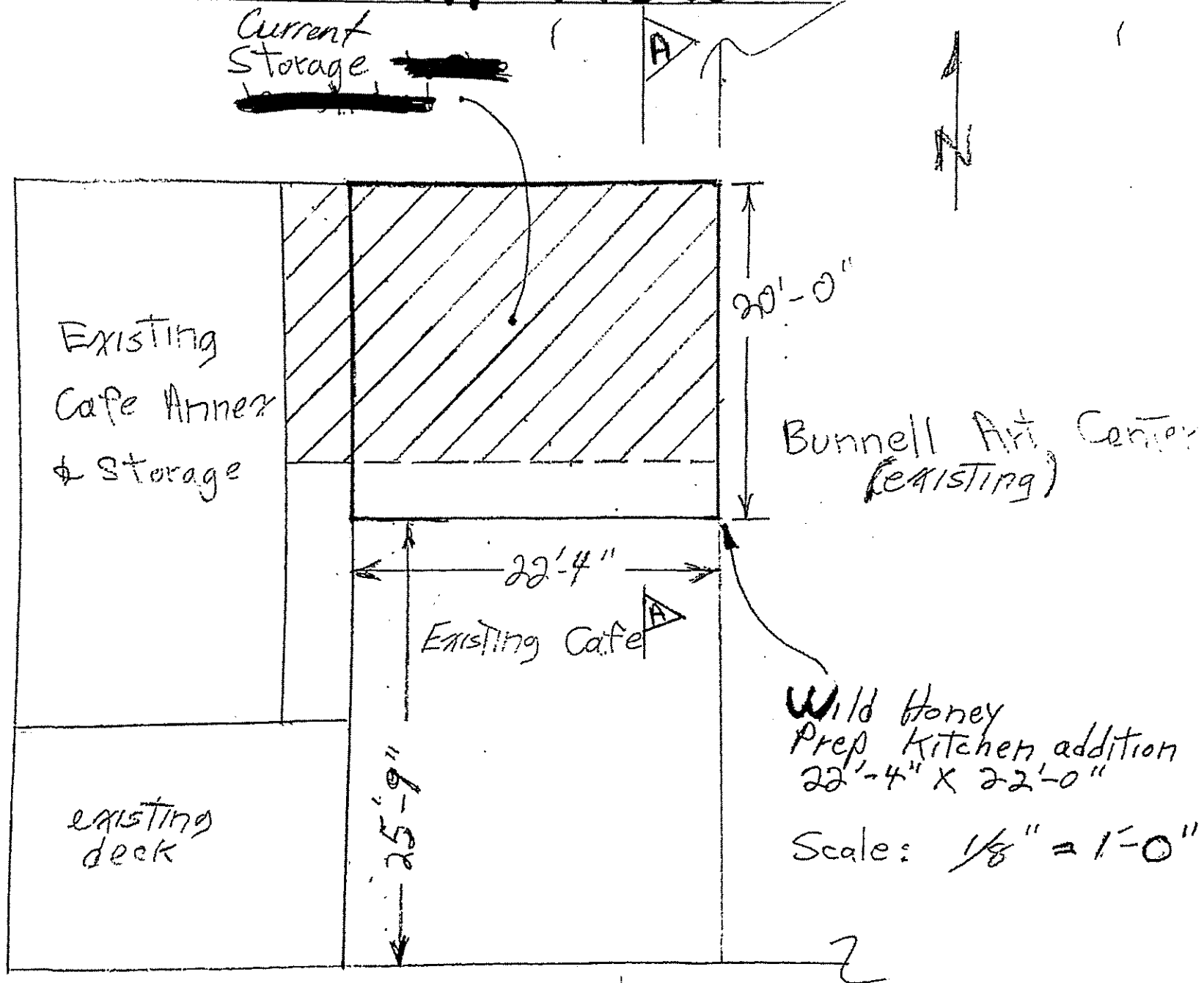
SCALE 1" = 5'

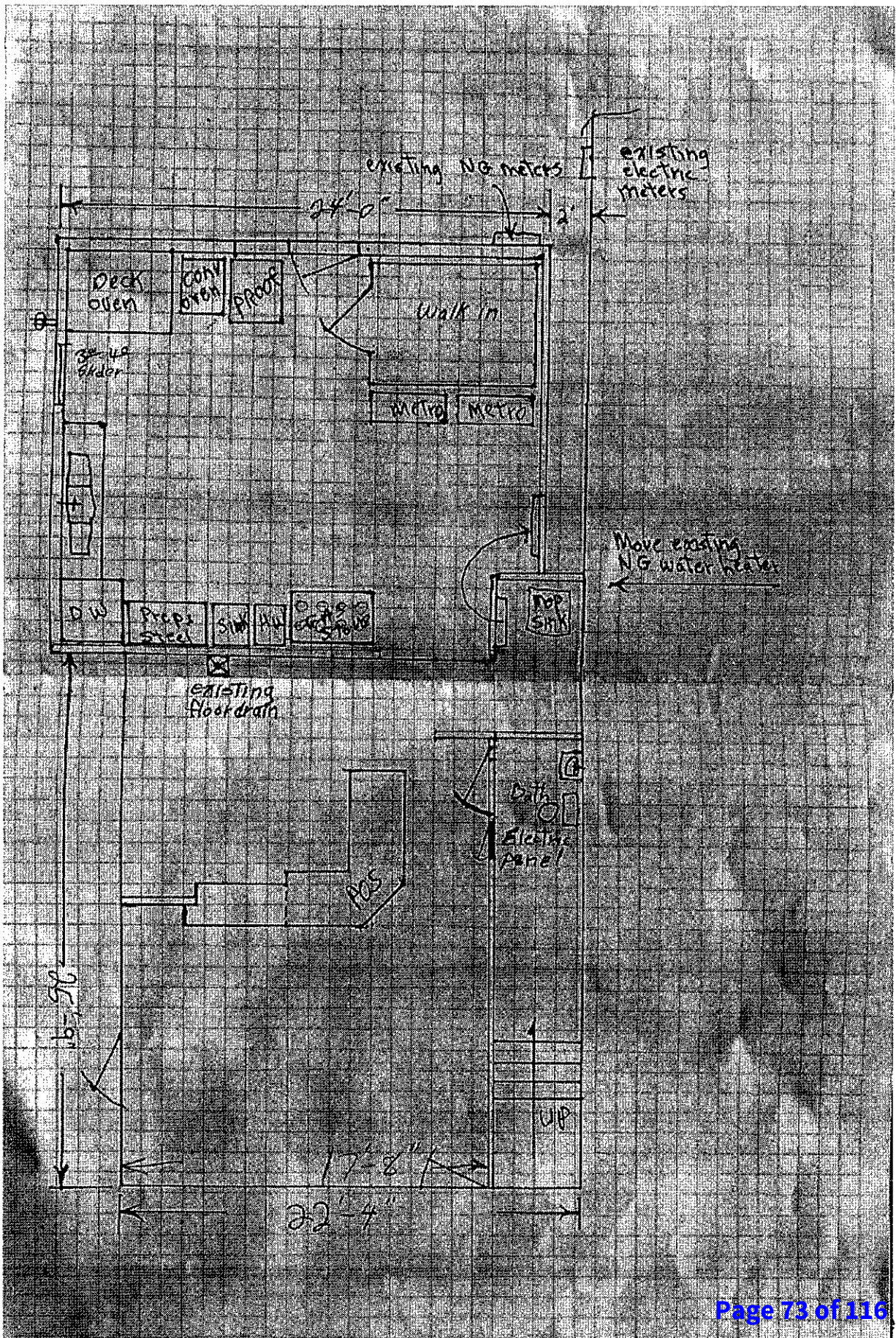
NOTE: 1. ALL AREAS SHOWN ARE NET INTERIOR.
AREAS DO NOT INCLUDE SPACE OCCUPIED BY INTERIOR WALLS

INLET TRADING POST		
ASBUILT DRAWING		
LOT 1-A CHAMBERLAIN AND WATSON NO. 4 RECORDED AS PLAT NO. 2003-005 H.R.D. LOCATED IN THE SW 1/4 SEC. 19., T. 6S., R. 13W., S.M. WITHIN THE CITY OF HOMER KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA (H.R.D.), CONTAINING 0.26 ACRES MORE OR LESS		
SEABRIGHT SURVEY & DESIGN		
1044 EAST ROAD, SUITE A HOMER ALASKA 99603 (907) 235-4247 EMAIL: seabrightz@gmail.com		
DRAWN BY: KB	DATE: 1-2011	SCALE: 1" = 5'
INK BY: KB	JOB: 110-00	SHEET 3 OF 4

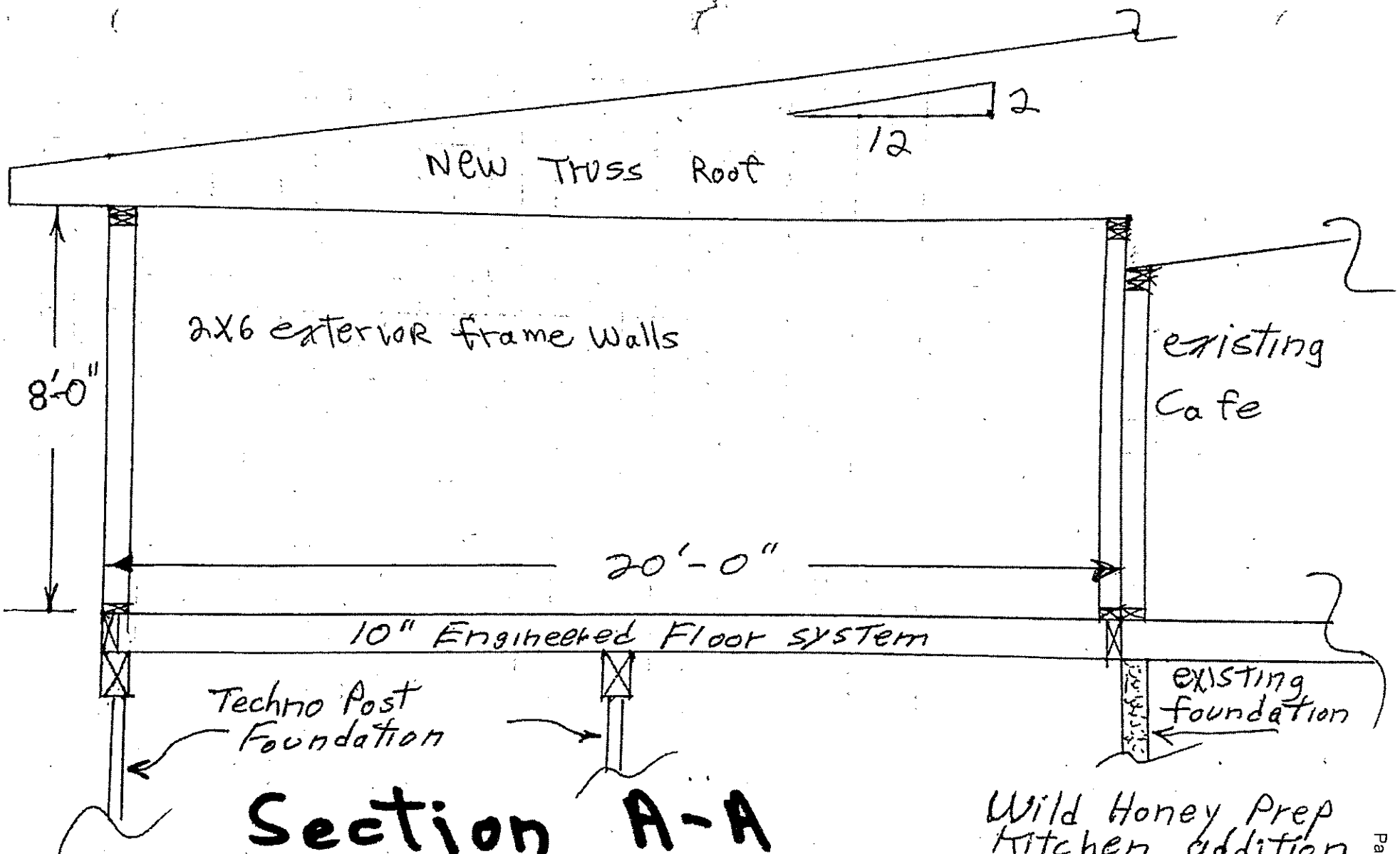
Page 71 of 116

Plan View





↑ 13' ↓ 0"



Section A-A

Scale: $\frac{3}{8}" = 1'-0"$

Drawn 1-16-23

GOAL 1: Guiding Homer’s growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

Objective A: Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.

Staff: This project supports the concentrated mixed-use center (of town) and maintains established community character.

Objective B: Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth.

N/A – not associated with update of zoning map.

Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.

N/A – not in a residential zone

Objective D: Consider the regional and global impacts of development in Homer.

Staff: This projects supports implementation items D-2 and D-3, promoting concentrated, mixed use, and higher density development.

GOAL 2: Maintain the quality of Homer’s natural environment and scenic beauty.

Objective A: Complete and maintain a detailed “green infrastructure” map for the City of Homer and environs that presents an integrated functional system of environmental features on lands in both public and private ownership and use green infrastructure concepts in the review and approval of development projects.

N/A – not associated with mapping

Objective B: Continue to review and refine development standards and require development practices that protect environmental functions.

N/A – not associated with creation of development standards

Objective C: Provide extra protection for areas with highest environmental value or development constraints.

N/A – Already developed area, no change in impact is proposed.

Objective D: Collaborate with jurisdictions outside the City of Homer, as well as state and federal agencies, to ensure that environmental quality is maintained.

N/A – not associated with other jurisdictions

GOAL 3: Encourage high-quality buildings and site development that complement Homer's beautiful natural setting.

Objective A: Create a clear, coordinated regulatory framework that guides development.

Staff: Goal 3, objective A implementation items are all directives to review and consider new policies and are not directly applicable to CUP's.

Objective B: Encourage high quality site design and buildings.

Staff: The proposal increases the quality of building by replacement of poor quality structure with a new addition that is required to gain approval of the State Fire Marshall.

GOAL 4: Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.

Objective A: Encourage a concentrated, pedestrian oriented, attractive business/commerce district in the Central Business District (CBD) following the guidelines found in the Town Center Development Plan.

Staff: The proposal provides updates of a lot that provide an example of the objectives listed in objective A and the Community Design Manual. The site design provides a template that is recommended to be forwarded in consideration of future regulations.

Objective B: Discourage strip development along the Sterling Highway and major collectors/thoroughfares.

Staff: This proposal supports for maintaining a concentrated development existing in the CBD and that is not located on a major collector.

