

**PLANNING COMMISSION SPECIAL MEETING
FEBRUARY 28, 2018 AT 5:45 PM
CORDOVA CENTER COMMUNITY ROOM B
MINUTES**

1. CALL TO ORDER

Chair *Tom McGann* called the Planning Commission Special Meeting to order at 5:45 PM on February 28, 2018 in Cordova Center Community Room B.

2. ROLL CALL

Present for roll call were Chair *Tom McGann* and Commissioners *Scott Pegau, John Baenen, Allen Roemhildt, Nancy Bird, and Chris Bolin*. *Lee Holter* was absent.

Also present was City Planner *Samantha Greenwood* and Assistant Planner *Leif Stavig*.

6 people were in the audience.

3. APPROVAL OF AGENDA

M/Pegau S/Bolin to approve the agenda.

Upon voice vote, motion passed 6-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Bird, Bolin

Absent: Holter

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. **Guest Speakers**
- b. **Audience comments regarding agenda items**

6. NEW/MISCELLANEOUS BUSINESS

- a. **Conditional Use Permit for 6,000 Square Feet of Fish Processing in Waterfront Commercial Park District**

M/Bird S/Roemhildt to approve the conditional use permit request by Alaska Wild Seafoods for 6,000 square feet of fish processing space as described in the application submitted by Thai Vu and Camtu Ho d/b/a Alaska Wild Seafoods for Lot 6 and 7, Block 2, South Fill Development Park subject to the special conditions contained in the staff report and to adopt and incorporate the findings contained in the staff report.

Greenwood said the applicants have moved through the process of getting the Performance Deed of Trust extended and changed to the new use. That negotiation is not part of the request for a Conditional Use Permit. Any property owner has the right to request a Conditional Use Permit regardless of whether the zoning district specifies specific conditional uses or not.

Greenwood read from Cordova Municipal Code Section 18.040.040: “Uses other than those specifically permitted in each of the districts may be permitted therein; provided, that such uses are similar to those mentioned and are determined by the planning commission to be not more obnoxious or detrimental to the welfare of the community than the permitted uses.” It is legal for the applicants to request a Conditional Use Permit for more than the specified square footage in the code for the Waterfront Commercial Park District. There will also be a Site Plan Review process for the future building. She said that with all quasi-judicial decisions, the findings are very important.

Bird said that she was in favor of the Conditional Use Permit. While it is a larger fish processing plant than was envisioned, the fact that it is a freezer operation does not make it too obnoxious. **Roemhildt** said that he came up with no findings against the business and he thought it would be a mistake to hamper the expansion of a small business. **Pegau** said he has issues with the application. They should consider the impact to the district and the entire community, not just the impact to the one parcel. **Baenen** verified that City Council has approved of the applicant’s plan, subject to the Conditional Use Permit process. He verified that the request was for 6,000 square feet, and that there was 2,000 square feet existing on one of the lots.

On the first condition, **Bird** said that she agreed with staff. **Roemhildt** said that the applicants highlighted safe working conditions in their application. **Pegau** said that the condition was not met due to the fact that there would be increased traffic of large vehicles. **Bolin** agreed with staff. **Baenen** said that he has seen a lot of forklift traffic which may be a safety issue. He said a larger truck would alleviate this issue. **Bird** said she thought this issue would be better suited under the fourth condition. **Baenen** agreed with **Bird**. **McGann** said he agreed with staff.

On the second condition, **Bird** said that she agreed with staff and that she hoped neighbors would have come to the meeting if they had concerns. **Pegau** said that the condition was not met due to the increase in noise and traffic, which have the potential to injure neighboring properties. **Bolin** agreed with staff. **Baenen** verified that all property owners on the South Fill received notice of the Conditional Use Permit. **McGann** agreed with staff.

On the third condition, **Bird** said that the business was waterfront related and agreed that the condition was met. **Roemhildt** agreed. **Pegau** said that this condition was at the heart of his disagreement with the application. The zoning code clearly states that, “processing of seafood where no more than two thousand square feet of gross floor space of structure is used for processing” can be permitted by conditional use. He does not see any room for wiggle room. **Bolin** agreed with staff. **Baenen** said that the code was an issue for him. **Greenwood** said that her interpretation from a legal, planning perspective was that the code does not expressly prohibit the use. The purpose of the chapter states, “uses within the WCP district are intended to be water-dependent or water-related.” Seafood processing requires an outfall line, which is water-dependent. That, along with Section 18.04.040, allow for the conditional use in the district.

