

**PLANNING COMMISSION SPECIAL MEETING
MAY 16, 2017 AT 6:45 PM
CORDOVA CENTER EDUCATION ROOM
MINUTES**

1. CALL TO ORDER

Chair *Tom McGann* called the Planning Commission Special Meeting to order at 6:46 PM on May 16, 2017 in the Cordova Center Education Room.

2. ROLL CALL

Present for roll call were Chair *Tom McGann* and Commissioners *Scott Pegau, John Baenen, Mark Frohnappel, Heath Kocan,* and *Nancy Bird. Allen Roemhildt* 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/Bird S/Baenen to approve the agenda.

Upon voice vote, motion passed 6-0.

Yea: *McGann, Pegau, Baenen, Frohnappel, Kocan, Bird*

Absent: *Roemhildt*

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items

David Roemhildt, Mile 6 Copper River Highway, spoke for Facility Contractors and the installation of the modular housing at Ocean Beauty Seafoods. Time is of the essence as they need more space for housing for the seine season.

Brian O'Leary, Ocean Beauty Seafoods, said that the housing units allow them to have more processors, which brings in more revenue to the city.

6. NEW/MISCELLANEOUS BUSINESS

a. Variance Request – RJ Kopchak

M/Bird S/Baenen to grant the variance request by RJ Kopchak with the special conditions contained within the staff report except Special Condition 1.

McGann said there were four conditions (18.64.020A2 a-d) that must be met for the request to be approved. He said they should consider the request from the side setbacks separately from the front setback. The commission proceeded to evaluate whether the four conditions (a-d) were met by the variance request for the side setbacks.

For condition a, *Frohnappel* said that there were other nonconforming lots in the Medium Density District that would have to meet the five foot setback requirement. *Pegau* said he did not think the condition was met

as there was not a physical circumstance specific to the lot. The remainder of the commission agreed with staff that the condition had been met.

For condition b, there was unanimous concurrence that the condition was met per staff's recommendation.

For condition c, **Pegau** said that it met the condition as long as the building meets the fire code. There was unanimous concurrence that the condition was met per staff's recommendation.

For condition d, there was unanimous concurrence that the condition was met per staff's recommendation.

The commission then evaluated whether the four conditions (a-d) were met by the variance request for the front setback.

For condition a, **Frohnappfel** said it did not meet the condition because the proposed building could be moved back. **Pegau** said that the building could be shortened or moved back. **Kocan** and **Baenen** said that it did meet the condition. **Bird** and **McGann** said it did not.

For condition b, **Kocan**, **Bird**, and **Baenen** said that the condition was met. **Baenen** said that moving the building or making it shorter would be an unnecessary hardship. **Pegau**, **Frohnappfel**, and **McGann** said that the condition was not met for the same reasons as condition a.

For condition c, **Frohnappfel** said the condition was met as having a new building closer to the right of way would not be any more detrimental than the existing building. **Pegau** said that the condition was met as long as the building met fire codes. **Baenen** agreed and said there was no prejudice towards the other properties in the area. **McGann** said that keeping the 10 foot setback could improve public safety by providing more room for parking, but he believes the condition has been met. The remainder of the commission agreed that the condition had been met.

For condition d, there was unanimous concurrence that the condition was met.

McGann opened up the meeting for general discussion of the variance request. **Frohnappfel** reminded the commission that all four conditions had to be met to grant the variance. He said that for the side setbacks it meets all four conditions including condition a since a building was already on the footprint. **Baenen** said the new building is replacing an existing building instead of a vacant lot. **Bird** said that she would see why they would enforce a 10 foot front setback if it created additional parking, but she agreed with **Baenen**. **Kocan** said he also agreed; a building is already there and it isn't going to change much other than making snow shedding and other issues better. **McGann** said that keeping the front setback would not be a hardship and would still allow for a beautiful building. **Pegau** verified that the **Kopchak's** own two separate lots and that the lot with the variance and structure could be sold and have a separate owner. **Baenen** said granting the front setback would not affect the current available parking spaces. **McGann** said he disagreed as the front yard could be graded to provide space for parking.

McGann said they would vote on the motion as stated, rather than making a motion for each variance request. **Bird** said that if the motion failed, they could make a new motion.

Upon roll call vote, motion passed 4-2.

Yea: **McGann, Baenen, Kocan, Bird**

Nay: **Pegau, Frohnappfel**

Absent: **Roemhildt**

b. Site Plan Review – Ocean Beauty Seafoods Modular Housing

M/Kocan S/Frohnappfel to recommend to City Council to approve the Site Plan Review requested by Ocean Beauty to install modular bunkhouses on Lot 2A, Block 3, Cordova Industrial Park based on the findings and with the special conditions as contained in the staff report.