Finding:

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

Staff CDM Review CUP 23-01/04

The Community Design Manual (CDM) was adopted by resolution in April 2004, amended in January 2009 and 2021. The CDM is divided into sections: architecture, site design, and outdoor lighting. The architecture, site design, and outdoor lighting sections are applicable to conditional uses within the central business district.

This Design Review Manual represents a statement of policies which shall be observed for building and site design in the City of Homer. The Commission is authorized to waive specific Design Manual requirements if it finds that (a) an alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements, or (b) the alternative design meets the intent of the general requirement, or (c) reasonably meets the intent of the CMD when considering the constraints of the building site, building use, or excessive material costs.

Staff: In this instance, we find a ‘model’ existing development that espouses most of the elements of the Community Design Manual and forms the basis for reproduction of its elements, as explained in the CUP staff report regarding the concept of an “Old Town Overlay” District referenced in the 2018 Homer Comprehensive Plan.

The Applicant is making a change to a small percentage of the site that, in itself, constitutes a greater compliance with the CDM. The proposal is minimal and introduces an improvement to the rear of the property. The measures applied to the site should be in consideration of the constraints of the site and in relation to the extent of the proposed improvements. In this case, a few minor changes will provide a benefit within reason of the scale of the proposal, while a great deal of compliance with the manual is existing. The addition does not add any new requirements for parking or introduce addition to the footprint.

Architecture Review (Begins on page 1-1)

The building and its setting: Buildings shall be designed to reflect the natural conditions of the site and shall include design elements, which visually anchor the building to the site.

1. Incorporate building design elements into landscaped areas.
2. Respect natural topography.

Staff: No change to the existing natural conditions are proposed. The site began development in 1937.

Hierarchy in building design: Visual interest in the urban-scape can be achieved through a hierarchal approach to design. For example, strategically located structures, architectural elements or site amenities designed as focal points create a visual “draw” and suggest a point of activity. These also serve as a reference point for all subordinate structures. This concept is particularly applicable to large parcels with multiple structures. Multiple carbon copy buildings provide no visual hub and shall be avoided.

1. Design primary structure as a focal point.
2. Include area for outdoor leisure for Primary Structure.
3. Incorporate multiple tenant spaces into hierarchy of building design.

4. *Provide common architectural treatment.*
5. *Integrate secondary structures as support buildings.*

Staff: The applicant is proposing additional compliance with building design, as the expansion is to be treated with a uniform architectural treatment that exists on the main structures. The existing structures form adequate hierarchy, including outdoor areas.

Prominent Facades: Prominent Facades: Prominent facades include all building facades visible from waterways, arterials, and activity centers, and also facades, which face the road(s) providing primary access to the building site. Prominent facades may not be sterile wall planes void of architectural interest. They shall be detailed with added relief, shadow lines, and visual depth unless screened with landscaping.

Provide consistent architectural interest to all prominent facades.

- a. Prominent facades shall not be blank walls.
 - b. Prominent facades shall reflect the same design and detailing which typify the building's front including roof design, window proportion, facade variation, and building materials.
 - c. Prominent facades may not be concealed behind high walls or privacy fences.
- Lower fences and walls not exceeding 3 feet in height are acceptable.

Staff: Prominent facades are not part of the proposal and existing facades fit well into requirements.

Building Scale and Mass

Avoid long, low wall planes. Prominent facades shall have no wall plane wider than 2.5 times the height of the wall plane.

Staff: Existing facades meets requirements.

Provide substantial shifts in walls and roof surfaces. Wall and roof surfaces shall be broken down into smaller planes using substantial shifts in building footprints that result in substantial shift by limiting roof areas in the same plane and provide horizontal and vertical shifts.

Staff: Significant shifts in wall and roof surfaces exist.

Provide visual terminus to tops of buildings. In order to avoid a truncated look at the top of the building, all structures shall have a visual "cap". This may include either a pitched roof or a flat roof. Pitched roofs shall have the appearance of true hips and gables with a defined ridge where opposing roof planes meet. Avoid unusual or atypical roof forms on all structures.

Staff: Visual terminus is provided.

Window and Door Fenestration:

1. Maintain balance in the placement of windows.
2. Conform to solid/void ratio requirements on prominent façade wall planes.
3. Reflective glass is discouraged.

Staff: Existing windows and doors provide a good balance and interest.

Siding and Trim: Traditional building materials such as brick, stone or wood reflect human handicraft and provide texture to building exteriors. Materials for new construction and remodeling should convey similar visual qualities. Use materials which simulate quality traditional building materials

Staff: Siding and trim presented to street fronts are appropriate features. The addition is to continue in the style and color of the existing structures.

Color:

1. Keep field colors subdued.
2. Limit bold or bright trim colors.
3. Finer details may be accented with brighter colors.

Staff: Existing color is appropriate and shall be continued on the expansion.

Roofing materials: Views of roofs from the ground and from higher elevations play an important role in the architecture of the city. Roofing materials shall be selected according to following criteria.

1. Use roof materials which provide texture and shadow lines.
2. Avoid bright-colored, reflective, or unsightly roofing materials.

Staff: Roofing material are not apparent from the street fronts.

Building Lighting: Building Lighting: Lighting may be used to accent a building but shall not be used to denote a corporate or commercial image except on allowed signage. Lighting may be directed to a building but should generally not emanate from a building.

1. Avoid back lit panels and awnings.
2. Keep light sources hidden from public view.
3. Avoid bright lighting on outdoor surfaces of buildings.
4. Avoid colored lighting on buildings.
5. Apply utility lighting sparingly.
6. Lighted accents, canopies, color bars, stripes, or areas. (used sparingly)

Staff: Lighting is appropriate and any new lighting shall conform to code and the CDM per condition of CUP.

Miscellaneous Architectural Devices: Building design should be executed in a straightforward manner. Tack-on devices may not be used to mitigate poor design or to promote a particular theme. If a particular style or theme is desired, it should be reflected in the building's form and general detailing.

1. Architecturally integrated artwork is encouraged.
2. Avoid architectural gimmicks and fads.
3. Maintain consistency in awning design.
4. Avoid awnings which obscure or dominate the building design.

Staff: Architectural is integrated and the rest of the buildings in the area are encouraged to emulate the style.

Parking Garages:

1. Recess vehicle entrances in the main façade.
2. Screen parking garage facade

Staff: N/A

Site Design Review (begins page 2-1):

On-Site Walkways:

1. Link commercial buildings and the public right-of-ways with primary walkways.
2. Assure that primary walkway width is proportionate to scale of project.
3. Differentiate walkway surface.
4. Accent walkways with significant landscaping.
5. Accent walkways with lighting and seating areas.

Staff: The current walkway provides elements listed above.

Outdoor Common Areas: A common area is a designed outdoor space which encourages outdoor activities and leisure in outdoor spaces associated with commercial development. Required common spaces must be provided on-site, but may be enlarged and extended into city rights-of-way to connect with the sidewalk, subject to City of Homer approval.

1. Provide common area of a size proportionate to development
2. Choose type of common area best suited to development
3. Locate common areas in view corridors.
4. Provide direct access to common areas with pedestrian walkways

Staff: Existing outdoor common areas provide a good example of the qualities desired by the CDM.

Commercial Streetscape

1. Locate structure near front setback line
2. Orient service and delivery areas away from street
3. Use landscaping to screen parking lots and service areas
4. Link dissimilar building with common site amenities.
5. Provide covering over walkways where appropriate.
6. Place no more than 50% of required parking in front of buildings
7. Avoid parking in front of building entrance

Staff: The existing site design reasonably provides elements supported above. The parking lot does offer some screening from the street and the Condition in the CUP addresses screening design left to the applicant to meet the intent of the code. Site constraints exist, as the area needed to support a buffer is part of utility line easement and landscaping needs to be tempered to not interfere with power lines or access to them.



Old picture approx. 10-12yrs old(?) – for representative purposes – private drive in foreground

Landscaping and screening

1. Utilize non-invasive attractive plants to achieve landscaping and screening, preserve or create tree canopy, and provide ecosystem services such as water retention and filtration. Concepts such as rain gardens and other Low Impact Development concepts are encouraged.
2. Choose plantings which are compatible with existing vegetation.
3. Locate vegetation to preserve significant views
4. Provide adequate room for retained vegetation.
5. Replace lost trees which were intended to be retained.
6. Retain the natural symmetry of trees.
7. Use shrubs or vines on blank walls.
8. Outside storage of materials and equipment and trash, if otherwise allowed, should be screened from view from adjacent streets and residential areas.
9. Enclosed storage of materials, equipment and trash is encouraged.
10. Elements such as, but not limited to; HVAC units, telephone boxes, fuel tanks and electrical transformers, shall be integrated into the site design through the use of landscaping, berms or fences and should be as unobtrusive as possible.

Staff: The site does retain areas of vegetation and those are not proposed to change. The CUP supports conditions to screen parking area and dumpster from view. This provides reasonable compliance with landscaping and screening in relation to site constraints and existing compliance that includes plantings and flower boxes in front of the structures as well as green areas along lot lines.

Fences

1. Choose fence materials carefully.
2. Limit chain link to non-visible areas.
3. Limit height of fences

Staff: If the applicant chooses to employ a fence, it is to meet the intent of the design manual.

Outdoor Lighting (begins page 3-1):

Outdoor Lighting

1. Avoid lighting large area with a single source.
2. Avoid excessive light throw.
3. Keep light source hidden from public view
4. Use downward directional lighting
5. Choose approved outdoor light designs
6. Avoid light fixture designs which have an industrial appearance.

Staff: CUP recommends a condition that any lighting comply with code and the CDM.

Finding: The proposal will provide additional compliance with the CDM in appropriate relationship to the improvement proposed and site constraints.

A public hearing on the matter below is scheduled for Wednesday, April 5, 2023 during the Regular Planning Commission Meeting. The meeting begins at 6:30 p.m. and will be conducted via Zoom webinar. Participation is available virtually or in-person at City Hall, more information below.

A request for Conditional Use Permit (CUP) 22-04 to amend CUP 22-01 for building renovation and kitchen expansion of the Wild Honey Bistro at 106 W. Bunnell Avenue. A Conditional Use Permit (CUP) is required per HCC 21.18.040(b)(4). When approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street, may be reduced in the Central Business District.

In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603.

To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903
Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for April 5, 2023 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

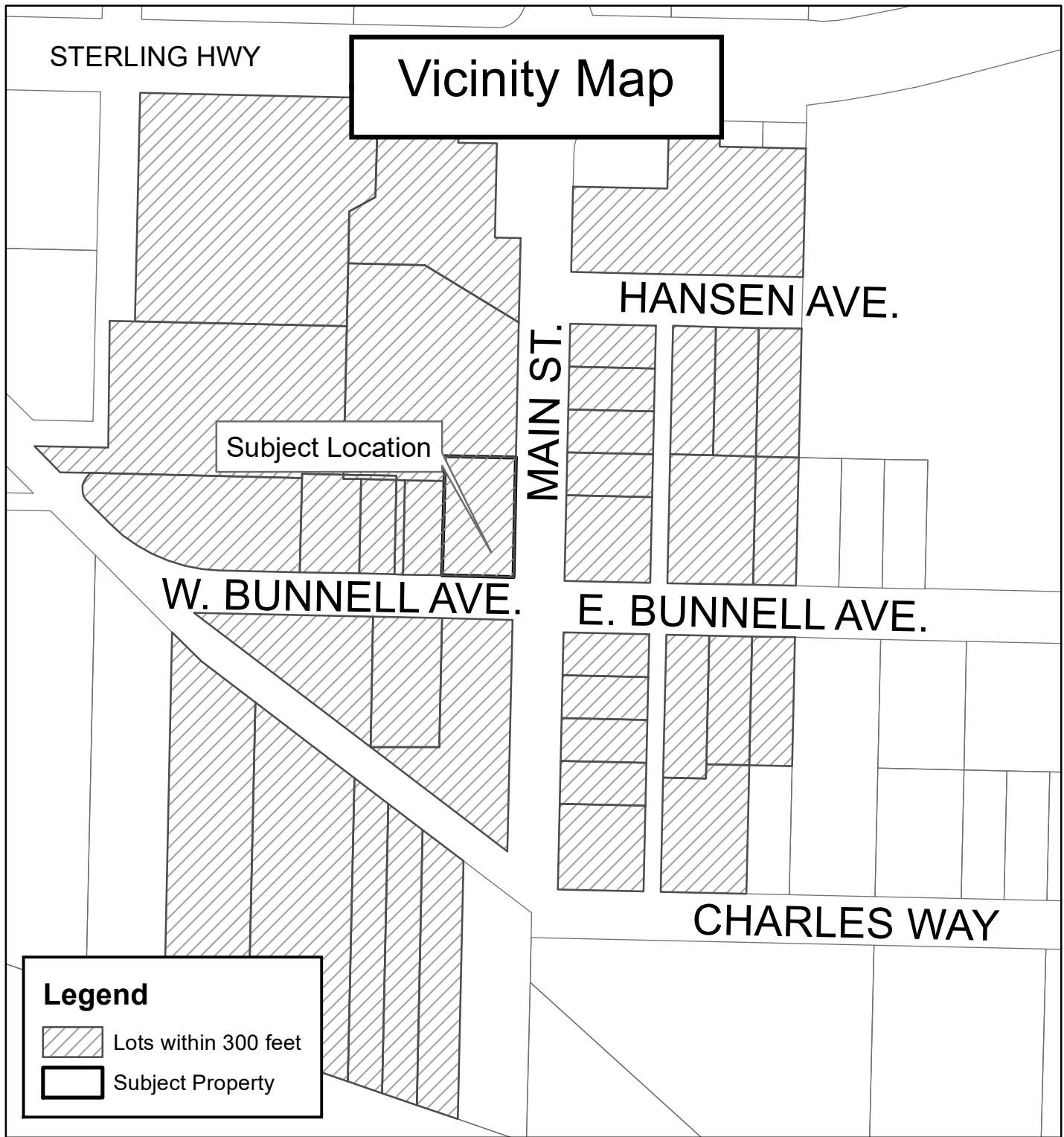
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY

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VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