McGann said that there is a line between commercial and industrial, which comes down to scale. He does not think that the Waterfront Commercial Park is for large-scale processing or manufacturing. When the commission did the South Fill Development Plan, processing wasn’t talked about at all. **Roemhildt** was curious why 2,000 square feet was chosen for the code, as it seems to be very stringent. **Pegau** said he didn’t think they could discuss that; they have to judge the request based on the code that they have. **Baenen** said that 6,000 square feet compared to other processors in town is actually fairly small in terms of scale.

On the fourth condition, Harbormaster **Tony Schinella** said that he met with the applicant and that his concern was with the use of city docks, not vehicle traffic. Even though the area of seafood processing was increasing, the actual amount processed wouldn't increase 400 percent. The added square footage gives them more room to process safely. **Schinella** said they would work out an agreement to alleviate pressure in the harbor by having them using the ocean dock more. **Baenen** said that in the past, the forklifts were mostly transporting ice. **Schinella** said that there is a plan to expand the South Fill as a way of creating more land for processors, so there may be more in this area in the future. **Ho** said that currently load totes of fish and ice on a flatbed for transportation. They don't want to drive the forklift from the dock to the building back and forth. **Bird** said that after hearing from the **Schinella** and **Ho**, she felt that the future agreement would address these issues. She said that she would like to see the agreement revisited by **Schinella** and **Ho** after a year has passed. **Roemhildt** said that processing is seasonal, not year-round, and the openers really dictate when the busy times will be.

Pegau said that the agreement was a boat traffic agreement, not a vehicular traffic agreement. He said that he thought the vehicular traffic would be increased more than it would with permitted development, so he does not think the condition has been met. **Stavig** said that permitted development would include any of the permitted uses listed in the code for the district. **Bolin** said that they are worried about more truck and forklift traffic, but there are hundreds of trucks on the South Fill every day for the harbor. It isn't business-savvy for the applicants to unnecessarily create extra traffic, so he doesn't see any issues with the condition. **Baenen** said there was already a lot of large vehicular traffic in the area, such as deliveries for the large vendors and fisherman with trailered boats. **McGann** encouraged the Harbormaster to really increase usage of the ocean dock as opposed to the harbor dock. **Bird** agreed and said that they need to try to minimize conflicts as much as possible. **Ho** said they understand the concerns and they have been making improvements as they learn over time.

On condition five, **Bird**, **Roemhildt**, **Pegau**, **Baenen**, **Bolin**, and **McGann** said they agreed with staff.

Bird said that she would like to add to the second special condition traffic concerns expressed by the commission to limit truck and forklift traffic and include an administrative annual review for two years. The commission concurred. **Baenen** wanted to restrict any transportation of ice or fish by forklift. **Schinella** said that there are other businesses that use forklifts. **Greenwood** said that it probably isn't in the applicant's best interest to use forklifts.

Pegau said he supported the first special condition, but thought it would be better as a condition during the Site Plan Review. The commission concurred.

Pegau said that he was opposing the Conditional Use Permit because he did not think it met all of the conditions, particularly condition three.

Upon voice vote, motion passed 5-1.

Yea: **McGann**, **Baenen**, **Roemhildt**, **Bird**, **Bolin**

Nay: **Pegau**

Absent: **Holter**

7. AUDIENCE PARTICIPATION

8. COMMISSION COMMENTS

Baenen said more business, more jobs, and raising the price of fish are some of the reasons why he got on the commission.

Bolin said that the applicants have come a long way and he thanked everyone for their time.

Pegau said that business is important, as is quality of life. If any conditional use can be applied in any zone, then does the community even have zoning? His vote was not a reflection on the applicant's business, it was his interpretation of code.

Roemhildt understands where **Pegau** is coming from. There is a lack of waterfront, which makes it difficult for businesses to expand. He thought the commission did the right thing.

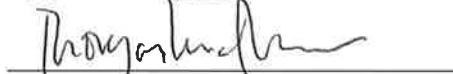
Bird said she appreciated **Pegau's** knowledge of zoning and ordinances. Zoning and planning need some flexibility, and in some places you need it more than others. Cordova is one of those places. She said she would like to have a plan to stick with entirely and she understands that during South Fill planning they didn't plan for a large processor, but what made her agree with the Conditional Use Permit was that the processing didn't produce a lot of nuisances. The town needs an economy. If there had been a lot of public or adjacent landowners with concerns, she could have been swayed.

McGann said that the code was convoluted and this application speaks to the need to revise the code, so it can't be interpreted in a hundred different ways.

9. ADJOURNMENT

M/Pegau S/Baenen to adjourn the Special Meeting at 6:58 PM.
With no objection, the meeting was adjourned.

Approved:



Tom McGann, Chair



Leif Stavig, Assistant Planner