

**PLANNING COMMISSION SPECIAL MEETING
SEPTEMBER 27, 2018 AT 6:45 PM
CORDOVA CENTER COMMUNITY ROOM B
MINUTES**

1. CALL TO ORDER

Chair **Tom McGann** called the Planning Commission Special Meeting to order at 6:45 PM on September 27, 2018 in Cordova Center Community Room B.

2. ROLL CALL

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

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

4 people were in the audience.

3. APPROVAL OF AGENDA

M/Roemhildt S/Bird to approve the agenda.

Upon voice vote, motion passed 6-0.

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

4. DISCLOSURES OF CONFLICTS OF INTEREST

Pegau said that he had a potential conflict of interest as **Angela Butler** is the chair for the Prince William Sound Science Center which is his employer. He said it would be highly unusual for **A. Butler** to be able to influence his job. The commission concurred that there was no conflict.

Baenen said that he had a potential conflict of interest. **A. Butler** had contacted him after the Planning Department made her stop building. He looked to see if there was any way they could continue construction without a variance. He was not the one building the deck and stairs and he told **A. Butler** she would need a variance. **Pegau** said that he was comfortable that **Baenen** disclosed the communication sufficiently enough that they understand what happened. The commission concurred that there was no conflict.

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

6. NEW/MISCELLANEOUS BUSINESS

- a. Variance Request – Brian Butler

M/Roemhildt S/Bird to grant the variance requested by Brian Butler and to adopt and incorporate the findings within the staff report.

McGann advised the commission to address each of the four conditions. **Roemhildt** said that with the first condition, he knows that the lot is on a hillside, so it is not possible for the applicant to move the house further back. **Bird** said that the as-built showed a deck and stairs on the south side of the house. **A. Butler** said that those stairs were destroyed. **Bird** said she agreed with the findings presented by staff. **Pegau** said that the exceptional physical circumstances apply to all properties, and all properties are having the same issue. The

older construction that puts the house close to the roadway is a common issue on that street. He said that it met the intent of the condition. **Bolin** said he agreed with **Bird**, and that it appeared there could be an alternative on the south side of the house. **McGann** said he thought the city did a great job advertising that building permits are required. If the applicant had applied for a building permit, they wouldn't be in the position they are in. He thought the drawing was marginal at best and he would not have considered it a complete application. He agreed with the staff findings for the first condition. **Baenen** said he agreed with **Roemhildt** and **Pegau** and felt that the condition had been met.

Greenwood made a correction to the staff findings by adding a "no" so that the last sentence of the second condition read: "There are no practical difficulties..." **Greenwood** said that the original stairs provided access into the house in the past. She said that the proposed deck was not essential to access and creates additional sprawl into the right of way. **Roemhildt** said that the proposed stair configuration made more sense for safety than the original stairs. **Bird** verified that the deck extends out into the right of way. She said that the right of way encroachment might create parking issues and impact future use of the road. She suggested the deck end at the property line or the stairs be decreased so that there is less of an encroachment. **Bird** said that the variance only applies to the property, not the right of way. **Greenwood** said that there would be a separate permit the applicants would have to get for the portion of the structure in the right of way. **Bird** agreed with the staff findings for condition two. **Pegau** said that he sees a reason for a deck to extend out from the arctic entry. **Pegau** said that the condition had been met. **Bolin** said it had not been met. **McGann** said that he agreed there should be a landing at the top of the stairs, but that the stairs and deck could be reconfigured to stay in the original footprint. **Baenen** said the condition had been met.

Roemhildt said with the third condition, it appeared that the area of right of way wasn't being used by the city. **Greenwood** said that they have to look at the entire street. Building to the lot line takes away space that could be used for parking or snow removal. The area is already congested and would become more congested. When variances are granted, they can become a precedent. **Roemhildt** said the condition had been met. **Bird** said she believes the logic of **Greenwood** and understands that the road could become narrower. **Bird** said that she thought the condition was partially met. **Pegau** said that they keep talking about the stairs, but the deck is what the variance is for. **Greenwood** said that the stairs come from the deck. **Pegau** said that anything in the right of way impacts the neighbors. He said the condition was not met. **Bolin** and **McGann** agreed. **McGann** said that he would change the staff findings so it read: "Granting the variance would result in prejudice to other properties in the neighborhood because they are subject to the same requirements to not aggravate their nonconforming situation. To aggravate is to make their nonconforming situation worse." In the second paragraph, he wanted to change the second sentence to read: "Granting the variance for a deck would increase the encroachment into the right of way." **Baenen** said that the condition was met.

For the fourth condition, **Roemhildt** said that a big reason for the comprehensive plan was quality of life. The stairs and deck increase the property value and quality of life. **Bird** said that she does not find the condition met. **Pegau** and **Bolin** said the condition had been met. **McGann** said he agreed with the staff findings. **Baenen** said that the variance would enhance the neighborhood and the condition was met.

Roemhildt said that the right of way permit was up to staff. **Pegau** said he hates pushing things up against the road. He finds this variance much less egregious than other variances that have been granted. He is worried about consistency. He can't support the variance with the issues of the road. **McGann** pointed out that their votes on the issues have been consistent. **Baenen** said that Third Street was an exception and the variance was very small. **Bird** said that the difference from other variances was that it includes grandfathered encroachment on the right of way. She said she had changed her mind and found that all conditions had been met. She said that she thought the right of way permit may end up changing the applicant's plans.

M/Bird S/Pegau to amend the motion to delete "and incorporate the findings within the staff report" and insert "findings as discussed by the majority of the commission."

Upon roll call vote, amendment passed 4-2.

Yea: Pegau, Baenen, Roemhildt, Bird

Nay: McGann, Bolin

M/Pegau S/Bolin to recess for 5 minutes.
With no objection, the hearing was recessed.

Upon roll call vote, main motion passed 4-2.
Yea: **Pegau** (by abstention), **Baenen, Roemhildt, Bird**
Nay: **McGann, Bolin**

b. Comprehensive Plan Update Discussion

Roemhildt said it like a great start to the process. **Bird** told the audience to participate in the Comprehensive Plan if they were unhappy with the way things were. She said the proposed schedule looked reasonable. **Pegau** said that it was focused a lot on the core working group and he was concerned that there wasn't enough public outreach. **Stavig** said that the extensive outreach wasn't enumerated in the schedule as it was yet to be determined. **Stavig** said that the core group is a committee appointed by council and all of their meetings are open to the public. **Pegau** said that there was agreement that the process was supposed to be a very public process.

7. AUDIENCE PARTICIPATION

8. COMMISSION COMMENTS

Roemhildt said he respected everyone's opinions and candor.

Bird said she appreciated everyone's candor and appreciated that everyone stayed to do the hard work. She thought the variance was difficult. She thanked staff.


Pegau said he was wondering about his value to the commission. He was having a harder time evaluating an individual application with his six years of experience on the commission. They have made some people remove parts of their building, but they have allowed lots of other variances.


Bolin said the variance was tough. He verified that if people are selected for a committee, they are not required to be on it. He said he put in a letter to renew his commission seat. He has learned a lot from the commission and looks forward to learning more.

McGann said that **Pegau's** participation is valued. He regretted how the variance turned out as it sets a precedent for exactly the issues **Pegau** described. The city has a code and they can't let their personal opinion get in the way.

9. ADJOURNMENT

M/Pegau S/Bolin to adjourn the Special Meeting at 7:31 PM.
With no objection, the meeting was adjourned.

Approved:


Tom McGann, Chair


Leif Stavig, Interim City Planner