January 25, 2023

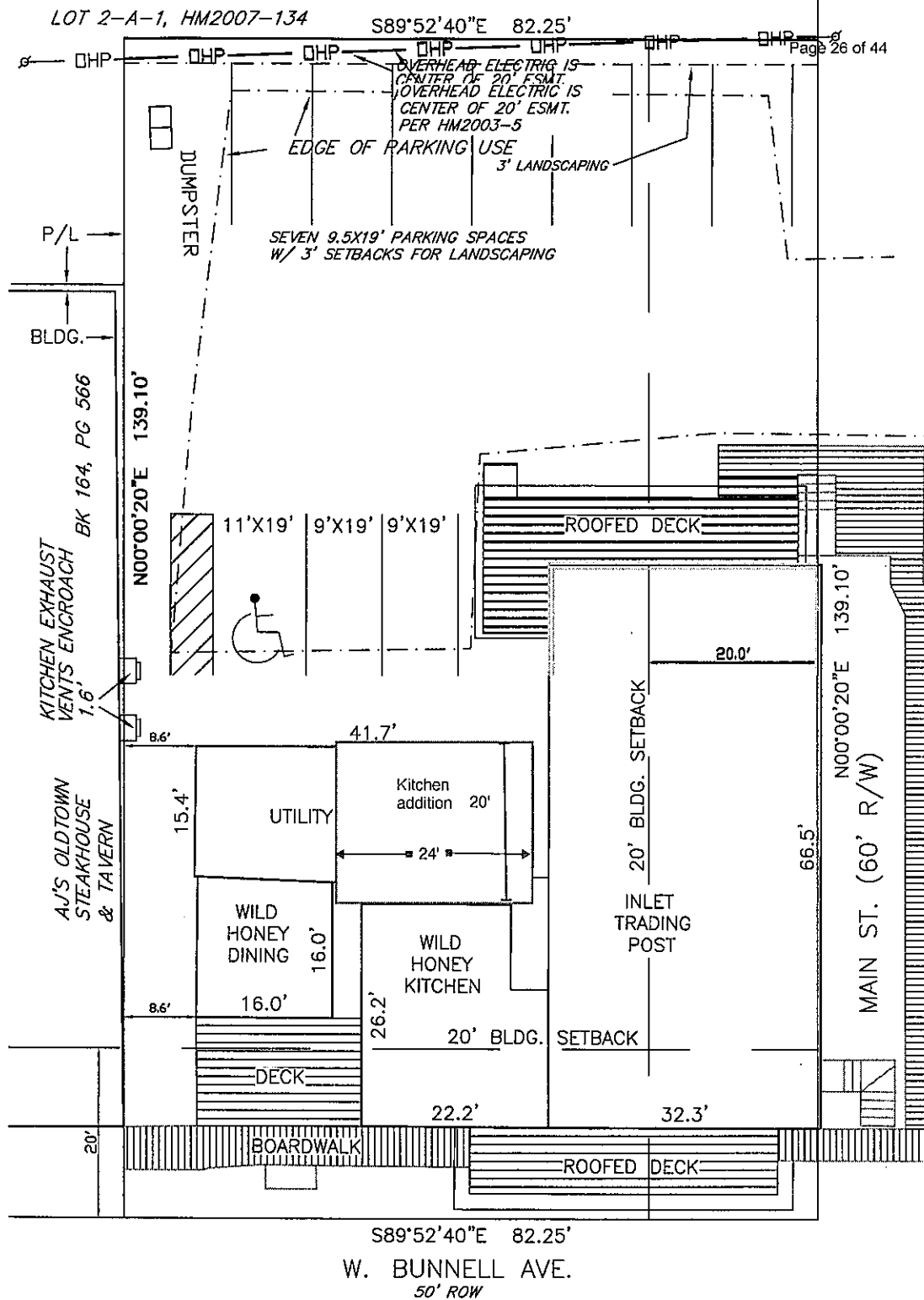
**Request for
Conditional Use Permit 23-01
106 W. Bunnell**

Marked lots are within 300 feet and
property owners notified.

Feet
0 110 220



*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*



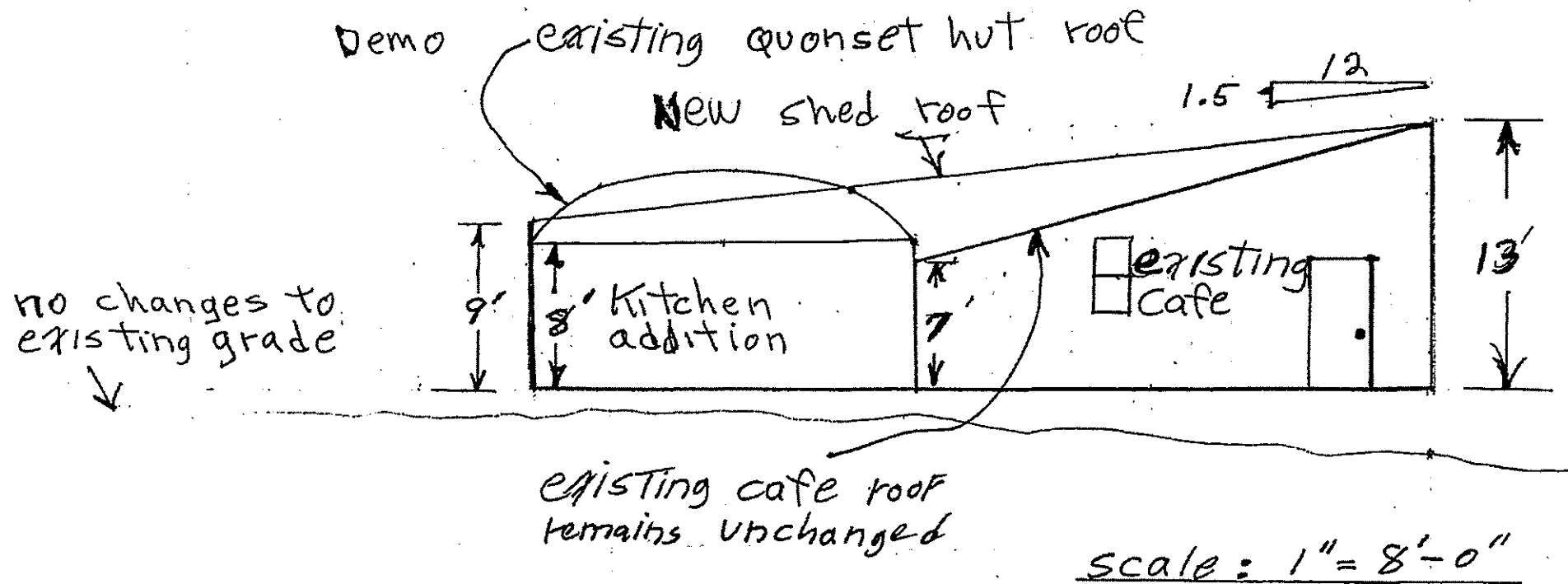
JOB No.	5225
DATE	08/26/2020
SCALE	1" = 15'
ADDRESS:	106 W. BUNNELL AVE
DRAWING	5225_5138_5169
TAX PARCEL	17516052
PLAT No.	2011-2
SECTION	SE-1/4, 19
TOWNSHIP	6S
RANGE	13W (SM)

AS-BUILT EXHIBIT
LOT 1-A CHAMBERLAIN & WATSON NO.4

WITHIN SE1/4 SEC 19, T 6S, R 13W (S.M.)
IN THE CITY OF HOMER
HOMER RECORDING DISTRICT

ABILITY SURVEYS

REGISTERED LAND SURVEYORS
(907) 235-2222
152 DEHEL AVE., HOMER, ALASKA 99603



West Elevation



City of Homer
Planning and Zoning Department

9/30/20

Request for Conditional Use Permit 20-15 106 W. Bunnell Ave.

Marked lots are within 300 feet and
property owners notified.

0 150 300 Feet



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City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 23-024

TO: Homer Planning Commission
FROM: Julie Engebretsen, Economic Development Manager
THROUGH: Rick Abboud, AICP, City Planner
DATE: 4/5/2023
SUBJECT: A.A. Mattox 2023 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to vacate lot lines, creating one large lot from three smaller lots.

General Information:

Applicants:	Aaron Weisser, Designee Church on the Rock PO Box 2689 Homer, AK 99603	Geovera, LLC PO Box 3235 Homer, AK 99603
Location:	Corner of Pennock Street and East End Road	
Parcel ID:	17705409, 17705412, 17705413	
Size of Existing Lot(s):	0.52, 0.36 and 1.47 acres	
Size of Proposed Lots(s):	2.347 acres	
Zoning Designation:	Residential Office District	
Existing Land Use:	Professional Office, church administrative and small gathering space.	
Surrounding Land Use:	North: Professional Office, Vacant South: Residential and vacant East: Multifamily housing, special needs housing West: Residential, professional office	
Comprehensive Plan:	Chapter 4 Goal 1 Implementation item 1-D-4: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.	
Wetland Status:	Potential discharge slope wetlands as shown on the preliminary plat	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	

Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 55 property owners of 67 parcels as shown on the KPB tax assessor rolls.

Analysis: This subdivision is within the Residential Office District. This plat vacates the lot line between three lots, creating one large lot. The property has an existing small office (approximately 800 sq feet) and a larger building around 5,500 square feet that serves as the administrative offices and auxiliary uses for Church on the Rock. Small assemblies are also held in this building; Sunday church services are conducted at another location.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: Dedicate a 15' utility easement fronting the newly (undetermined) dedication off Pennock Street. An easement already exists along East End Road.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No trails are shown on adopted City plans through the property. East End Road has a sidewalk along the length of the property.

- D. The City Council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not required by subsection (c) of this section, if the City Council determines that accepting the dedication would be Consistent with the adopted plans of the City.

Staff Response: The plat meets these requirements. No additional easements are proposed.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: Staff requests a 20-foot drainage easement centered on the drainage on the northeastern property corner. DOT has an easement for the culvert outfall, but the easement does not extend further down the creek. Further south, properties have granted a 20-foot drainage easement.

Staff recommends acquiring a drainage easement as part of this plat. (Its likely on the outfall and a very small portion of the creek are on the subject property.)

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements. Municipal water and wastewater system information is on file with the Public Works Department.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat meets these requirements. No known encroachments.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

1. There will need to be some right-of-way dedication off the east side of Pennock Street. Not sure what exactly that the dedication will be because it appears the right-of-way varies adjacent to the lot. In the past the City has been asking 9.85 feet. This dimension will need to be verified.
2. Dedicate a 15 foot utility easement fronting the newly (undetermined) dedication off Pennock Street.
3. The property owner(s) will not be required to enter into an installation agreement with the City.
4. Dedicate a 20 foot drainage easement centered on the drainage on the northeastern property corner.

Fire Department Comments: *No comments provided.*

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Include a plat note stating “Property owner should contact the 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. There will need to be some right-of-way dedication off the east side of Pennock Street. Not sure what exactly that the dedication will be because it appears the right-of-way varies adjacent to the lot. In the past the City has been asking 9.85 feet. This dimension will need to be verified.
3. Dedicate a 15 foot utility easement fronting the newly (undetermined) dedication off Pennock Street.
4. The property owner(s) will not be required to enter into an installation agreement with the City.
5. Dedicate a 20-foot drainage easement centered on the drainage on the northeastern property corner.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Maps

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

A.A. Mattox 2023 Replat Preliminary Plat

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, April 5, 2023 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for April 5, 2023 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

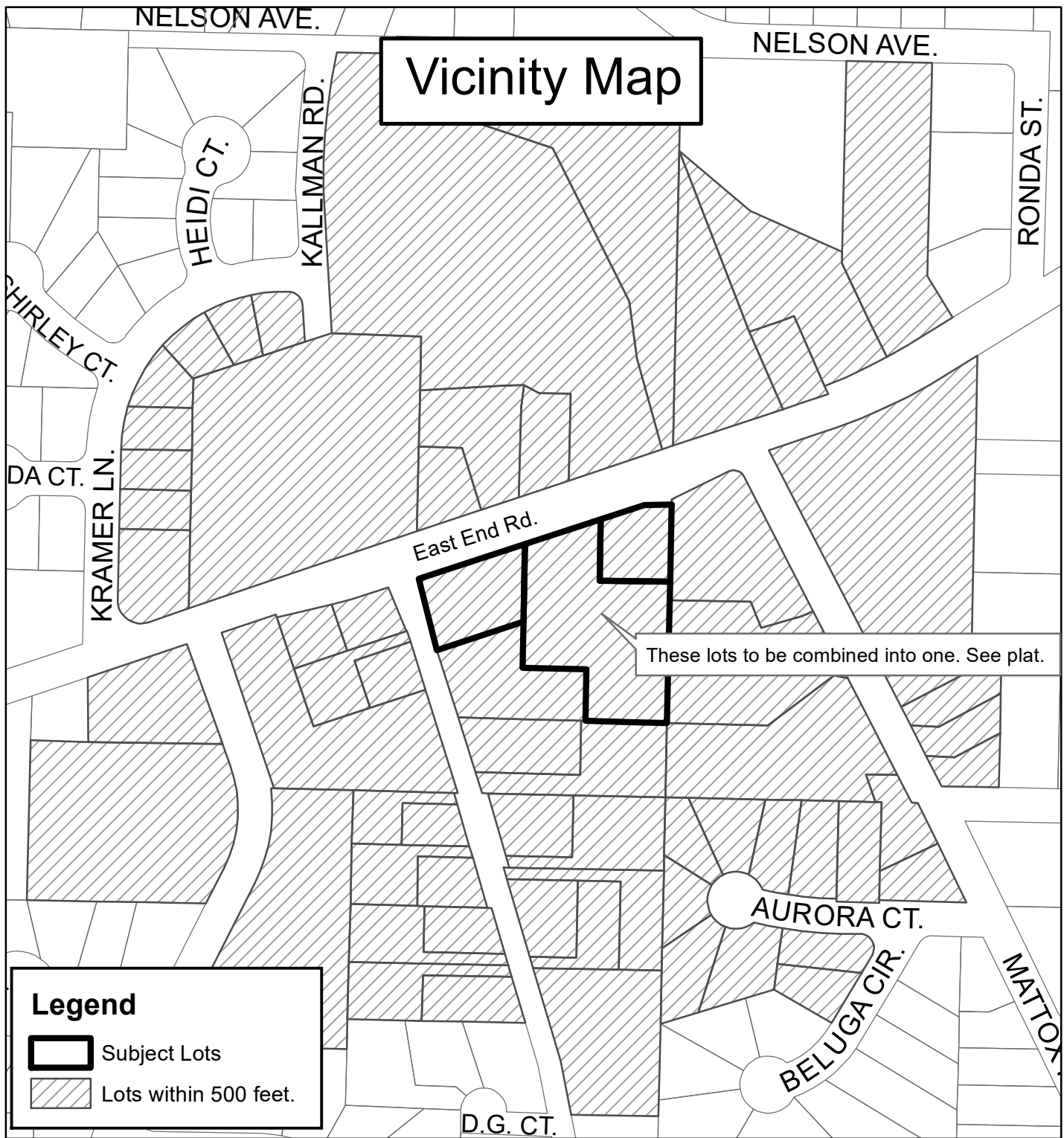
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If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

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VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

March 16, 2023

Request for A.A. Mattox Subdivision Replat

Marked lots are within 500 feet and
property owners notified.