Kocan verified that similar modular housing had been approved in the past. *Greenwood* said that there are existing modular bunkhouses on the same lot. *O'Leary* said that the bunkhouses were used previously at a different facility. *Bird* asked if they were temporary or if it was Ocean Beauty's intent to eventually put something more permanent. *O'Leary* said that the lot was currently vacant and having the bunkhouses there was a better use. *Bird* said she would support the site plan, but that she wished they were moving towards something more permanent and better to live in. *Baenen* verified that they had to be permitted with the State Fire Marshal. *Greenwood* said a building permit would not be issued until there was an approved Fire and Life Safety Plan Review. *Pegau* said that there was plenty of parking available on the lot. With the other site plan review for the modular bunkhouses on the lot, the required parking spaces were not maintained.

M/Pegau S/Bird to amend the motion to add a special condition that Ocean Beauty relinquish all claims to parking spaces on Lot 1B, Block 2, Cordova Industrial Park.

Greenwood said that *Pegau* was referring to the parking spaces in the city harbor parking lot that Ocean Beauty has signs in. At some point, Ocean Beauty stored pallets on city property and the city offered them the parking spaces in exchange for them removing the pallets. The agreement was just an MOU-type deal. *Pegau* said that he did not see why they should have claim to city parking spaces if they have additional room on their lots for expansion. *Greenwood* said that this was within the commission's purview.

Upon roll call vote, amendment passed 5-1.
Yea: McGann, Pegau, Baenen, Kocan, Bird
Nay: Frohnapfel
Absent: Roemhildt

Upon roll call vote, main motion passed 6-0.
Yea: McGann, Pegau, Baenen, Frohnapfel, Kocan, Bird
Absent: Roemhildt

c. Disposal of Lot 8 and 9, Block 1, Odiak Park Subdivision

M/Baenen S/Bird to recommend City Council approve the proposal from Bradford, Campbell and Weise for portions of Lot 8 and 9, Block 1, Odiak Park Subdivision.

McGann said that they had not received a proposal from *David Sjostedt*, who had submitted the original letter of interest. *Baenen* said that they have a criteria for proposals that only should be used when they receive more than one proposal. He did complete the criteria, but he could go either way as the land will probably sit there another 100 years. *Greenwood* explained that with the letter of interest there had been some concerns about developing the property. *Bird* said that if the property has so many issues, she wondered why they had it available. The proposal makes a lot of sense to her and she supports it. *Pegau* said he likes the idea of getting the area replatted and getting the contested area sorted out. He hopes the replat will follow the existing property lines. *Frohnapfel* said he thought it was a great proposal that solved many different issues. He also wanted the area below delineated as a greenbelt and not available on the land disposal maps. *McGann* said he was in support and that it made perfect sense and that the greenbelt was in a perfect spot. *Greenwood* said that they would figure out the location of the easement and the terms during the replat process.

Upon roll call vote, motion passed 6-0.
Yea: McGann, Pegau, Baenen, Frohnapfel, Kocan, Bird
Absent: Roemhildt

7. UNFINISHED BUSINESS

a. Title 16 Building Code Discussion

McGann said that this was music to his ears and that they had been chewing on it for years. He thought the format was exactly what he was expecting. **Greenwood** explained that they were deleting Chapter 16.17 that was created when the city annexed what is now the Unrestricted District. The chapter created a permit process that is no longer used. The code change would also delete the chapter for building permits in the Zoning title. **McGann** said he knew money for legal review wasn't there. **Greenwood** said that Title 16 was in the strategic plan for 2018 and they will see if it gets added to the budget.

8. AUDIENCE PARTICIPATION

Kopchak thanked the commission as he knows how difficult the service on the commission can be. One observation he had was that two petitioners on the agenda commented during their agenda items, while he been mute through the variance agenda item. He thought there should be clarity concerning when audience members are allowed to speak as he had comments that he would have shared.

Max Wiese, 400 Railroad Row, wanted to thank the commission as their property was messy; there were two surveys that contradicted each other.

Cece Wiese, 400 Railroad Row, thanked the commission.

Roemhildt thanked the commission for approving the site plan as time is of the essence. He thought there may be grounds to reconsider the parking amendment as he thought the commission may not have adequate information about the issue.

O'Leary said it was important to have parking available for their local workforce and that if it gets taken away then he's not sure where they are supposed to park. **McGann** said he also recalled a discussion where Ocean Beauty said they would correct the loading docks so the container vans are not out in the right of way and he has not seen any movement towards that.

9. COMMISSION COMMENTS

Bird said she appreciates that the parking and the site plan review don't seem to be related, but she knows how difficult parking is down there.

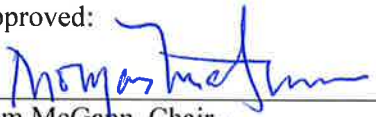
Baenen said he wasn't sure what they could and couldn't do regarding parking.

Frohnappel thanked staff for the Sunnyside Drive street signs and wanted them to start on a new street. He understands parking issues around town as Shoreside has a lot that many people use for parking.

10. ADJOURNMENT

M/Bird S/Baenen to adjourn the Special Meeting at 7:55 PM.
With no objection, the meeting was adjourned.

Approved:



Tom McGann, Chair



Leif Stavig, Assistant Planner