0 165 330 Feet



*Disclaimer:
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Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF A.A. MATTOX SUBDIVISION 2018 (HM 2018-43).
2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KPB 20.60.200(A). MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECORD PLAT OF A.A. MATTOX SUBDIVISION 2018 (HM 2018-43) AND AA MATTOX SUBDIVISION PENNOCK PLACE ADDITION NO. 2 (HM 2003-70). RECORD DATA FOR ORIGINAL LOT 14A-2 (HM 2003-70) WAS ADJUSTED TO MATCH THE BEARING AND DISTANCE ALONG WEST BOUNDARY OF (HM 2018-43).
3. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
7. DRAINAGE EASEMENTS GRANTED TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES REFERENCE BOOK 316, PAGE 959.
8. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK74, PG 105 HRD).
9. GRAY SHADING REPRESENTS DISCHARGE SLOPE WETLANDS PER KENAI WATERSHED FORUM AS DEPICTED ON KENAI PENINSULA BOROUGH GIS.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 69°58'51" E	79.71'
L2	N 88°23'27" E	47.93'
L3	N 0°20'48" W	89.37'
L4	N 0°17'29" W	79.59'
L5	N 15°24'06" W	128.95'

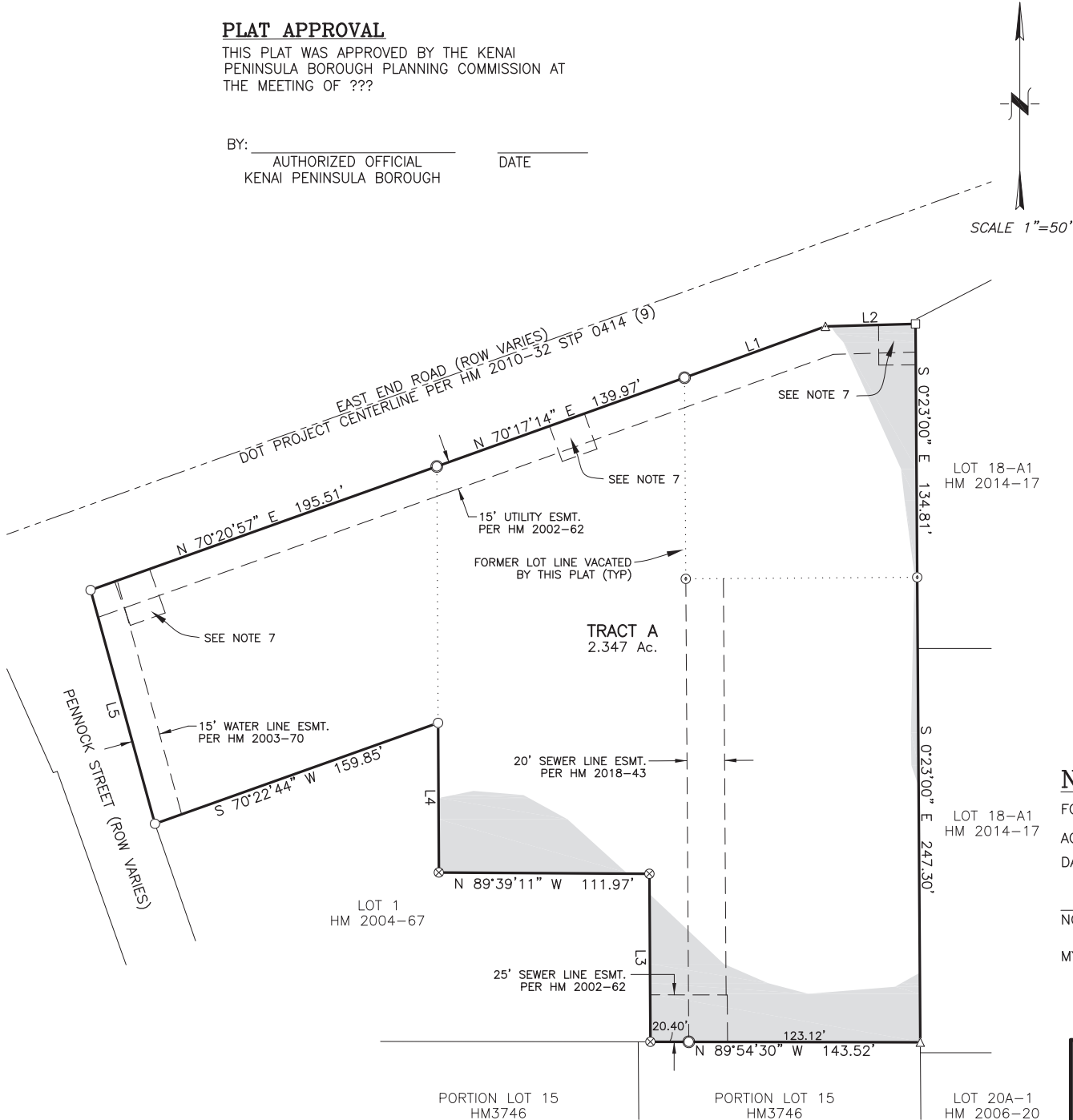
LEGEND

- INDICATES 2" ALCAP 5780-S 2002 (RECORD HM 2003-70)
- INDICATES 2" ALCAP 5780-S 2003 (RECORD HM 2018-43)
- ⊗ INDICATES 2" ALCAP 5780-S 2004 (RECORD HM 2018-43)
- ⊙ INDICATES 2" ALCAP 7610-S 2018 (RECORD HM 2018-43)
- INDICATES 2" ALCAP 7610-S 2014 (RECORD HM 2018-43)
- △ INDICATES 1-1/2" ALCAP 3815-S 1985 (RECORD HM 2018-43)
- △ INDICATES 2" ALCAP 10771-S 2005 (RECORD HM 2018-43)

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF ???

BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

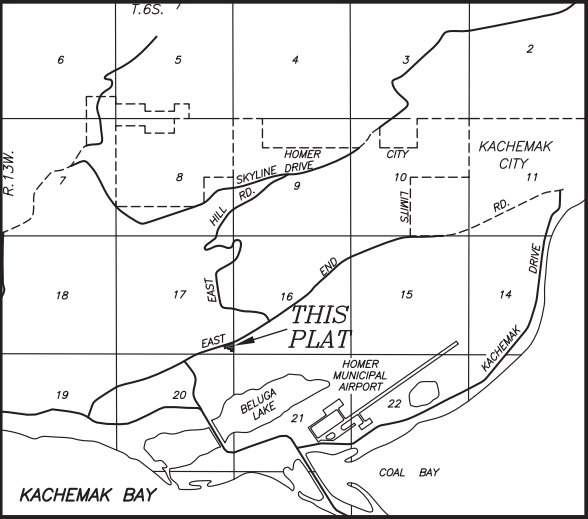


WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



GRAPHIC SCALE



VICINITY MAP

SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT CHURCH ON THE ROCK HOMER IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF CHURCH ON THE ROCK HOMER, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

AARON R. WEISSER
DESIGNEE, CHURCH ON THE ROCK HOMER
PO BOX 2689
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR AARON R. WEISSER
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT KPB FILE No. 2023-???

A.A. MATTOX 2023 REPLAT

THE COMBINATION OF LOT 14-A2, AA MATTOX SUBDIVISION PENNOCK PLACE ADDITION NO. 2 (HM 2003-70) AND LOTS 14-B1-A AND 14-C1, A.A. MATTOX SUBDIVISION 2018 (HM 2018-43) INTO TRACT A LOCATED WITHIN THE SE1/4 SE1/4, SEC 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 2.347 ACRES OWNERS: CHURCH ON THE ROCK PO BOX 2689 HOMER, ALASKA 99603

GEOVERA, LLC

PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: FEBRUARY 2023	SCALE: 1" = 50'
CHK BY: SCS	JOB #2023-5	SHEET 1 OF 1

NOTES

- 1. BASIS OF BEARING IS FROM THE PLAT OF A.A. MATTOX SUBDIVISION 2018 (HM 2018-43).
- 2. NO FIELD SURVEY WAS PERFORMED FOR THIS REPLAT AS PERMITTED BY KPB 20.60.200(A). MONUMENTS AND DIMENSIONS SHOWN ARE PER THE RECORD PLAT OF A.A. MATTOX SUBDIVISION 2018 (HM 2018-43) AND AA MATTOX SUBDIVISION PENNOCK PLACE ADDITION NO. 2 (HM 2003-70). RECORD DATA FOR ORIGINAL LOT 14A-2 (HM 2003-70) WAS ADJUSTED TO MATCH THE BEARING AND DISTANCE ALONG WEST BOUNDARY OF (HM 2018-43).
- 3. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- 4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 5. PROPERTY IS SUBJECT TO CITY OF HOMER REGULATIONS. CHECK WITH HOMER PLANNING PRIOR TO ANY DEVELOPMENT ACTIVITIES.
- 6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
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PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF ???

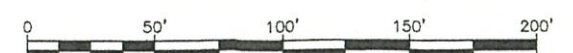
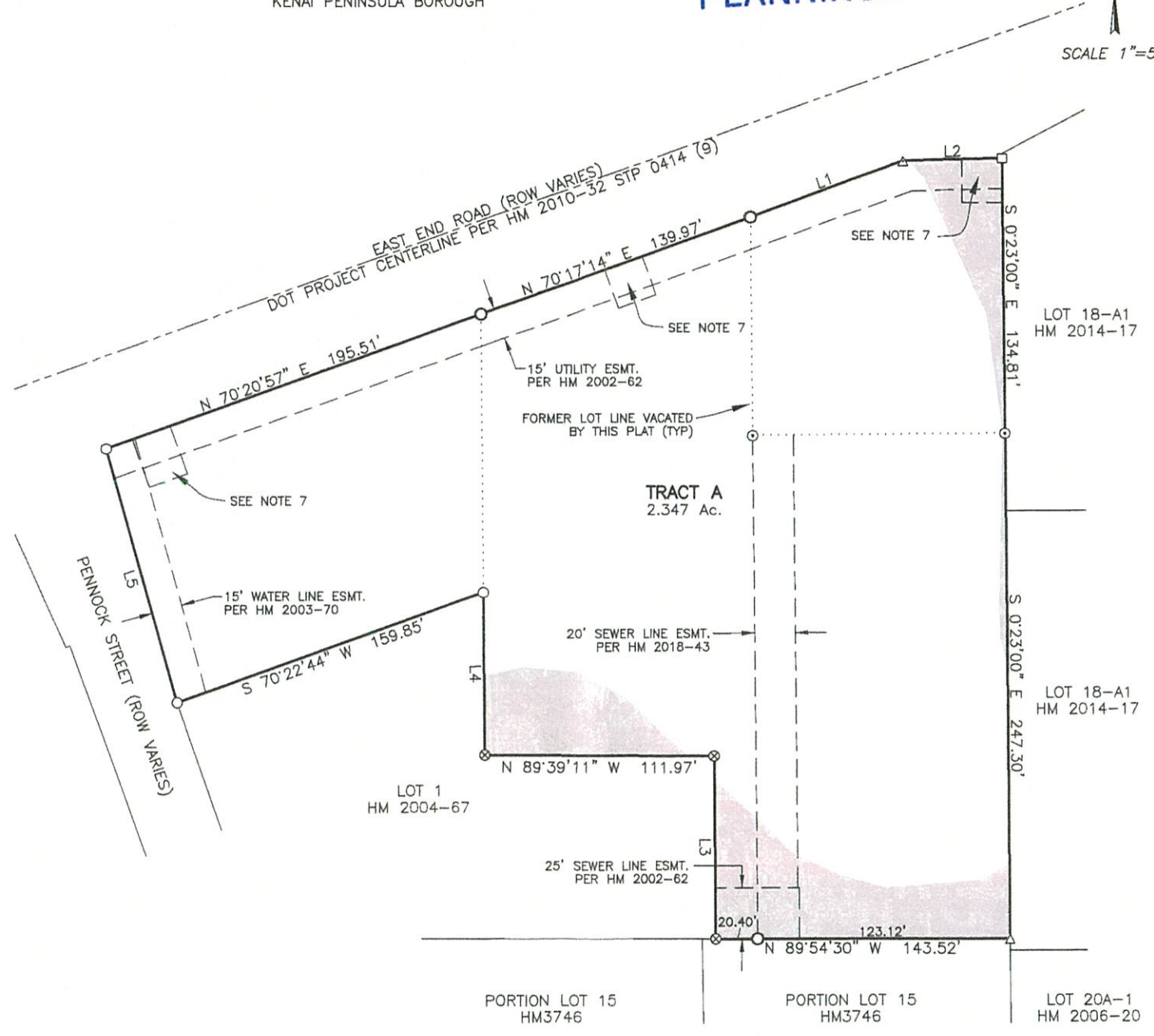
BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

RECEIVED

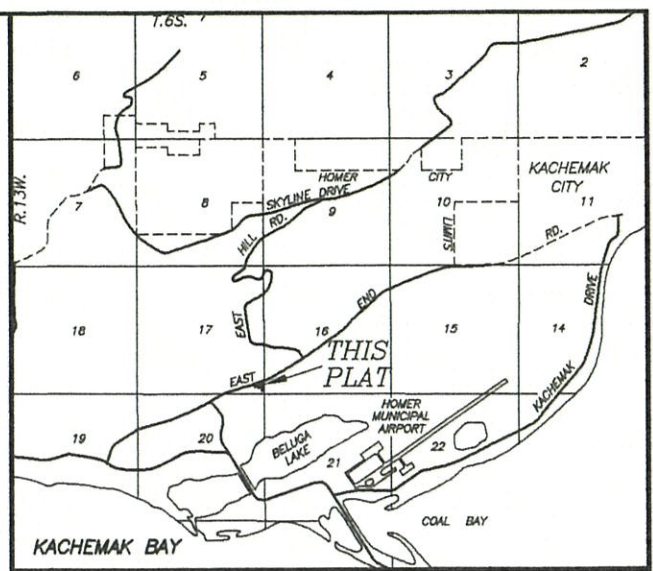
MAR 08 2023

CITY OF HOMER
PLANNING/ZONING

SCALE 1"=50'



GRAPHIC SCALE



VICINITY MAP

SCALE: 1" = 1 MILE U.S.G.S. QUAD. SELDOVIA (C-4 & C-5)

CERTIFICATE OF OWNERSHIP

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AARON R. WEISSER
DESIGNEE, CHURCH ON THE ROCK HOMER
PO BOX 2689
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR AARON R. WEISSER
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

HOMER RECORDING DISTRICT KPB FILE No. 2023-???

A.A. MATTOX 2023 REPLAT

THE COMBINATION OF LOT 14-A2, AA MATTOX SUBDIVISION PENNOCK PLACE ADDITION NO. 2 (HM 2003-70) AND LOTS 14-B1-A AND 14-C1, A.A. MATTOX SUBDIVISION 2018 (HM 2018-43) INTO TRACT A LOCATED WITHIN THE SE1/4 SE1/4, SEC 17, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 2.347 ACRES OWNERS: CHURCH ON THE ROCK PO BOX 2689 HOMER, ALASKA 99603

GEOVERA, LLC

PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: FEBRUARY 2023	SCALE: 1" = 50'
CHK BY: SCS	JOB #2023-5	SHEET 1 OF 1

Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

February 10, 2023

City of Homer
Planning Department
Rick Abboud, Planning Director
491 E. Pioneer Ave.
Homer, Alaska 99603

RE: A.A. Mattox 2023 Replat

Rick,

Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of A.A. Mattox 2023 Replat, and a \$300.00 check for the submittal fee.

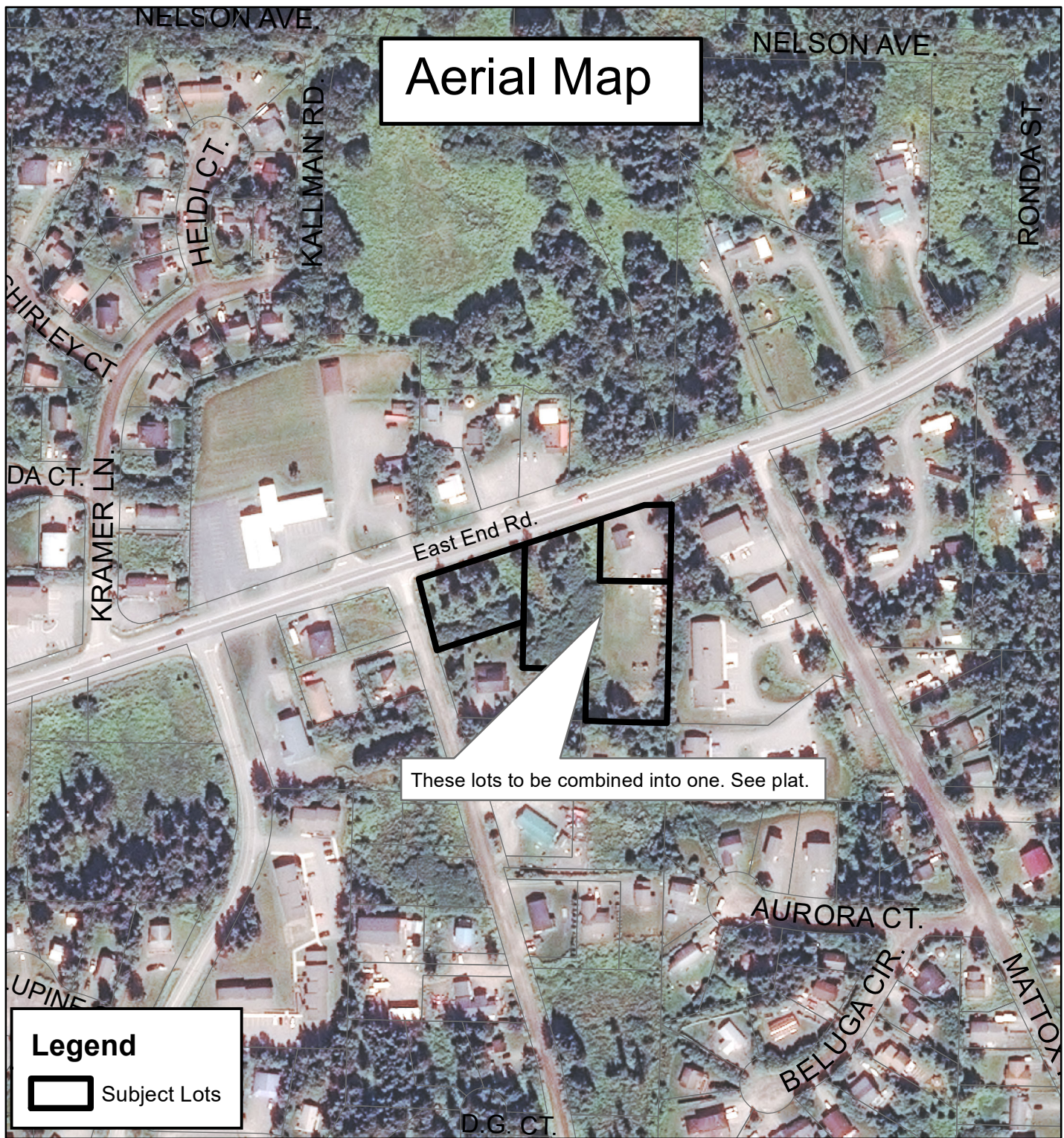
This plat combines Lot 14-A2, (HM 2003-70) and Lots 14-B1-A and 14-C1, (HM 2018-43). Into a single lot in accordance with KPB 20.60.200(A). No field survey is being done.

Existing easements as shown on the parent plats will remain. Notes from the parent plats have been carried forward on this plat.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345.
Thanks!

Sincerely,


Stephen C. Smith P.L.S.



City of Homer
 Planning and Zoning Department

March 30, 2023

Request for A.A. Mattox Subdivision Replat

0 165 330 Feet



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



A.A. Mattox Subdivision Replat



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

Type any notes here.

DATE PRINTED: 3/30/2023



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 23-025

TO: Homer Planning Commission
FROM: Julie Engebretsen, Economic Development Manager
THROUGH: Rick Abboud, AICP, City Planner
DATE: 4/5/2023
SUBJECT: Bunnell Subdivision 2023 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to shift a common lot line and dedicate a portion of Swatzell Street.

General Information:

Applicants:	John & Candace Hendrix 2000 Atwood Dr Anchorage, AK 99517	Susan Malone PO Box 2415 Homer, AK 99603	Ability Surveys 152 Dehel Ave. Homer, AK 99603
Location:	Near corner of W. Pioneer and Main St, west of the Movie Theater		
Parcel ID:	17514223, 17514218		
Size of Existing Lot(s):	0.36, 0.89		
Size of Proposed Lots(s):	1.25 acres		
Zoning Designation:	Central Business District and Medical District		
Existing Land Use:	Mixed use office building (Hillas Building), parking lot, and vacant lot		
Surrounding Land Use:	North: Vacant/Residential South: Commercial restaurant, salon, East: Movie Theater West: Four small commercial structures, including restaurant and offices, Church		
Comprehensive Plan:	Chapter 4 Goal 1 Implementation item 1-D-4: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.		
Wetland Status:	No mapped wetlands but there is a drainage; see discussion.		
Flood Plain Status:	Zone D, flood hazards undetermined.		
BCWPD:	Not within the Bridge Creek Watershed Protection District.		
Utilities:	City water and sewer are available		

Public Notice:

Notice was sent to 32 property owners of 49 parcels as shown on the KPB tax assessor rolls.

Analysis: This subdivision is within the Central Business District (southern lot) and Medical District (northern lot). This plat shifts the common lot line between the two lots. The southern lot contains the two story mixed use Hillas Building, and the land behind the building is used for parking. This plat allows the Hillas Building owner to purchase the parking area from the adjacent land owner. A half right of way will also be dedicated along Swatzell Street.

Drainage

There is a drainage that runs from the north to the east, flowing along the back side of the parking lot, then south to Pioneer Ave between the Twisted Goat Restaurant and the octagon building. (See Attachments) The City acquired a 15-foot drainage easement centered on the creek during a recent platting action to the north. The City is requesting a continuation of this easement on the lots within this subdivision.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: Dedicate a 15-foot utility easement along the newly dedicated Swatzel Street.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No requests from Public Works.

- D. The City Council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not required by subsection (c) of this section, if the City Council determines that accepting the dedication would be Consistent with the adopted plans of the City.

Staff Response: The plat meets these requirements.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

- B. North point;

Staff Response: The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: Dedicate a 15-foot utility easement centered on the drainage. This continues the drainage easement from the north.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements. Information is on file with the Public Works Department.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements. Contours are shown.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

1. There will need to be a drainage easement that continues from Lot 50-A.
2. Dedicate a 15' drainage easement centered on the creek of Lots 51A and possibly through the north west corner of lot 54A.
3. Dedicate a 15' utility easement fronting the newly dedicated Swatzell Street.
4. There currently exists a water and sewer stub out for lot 51A on the south east property boundary. These services will need to be relocated north as to serve the lot directly and not via an easement.
5. The property owner will need to relocate the services prior to recording the plat, or enter into an installation agreement with the City, in which they will bond the cost of relocating the services in an agreed upon time frame. This will allow the plat to be recorded prior to the work being completed.

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

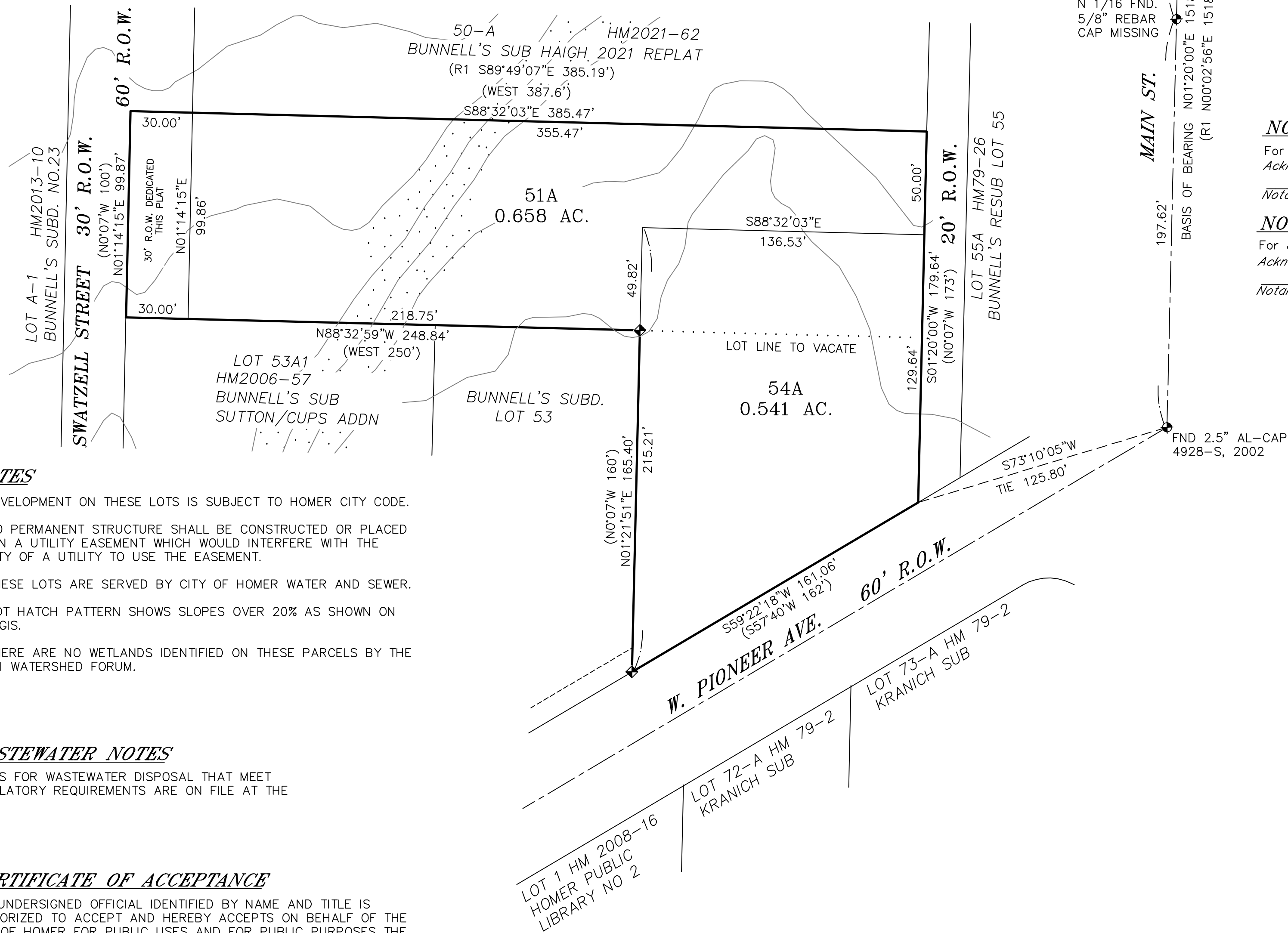
1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits."
2. Dedicate a 15' drainage easement centered on the creek of Lots 51A and possibly through the north west corner of lot 54A.
3. There currently exists a water and sewer stub out for lot 51A on the south east property boundary. These services will need to be relocated north as to serve the lot directly and not via an easement.
4. The property owner will need to relocate the services prior to recording the plat, or enter into an installation agreement with the City, in which they will bond the cost of relocating the services in an agreed upon time frame. This will allow the plat to be recorded prior to the work being completed.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map
5. Drainage Map

LEGEND

- ◆ FOUND MONUMENT AS DESCRIBED
- ◆ FOUND 5/8" REBAR
- () RECORD DATA PER HM44-49
- (R1) RECORD DATA PER HM2021-62



NOTES

1. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. DOT HATCH PATTERN SHOWS SLOPES OVER 20% AS SHOWN ON KPB GIS.
5. THERE ARE NO WETLANDS IDENTIFIED ON THESE PARCELS BY THE KENAI WATERSHED FORUM.

WASTEWATER NOTES

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLIES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: SWATZELL ST.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
CITY OF HOMER.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MM/DD/YYYY.
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

PLAT #
Rec Dist
Date
Time

KPB FILE No. 2022-000

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all public rights-of-way and grant all easements to the use shown.

SUSAN MALONE
P.O. BOX 2415
HOMER, AK 99603

JOHN L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

CANDACE L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

NOTARY'S ACKNOWLEDGEMENT

For SUSAN MALONE
Acknowledged before me this ____ day of _____ 2023.

Notary public for Alaska My Commission Expires

NOTARY'S ACKNOWLEDGEMENT

For JOHN L & CANDACE L HENDRIX
Acknowledged before me this ____ day of _____ 2023.

Notary public for Alaska My Commission Expires

VICINITY MAP 1" = 1/2 MILE

DATE	3-7-2023
SCALE	1" = 40'
JOB No.	5468
DRAWING:	5468_5467_SPZ

STATE OF ALASKA

49TH

Gary B. Nelson

No. 7610-S

REGISTERED PROFESSIONAL LAND SURVEYOR

BUNNELL'S SUBDIVISION

2023 REPLAT

A REPLAT OF LOTS 51 & 54, BUNNELL'S SUBDIVISION (HM44-49), IN THE NE1/4 SEC. 19, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 1.25 ACRES

OWNERS:

SUSAN MALONE
P.O. BOX 2415
HOMER, AK 99603

JOHN L HENDRIX
CANDACE L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

ABILITY SURVEYS

GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

DRAWN BY: BT

CHECKED: GN

ABILITY SURVEYS

SURVEYING HOMER SINCE 1975

LAND SURVEYING - CONSTRUCTION SURVEYING - DESIGN SURVEYING
152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

3/8/2022

City of Homer Planning Dept.
491 E. Pioneer Ave.
Homer, AK 99603

Re: Preliminary Plat submittal of **BUNNELL'S SUBDIVISION 2023 REPLAT**

Enclosed herewith are 1 reduced to 11 X 17 copy of the preliminary plat and 1 full sized 18"X 24" copy, and a check # **3869** in the amount of \$300 for the City of Homer filing fee.

The proposed subdivision is located near the intersection of Pioneer Ave and Main St.
The existing parcel is serviced by city water and sewer.

Lot 54 falls within the Central Business District and Lot 51 is zoned Residential Office.

I am not aware of other necessary code exemptions at this time but reserve a right to ask for it if one is found to be necessary. I met with the Planning Department last week and am aware that a drainage easement will be requested for lot 51 and that the ROW dedication on the west boundary of lot 51 would be required. The location for the drainage easement will be determined during the field survey.

Thank you for your assistance and consideration in this endeavor. Please don't hesitate to call for any reason.

Sincerely,

/s/ Gary Nelson

Gary Nelson, PLS

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

Bunnell's Subdivision 2023 Replat Preliminary Plat

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, April 5, 2023 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for April 5, 2023 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

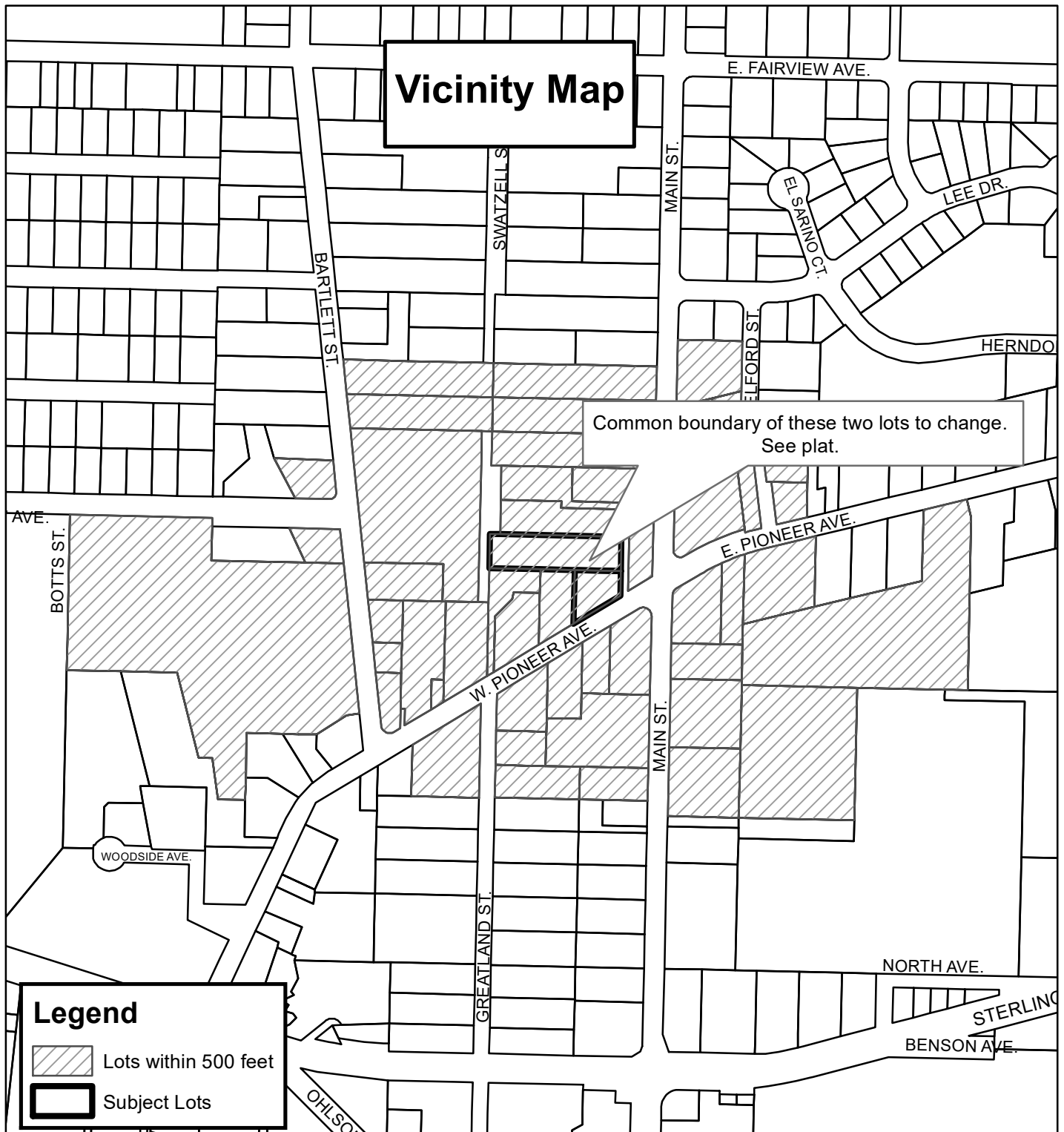
If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: clerk@cityofhomer-ak.gov, or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map



Legend

-  Lots within 500 feet
-  Subject Lots



City of Homer
Planning and Zoning Department

March 15, 2023

Request for Bunnell Subdivision 2023 Replat 126 W Pioneer Ave.

Marked lots are within 500 feet and
property owners notified



*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*



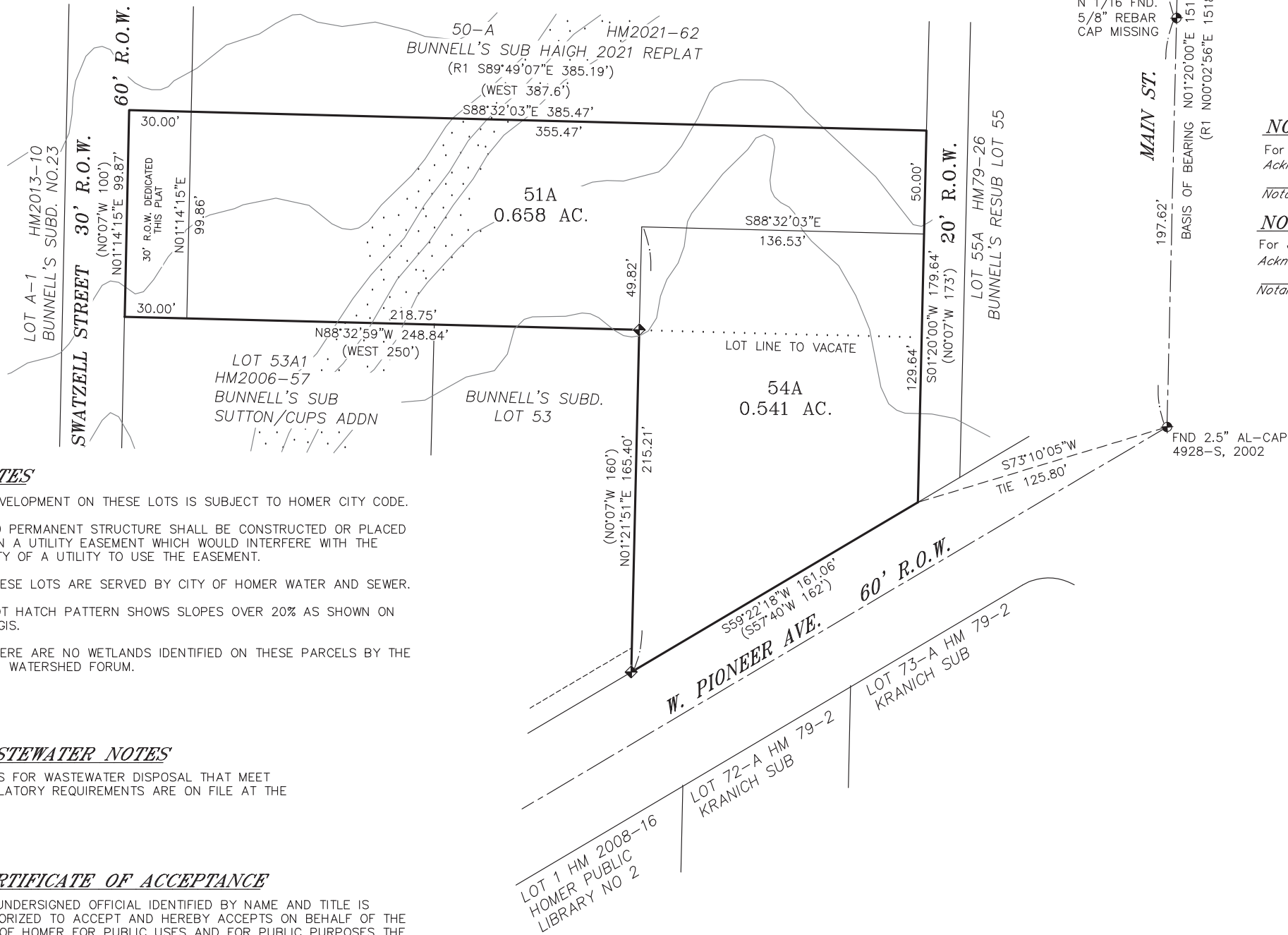
LEGEND

FOUND MONUMENT AS DESCRIBED

FOUND 5/8" REBAR

RECORD DATA PER HM44-49

(R1) RECORD DATA PER HM2021-62



NOTES

1. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. DOT HATCH PATTERN SHOWS SLOPES OVER 20% AS SHOWN ON KPB GIS.
5. THERE ARE NO WETLANDS IDENTIFIED ON THESE PARCELS BY THE KENAI WATERSHED FORUM.

WASTEWATER NOTES

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLIES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: SWATZELL ST.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
CITY OF HOMER.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MM/DD/YYYY.
KENAI PENINSULA BOROUGH

BY _____
Authorized Official

PLAT #

Rec Dist

Date

Time

KPB FILE No. 2022-000

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all public rights-of-way and grant all easements to the use shown.

SUSAN MALONE
P.O. BOX 2415
HOMER, AK 99603

JOHN L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

CANDACE L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

NOTARY'S ACKNOWLEDGEMENT

For SUSAN MALONE
Acknowledged before me this ____ day of _____ 2023.

Notary public for Alaska My Commission Expires

NOTARY'S ACKNOWLEDGEMENT

For JOHN L & CANDACE L HENDRIX
Acknowledged before me this ____ day of _____ 2023.

Notary public for Alaska My Commission Expires

VICINITY MAP 1" = 1/2 MILE

DATE	3-7-2023
SCALE	1" = 40'
JOB No.	5468
DRAWING:	5468_5467_SPZ

BUNNELL'S SUBDIVISION
2023 REPLAT

A REPLAT OF LOTS 51 & 54, BUNNELL'S SUBDIVISION (HM44-49), IN THE NE1/4 SEC. 19, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 1.25 ACRES

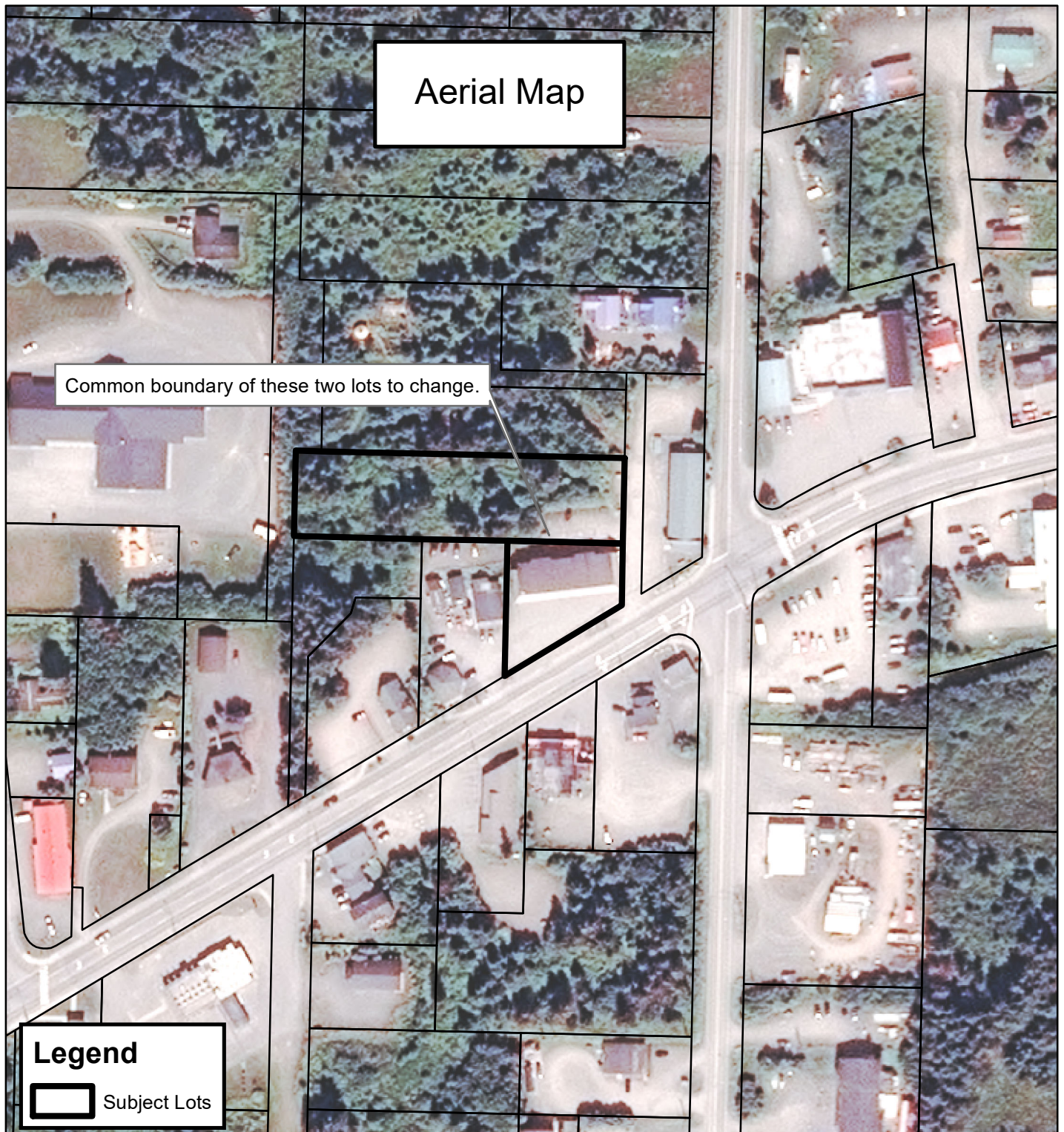
OWNERS: SUSAN MALONE
P.O. BOX 2415
HOMER, AK 99603

JOHN L HENDRIX
CANDACE L HENDRIX
2000 ATWOOD DR
ANCHORAGE, AK 99517

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

DRAWN BY: BT

CHECKED: GN



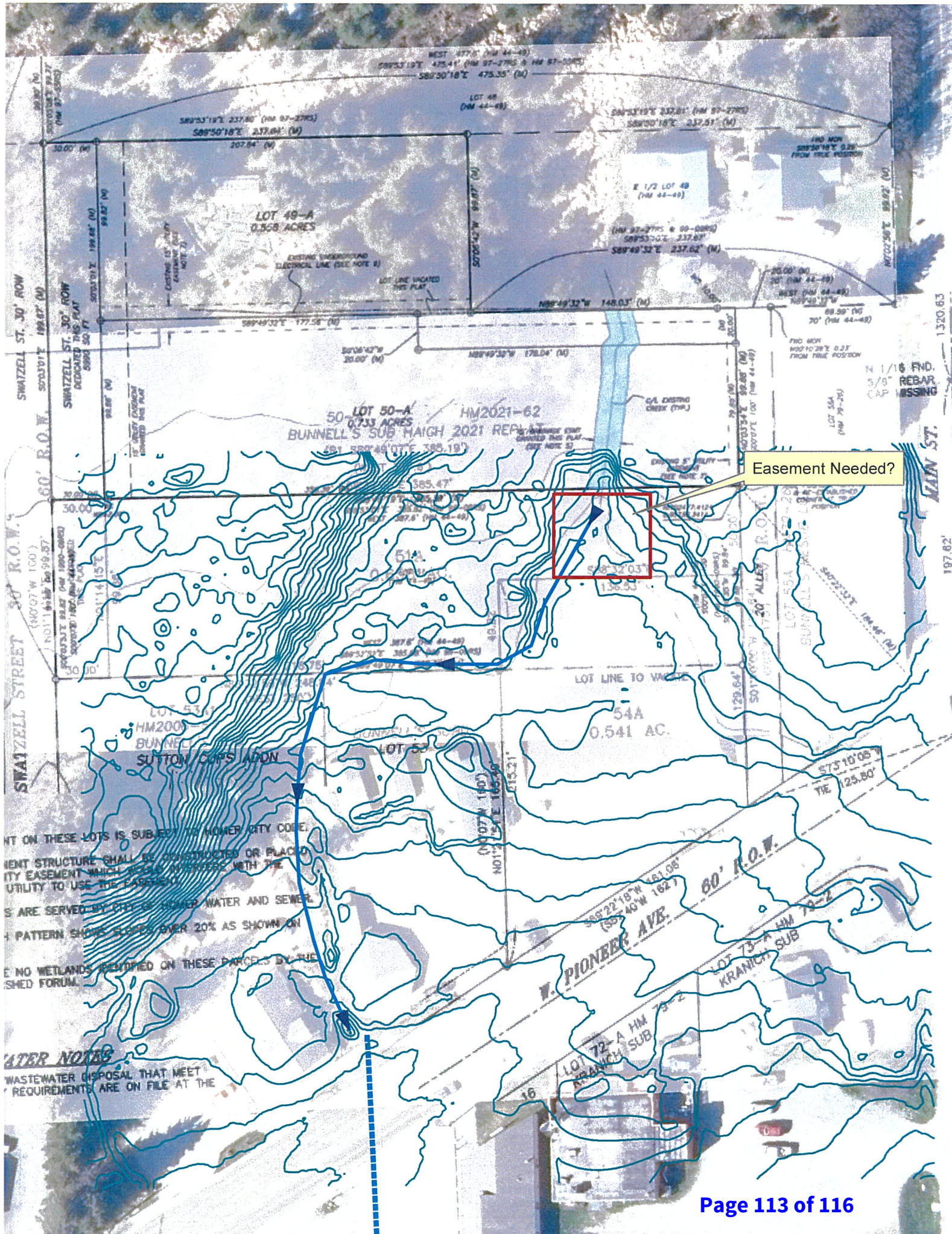
City of Homer
Planning and Zoning Department

March 30, 2023

Request for Bunnell Subdivision 2023 Replat 126 W Pioneer Ave.



*Disclaimer:
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or conclusions drawn therefrom.*





City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: March 23, 2023
SUBJECT: City Manager's Report for March 28, 2023 Council Meeting

Budget

Since the last meeting, the majority of my time has been spent attempting to wrap up a first draft of the operating and capital budgets. Council will receive a draft of the FY24/25 Operating Budget in the supplemental packet on Tuesday, March 28th. Finance Director Elizabeth Walton and I have spent many hours together, and apart, preparing the draft document for Council with the help of our department heads and division managers. The actual ordinance will come before Council in April and we'll schedule some work session time to go through the proposal in more detail.

Parks Update

In March, we started the implementation of a strategy to split up Parks Division functions in a way that will hopefully improve service to the public and make our operations more sustainable. In the past the Parks Division was charged with parks maintenance, campground management, public restroom management, airport parking enforcement, and numerous planning, promotion, relationship, volunteer, etc. duties all of which was to be administered by one year-round full-time employee and a small team of temporary employees. That set up was not practical nor sustainable. To attempt to better manage these public facing functions, the labor has been redistributed: Port and Harbor is taking on Spit Camping and airport parking enforcement (as discussed in my last report, expect to see some legislation at the first meeting in April that supports that move); the Janitorial team is taking on all public restrooms (we experimented with a contract solution last year, but the contract was not renewed and that expense removed from the draft FY24/25 budget); park maintenance will remain in Public Works; and planning, promotion, public engagement, volunteer coordination, etc. will move to Economic Development. This first season will obviously have some challenges as we sort out how to operationalize these moves, but the desired outcome is a more positive visitor experience in our parks, campgrounds, and restrooms. In the FY24/25 budget, you will see some related changes. The Parks Division will be looking to convert a portion of temporary employee wages into a full-time maintenance coordinator and the Parks Superintendent will move under Economic Development with a different title. The Harbor will sponsor one new janitor position, and there will be a proposed expansion of the summer temporary employee team for field and admin staff.

FY22 Audit

The auditors have been on site this week wrapping up audit activities to include interviews of key personnel like myself, the Finance Director, the Chief Technology Officer, and the Mayor. The FY22 audit should be

complete relatively soon. I expect that the audit will be brought before Council in April for review and acceptance.

Council/Commissions Joint Session Plan – To Be Reconfigured

In my last report, there was a memo from the City Clerk which indicated we would be attempting to put together a joint session with Council and all the commissions to do some training and communicate about roles. We set a target of April 3rd, but it is not looking like we will get the level of participation we need to maintain a quorum of all bodies. Staff, working with Councilmembers Lord and Erickson, will reconfigure the plan. The most likely outcome will be a series of work sessions where Council meets with one commission at a time.

HPD Movie Night

The Police Department recently hosted two mental health themed movie nights where they screened a film called PTSD911 for police and fire staff and spouses. I was able to join in on one evening, and it was very encouraging to see our first responders actively acknowledge the impacts their jobs can have on mental health and look for opportunities to support each other.

FEMA BRIC Grant

In late 2022 we submitted a Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure & Communities (BRIC) grant application to adopt and implement a building code here in Homer. We are still waiting on a decision from FEMA regarding our submittal, but we are seeing promising signs that they like the project we proposed. On Thursday, March 16, Ryan Foster, Special Projects Coordinator, was invited to meet with officials of the City of St. Paul, AK, and the State of Alaska Division of Homeland Security & Emergency Management to discuss FEMA BRIC grant application process. St. Paul is considering applying for the 2023 FEMA BRIC grant for building code adoption and implementation and asked questions regarding the City of Homer's experience in submitting a 2022 application for building code adoption and implementation.

Coast Guard City Update

In my last report I wrote that we were waiting on Congress, turns out that was not entirely correct. A representative from the Coast Guard City program reached out to let us know our package was routed to the Commandant's office this month and once she signs it, *then* it will go to Congress for an approval process that takes about 30 days. We're still on track, just a month behind where we thought we were in the process.

Ladder Truck Update

Early reports from the recent ladder testing are good. We're expecting an official report soon. If all signs continue to point towards this being a good deal for the City, expect an ordinance in April to capitalize on this opportunity.

Goodbye to Christine Draais, Assistant to the City Manager

Christine joined our team as Assistant to the City Manager back in 2021. She has done a phenomenal job of keeping the City Manager's office organized and moving forward in the time she's spent with us in Homer. Christine brought great energy and a new level of hospitality to the office, and the various state and federal officials who visit us here in Homer. She has been my lead on publishing a very informative and useful City newsletter every month. She also provides a lot of behind the scenes services to me, the special projects team, and Human Resources. Bella Vaz will be moving upstairs from planning to take on the Assistant to the City Manager role shortly with remote support from Christine as we manage the transition.



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum

Agenda Changes/Supplemental Packet

TO: PLANNING COMMISSION
FROM: RENEE KRAUSE, DEPUTY CITY CLERK II
DATE: APRIL 5, 2023
SUBJECT: SUPPLEMENTAL

3. PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

- 3.A. Unapproved Meeting Minutes
Regular Meeting Minutes for March 15, 2023

Public Comment Received

pages 3-5

8. PUBLIC HEARING(S)

- 8.A. Request for Conditional Use Permit (CUP) 23-04 at 106 W Bunnell Avenue for Approval of Reduced Setback from a dedicated right-of-way within the Central Business District.

Agenda Item Report PC 23-023

Public Testimony Received.

pages 6-18

April 4, 2023

Re: Ex parte communications, partiality, and CUP 20-04.

Dear Commissioners,

On March 15, 2023, the Homer City Attorneys addressed the ex-parte communications that took place between the applicants for CUP 20-01/CUP 20-04 and multiple Commissioners. The attorneys characterized those ex parte communications as prohibited and advised Mr. Abboud that Commissioners should disclose any such ex parte contacts. However, the city attorneys cited no controlling provision of city code to support their legal advice.

Prior to the enactment of Ordinance 21-44(S), HCC 21.93.710(a) (regarding administrative appeal procedures) provided that no member of the Commission shall have ex parte communication with any person. HCC 21.93.710(c) required Commissioners to disclose illegal ex parte communications in accordance with HCC 21.93.710(d) which provided that a member of the Commission who receives an ex parte communication at any time shall, at the first opportunity thereafter, place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the member received an ex parte communication. HCC 21.93.710(e) provided that the Commission had the discretion to disqualify any member who participated in the appeal. In addition to disqualification, the Commission could impose appropriate sanctions, including default, against a party to the appeal for any ex parte violation. Under the guidance of attorney

Holmquist, HCC 21.93.710(c)(d) and (e) were repealed by Ordinance 21-44(S). The current gutted version of HCC 21.93.710, cited immediately below, provides that a *hearing officer* shall not have ex parte communications with any person but has no specific application to Commissioners considering an application for CUP or otherwise.

HCC 21.93.710 Ex parte communication prohibited.

a. The hearing officer appointed to review a decision issued by the Commission shall not have ex parte communication with any person. "Ex parte communication" means to communicate, directly or indirectly, with the appellant, other parties or persons affected by the appeal, or members of the public concerning an appeal or issues specifically presented in the notice of appeal, either before the appeal hearing or during any period of time the matter is under consideration, without notice and opportunity for all parties to participate in the communication.

b. This section does not prohibit:

1. Communications between municipal staff and Commission or the hearing officer where:

a. Such staff members are not themselves parties to the appeal; and

b. Such communications do not furnish, augment, diminish, or modify the evidence in the record on appeal.

2. Communications between the Commission and its legal counsel.

c. Repealed by Ord. 21-44(S).

d. Repealed by Ord. 21-44(S).

e. Repealed by Ord. 21-44(S).

f. It is a violation, subject to penalties and other enforcement remedies under this title:

1. For any person to knowingly have or attempt to have ex parte communication with a hearing officer in violation of subsection (a) of this section.
2. For the hearing officer to knowingly receive an ex parte communication in violation of subsection (a) of this section.
3. For the hearing examiner to knowingly fail to place on the record any matter that is an ex parte contact.

I am not aware of any current provision of HCC that specifically addresses ex parte communications involving Planning Commissioners but HCC 1.18.030(r) states: "City officials shall act impartially when conducting City business." Participating in ex parte communications clearly does not constitute acting impartially. Commissioners Smith and Barnwell willingly participated in lengthy ex parte communications with the applicants for CUP 23-04; this demonstrates that neither are impartial adjudicators. In accordance with HCC 1.18.048 (b) and (c), they should both be disqualified from all further proceedings regarding this matter.

Ex parte communications involving city officials have been taking place for decades. Recently, City Council member Shelly Erickson invited Commissioner Smith and Council member Davis to her residence to discuss her application for CUP 23-02. It is axiomatic that merely disclosing ex parte communications is insufficient to prevent them from occurring. The Commission should encourage the City Council to enact code provisions expressly prohibiting Commissioners from engaging in ex parte communications with applicants regarding quasi-judicial matters; implementing substantial enforceable penalties *might* help deter this pervasive activity in the future.



April 4, 2023

Dear Commissioners,

The Application for CUP 23-04 is glaringly incomplete and, for the most part, inapplicable to the setback reduction sought. The Application does not identify "setback reduction" as the proposed use or specifically state how many feet of setback reduction is being sought. Instead, it primarily refers to the proposed addition previously approved via CUP 23-01. Applicant(s) have clearly not produced sufficient evidence to enable meaningful review of the application as required under HCC 21.71.030. The Application for CUP 23-04 that was published online does not indicate on its face whether it was accepted by planning staff as complete or whether the appropriate application fee was paid. CUP 23-04 pertains to a stand-alone permit application and is not merely an amendment to CUP 23-01.

Staff Report 23-023 states as follows: "106 W Bunnell Ave is the site of four buildings and has adopted a condominium form of ownership for various elements found on the lot." This conflicts with Staff Report 20-63 dated October 7, 2020 regarding CUP 2020-15 which stated: "106 W Bunnell Ave is the site of two buildings, and the property has been turned into a condominium form of ownership." At that time, it was suggested by the city attorney that Wild Honey Bistro shares a common wall with the Inlet Trading Post structure such that all of the buildings on the lot collectively constitute a single structure. On appeal, the Homer Board of Adjustment remanded CUP 2020-15 to the Commission to determine whether the subject property contains a single building or whether the proposed project involves two buildings, but CUP

2020-15 was withdrawn before any relevant new evidence was presented. On February 8, 2023, Ms. Livingston stated that she owns 16% of Unit 2, by internal square footage, and that Unit 1 is a single structure housing the Bunnell Arts Center, Old Town Bed and Breakfast, and The Fringe which comprise 84% of ownership by internal square footage. However, 64% of the subject property involves external square footage such as parking lot(s), setbacks, and other open space. It has not been established who owns that external square footage and it is not readily apparent how many feet of setback reduction are being requested for Unit 1 and/or for Unit 2.

HCC 21.61.040(b) states: "No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied as of the date it became nonconforming." Therefore, if any of the myriad uses of the subject lot constitute nonconforming uses, they cannot individually or collectively be extended into the setback. HCC 21.61.030(a) states: "A nonconforming structure may be enlarged or altered, but only if it does not increase its nonconformity." Extending nonconforming structures into the 20-foot setback could arguably increase their nonconformity, especially since HCC 1.08.010 mandates that "there shall be a minimum 20-foot building setback required which shall apply to any property line abutting any dedicated road or street right-of-way" and HCC 11.08.050(a)(3) requires that "all stands, buildings, gasoline pumps, and structures of any kind be placed at least 12 feet back on the property line." No evidence has been presented establishing when the existing decks and porches on the subject lot were constructed. Neither Planning Staff nor the Commission has the right to speculate as to the nonconforming status of a use or structure; the burden to establish nonconforming status of a structure or use

lies with the Applicant(s) in accordance with HCC 21.71.030 and HCC 21.61.050(a).

Nonconforming uses do not set a legal precedent for similar uses on adjacent properties; nonconforming uses are intended to be discontinued and replaced by conforming uses. In a memorandum to Council member Alan Parks dated April 3, 1998, Homer City Attorney Gordon Tans stated: "Generally, the existence of a non-conforming "grandfathered" use in a zoning district is not a legal precedent that would allow other similar establishments to open in the zone. To the contrary, the ordinance serves as the legal precedent saying that such establishments are not to be allowed in the zoning district. Therefore, the controlling legal precedent is the ordinance that prohibits the use." Likewise, illegally constructed structures or uses do not set a legal precedent for similar structures or uses.

The fact that there may be plans to modify setbacks for "Old Town" is irrelevant since no such plans have been implemented via ordinance. Furthermore, "Old Town" is not a zoning district. The subject lot lies within the CBD. Standard zoning enabling acts require that zoning ordinances apply uniformly to all properties within a zoning district.

Staff Report 23-023 was written by City Planner Rick Abboud who deemed himself a party to the appeal of CUP 2020-15 whee he acted in all respects on behalf of Ms. Livingston. It seems likely that he gave assurances to Ms. Livingston in exchange for her tactical withdrawal of her Application for CUP 2020-15. Staff Report 23-023 does not constitute an objective analysis of the requisite CUP review criteria and it was inappropriate for Mr. Abboud to have played any role in preparing it.

Mr. Abboud's proposed Findings are conclusionary and not supported by substantial evidence; this constitutes a flagrant violation of procedural due process. "Findings cannot be merely conclusionary, but must be based on evidence." *Day v. Williams*, 285 P.3d 256, 260 (Alaska 2012) quoting *Ethelbah v. Walker*, 225 P.3d 1082 at 1091 (Alaska 2009). The Commission is required under HCC 1.18.020 to be impartial in all quasi-judicial proceedings. Accordingly, it should act on its own independent consideration of the law and facts instead of rubber-stamping the biased, unsubstantiated findings of a subordinate.

Under review criteria (b), Staff Report 23-023 states "the purposes of the structures are well within the stated purpose of the district." However, the proposed purpose of the application for CUP 23-04 is to obtain a setback reduction and setback reduction is not a stated purpose of the CBD. Staff Report 23-023 further states: "The result of the structures located closer to the rights-of-way enhances a human scale and friendly pedestrian environment." Enhancing a human scale, whatever that means, is not a stated purpose of the CBD and reducing building setbacks along congested West Bunnell Avenue creates an unfriendly environment for pedestrians by exacerbating that traffic congestion. On the other hand, constructing sidewalks along Bunnell Avenue would create a friendly environment for pedestrians. Contrary to Staff Report 23-023, proposed CUP 23-04 offers no pedestrian amenities.

Under review criteria (f), Staff Report 23-023 states: "Desirable neighborhood character could be described by a portion of the purpose statement for the district. The proposed project is centrally located within the City of Homer and continues the general retail and restaurant uses of the property. The proposed design

aligns well with the existing buildings and sustains the character promoted in the Comprehensive Plan. The current setback distance promotes, [sic] mixed-use development, higher density development, and infill as supported in Chapter 4 Goal 1 Implementation item D-3 of the Homer Comprehensive Plan." Determining the effects of a proposal on desirable neighborhood character under review criteria (f) is a totally different standard from determining whether a proposal comports with the purposes of the zoning district and/or the comprehensive plan. Under review criteria (f), it irrelevant whether the proposed project is centrally located within the City of Homer, aligns with the existing buildings, or is supported by item D-3 of the Homer Comprehensive Plan. Under HCC 21.71.030(f), the Commission must consider harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, including parking issues, when determining whether the proposed setback reduction will not cause undue harmful effect upon desirable neighborhood character. Businesses that do not have adequate on-site parking will clearly have an undue harmful effect to any neighborhood. In his staff report, Mr. Abboud did not consider any of the factors prescribed under HCC 21.71.030(f) and deliberately chose to substitute factors prescribed in other review criteria in order to secure the Commission's approval of CUP 23-04.

Mr. Abboud claims that CUP 23-04 is contrary to the following goals and objectives of the Homer Comprehensive Plan: Goal 2: Maintain the quality of Homer's natural environment and scenic beauty. Objective A: Complete and maintain a detailed "green infrastructure" map for the City of Homer and environs that present an integrated functional system of environmental features on lands in both public and

private ownership and use green infrastructure concepts in the review and approval of development projects. Objective C: Provide extra protection for areas with highest environmental value or development constraints. Goal 3: Encourage high quality buildings **and sight design** that complements Homer's beautiful natural setting. The Comprehensive Plan Goal of "infill" is unconstitutionally vague; infilling per se is not a valid zoning objective. See *Griswold v. City of Homer*, 925 P.2d 1015, 1023 n.9. In any event, the subject lot is already densely infilled.

Building setbacks were enacted to promote health, safety and general welfare in accordance with HCC 21.01.030 which includes 21.01.030(f): "Provide adequate open spaces for light and air; and to prevent and fight fires." No evidence has been presented to establish that existing fire services are adequate to serve this site where a restaurant kitchen fire could easily wipe out four business now located in the adjoining tinder-box structure that was formerly the Inlet Trading Post. With structure(s) built into the 20-foot setback forcing on-street parking, it could prove difficult to get a fire truck or ambulance anywhere close to such a fire.

Instead of focusing on the potential affects of the restaurant addition, the Commission should focus primarily on the affects of the proposed setback reduction, including the existing inadequate parking and resulting traffic congestion. If any amount of setback reduction is approved, there will be even less room for on-site parking. With vehicles protruding into the roadway from both sides, Bunnell Street is already an extremely dangerous place for motorists, bicyclists, and pedestrians.

With regard to CUP 2020-15, Planning Staff determined that 16 parking spaces were required for Wild Honey Bistro and that only 10 on-site parking spaces were provided. The current Application asks: "How many spaces are shown on your parking plan? But no requisite parking plan was submitted. In her cover letter, Ms. Livingston alleges that there are currently 20 parking spaces in the front, counting both sides of Bunnell Street, plus 10 parking spots in the rear. The angled parking spaces in front already encroach into the West Bunnell Street right-of-way and therefore constitute on-street parking which is generally disapproved of within the CBD. Ms. Livingston stated that the majority of bakery products are currently being prepared offsite and that prep work during the summer has to happen outside of normal work hours but after the new construction is completed, bakery products will be prepared onsite and prep work will happen during normal work hours. This means that even more parking spaces will be required for those additional onsite employees.

The parking spaces across the street from 106 West Bunnell serve other businesses and do not qualify as designated parking spaces for the myriad businesses operating on the subject lot. HCC 21.55.020(b) states: "Except as this chapter permits otherwise, the entire parking lot, including parking stalls and aisles, shall be located on private property and not in any public right-of-way." The 10 parking spaces in the rear are already insufficient to accommodate the customers, staff, employees, and delivery trucks serving the four businesses operating within the Inlet Trading Post structure, much less Wild Honey Bistro. The parking spaces owned by AJ's Steakhouse do not currently qualify as parking spaces for Wild Honey Bistro. HCC 21.55.050(b) states: "Off-street parking

that is not located on the same lot as the use for which it is required shall meet the standards for off-site parking in HCC 21.55.060. Among myriad other requirements, HCC 21.55.060 requires a recorded parking agreement between the parties involved and signs advising customers of the location of the off-site parking. HCC 21.55.120(a) states: "Each lot containing a building or use that receives or makes deliveries shall contain off-street facilities for the loading and unloading of delivery vehicles that meet the requirements of this section. HCC 21.55.120(b) states: "Each loading area shall be situated and of sufficient size to permit loading and unloading without interference with or projection into any public right-of-way or parking area, except as provided in subsection (c) of this section. Each loading area shall be provided with convenient access to a public right-of-way. The access may be located in a required yard or setback, but this does not permit the location of a structure in a required setback." HCC 21.55.120(c) states: "No loading or unloading may be conducted in a required off-street parking area for more than four hours in any period of 24 hours." The Commission does not have the authority to waive any parking space requirements. HCC 21.70.030(c).

HCC 21.18.050 states: "A zoning permit for any building or structure within the Central Business District shall not be issued by the City without a site plan and a level two right-of-way access plan approved by the City under Chapter 21.73 HCC." HCC 21.50.030(f)(1)(a)(i) mandates that landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, a buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared

driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed. The 20-foot setback along West Bunnell Avenue would be an appropriate space for providing the landscaping required under HCC 21.50,030 and the CDM.

CUP 23-04 should be denied outright but when it is inevitably approved, significant conditions should be imposed. Down-lighting is not an actual condition because it is already required under HCC 21.59.030. Partially screening a dumpster does nothing to alleviate parking issues and traffic congestion. On September 21, 2022, Mayor Castner stated to this Commission that after reducing the number of conditional use permits [via Ordinance 22-68(A)], "A person can still go for a conditional use permit, but with the expectation that there is going to be conditions." No final action regarding this Application should be taken until all nonconforming status issues are investigated and resolved. Thereafter and absent outright denial, providing adequate on-site parking, providing pedestrian amenities, meeting all landscaping requirements, and obtaining Fire Marshal approval should be among the conditions imposed for CUP 23-04.

Frank Griswold



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum PL 22-05

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBOUD, AICP, CITY PLANNER
DATE: MARCH 15, 2023
SUBJECT: CONDITIONAL USE PERMIT (CUP) PROCEDURES

After receiving correspondence on the Decisions and Findings and other issues related to CUP 23-01, in addition to reported attempted or actual communications with Commissioners involved in the quasi-judicial item, I asked for clarification regarding procedures and options available to Commissioner's and the applicant from the City Attorney.

He provided me a communication that outlines provisions in code for CUP's and consideration for Commissioners once a motion has been made and approved after time for reconsideration has passed.

Basically, the Commission's decision is now final, the record is closed, and no substantive changes may be made to the Decisions and Findings document that would alter the motion passed at the last meeting. The applicant does have the right to appeal or take other actions to fulfil the conditions of the CUP. The Commissioners are asked to disclose their communications with the applicant.

I would like to correct the Attorney's correspondence that there are in fact 6 conditions that were approve with CUP 23-01 and not 5.

Attachments

City Attorney Email

From: [Michael Gatti](#)
To: [Rick Abboud](#)
Subject: Wild Honey Bistro CUP
Date: Wednesday, March 15, 2023 11:43:14 AM
Attachments: [image.png](#)
[image.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Rick,

Further to our recent discussions regarding CUP 23-01 and your recent communications with the applicant, we advise Homer City Planning as follows:

Following a public hearing conducted on March 1, 2023, the Homer Planning Commission approved CUP 23-01 in a subsequent written decision setting forth findings and conditions with regard to the application. That CUP permits the applicants to build over an area in excess of 30% of the lot, pursuant to HCC 21.18.040(d). CUP 23-01 contains five conditions, one of which requires the applicants to "Obtain approval of structures in the setback prior to commencement of any building activities." You have correctly advised the applicants that approval of structures in the property's setback requires an additional CUP for a reduction of the 20-foot setback requirement pursuant to HCC 21.18.040(b)(4). You also correctly advised the applicants that under Condition 1 of CUP 23-01 and HCC 21.71.020(a)(9), they must obtain a signed authorization from the property's other owner, Asia Freeman, consenting to the application for CUP 23-01 and consenting to be bound by the permit's terms.

The Commission's written decision with regard to CUP 23-01 is final. There is no procedure in the Homer City Code to re-open the application for CUP 23-01 to address any additional issues, supplement the record, or reconsider or clarify the decision. The applicants may appeal the Commission decision to a hearing officer pursuant to HCC 21.93.020(b)(1) if they disagree with some aspect of the decision. However, the Commission does not have the authority to revisit CUP 23-01.

You have informed us that the applicants may have communicated with individual commissioners following the March 1, 2023 hearing. Such communications would constitute a prohibited ex-parte contact. Commissioners must refrain from communicating with applicants about matters which have come before the Commission, even if the Commission has already decided them, due to the possibility of an appeal and subsequent remand of the matter to the Commission. Commissioners should disclose any ex-parte contacts with the applicants.

Please let us know if you have any questions regarding these issues.



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City Planning Department of Homer,

April 5, 2023

I am writing this letter of support for Wild Honey Bistro to be able to expand for capacity of City Bear Breads. The Old Town District is a growing area for our community. There are new residences being built as well as a few new businesses setting up shop in that area. The addition of a bakery will benefit the locals as well as tourists. Tourists like to support local businesses. Local restaurants like to purchase local ingredients and products for their menus. Locals like to purchase fresh products. For example, today I stopped in and purchased a fresh French Chai Croissant on my way to recycling. It enhanced my trip deliciously. I am hoping in the future to be able to stop in and get a fresh loaf of bread. For this to happen, there needs to be an expansion of the baking area.

Homer needs to be supporting new business growth in the down town area. The walk-ability of Wild Honey and City Bear Breads only enhances what Homer has to offer.

It is not easy in today's market to be a small business owner and operator. For Homer to be a vibrant and growing city, it needs to be investing in small businesses. These year round businesses shop locally, hire locally and pay taxes locally. I have heard it said money spent locally changes hands in that community 7 times. Promoting and allowing new businesses provides jobs, taxes and supports the other small businesses in the community.

Please approve the permitting required for a new bakery to add to our city of Homer.

Sherry Stead

Small Business Owner