

**PLANNING COMMISSION REGULAR MEETING
FEBRUARY 10, 2015 AT 6:30 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Co-Chairman *John Greenwood* called the Planning Commission Regular Meeting to order at 6:30 PM on February 10, 2015 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Co-Chairman *John Greenwood* and Commissioners *Tom Bailer, Tom McGann, Scott Pegau, John Baenen, Allen Roemhildt, and Mark Frohnappel.*

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

9 people were in the audience.

3. APPROVAL OF AGENDA

M/McGann S/Baenen to approve the Agenda.
Without objection, motion passed.

4. APPROVAL OF CONSENT CALENDAR

- a. Minutes of January 16, 2015 Regular Meeting
- b. Record Excused Absence for Tom Bailer from the January 16, 2015 Regular Meeting

M/McGann S/Baenen to approve the Consent Calendar.
Upon voice vote, motion passed 7-0.
Yea: *Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappel*

5. DISCLOSURES OF CONFLICTS OF INTEREST

Roemhildt wanted to point out that *David Roemhildt* of Roemhildt Holdings was his cousin. *Greenwood* said that he did not feel like there was a conflict of interest. *Bailer* said he saw no conflict as *A. Roemhildt* was not making money off of him.

6. CORRESPONDENCE

- a. State of Alaska DOT Public Notice
- b. State of Alaska DOT Public Notice

Greenwood acknowledged the additional correspondence that they received by email and was available to the public at the meeting.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Audience comments regarding agenda items

Theresa Carte, 5 ½ Mile Loop Road, wanted to speak to Resolution 15-03 in support of it. It would bring in additional revenue to increase the opportunity to develop business in the blue zone. She sees very low risks

since the bed and breakfasts would only be allowed seasonally. It would not cause any problems for Eyak Lake and would increase the resale value of the homes. She is available for questions.

Robert Beedle spoke to Alpine Diesel's proposal for a shipyard building. He said that a few years ago on Council they had talked about putting a building there. He was under the impression that the disposal method would be by lease. There is no permanent foundation on it and he can pack up and go if it doesn't work out.

8. PLANNER'S REPORT

McGann asked for elaboration on the lease with option to purchase with the Science Center. **S. Greenwood** said they are still working through the lease and making progress. **Frohnappfel** clarified it was the breakwater fill.

9. UNFINISHED BUSINESS

a. Election of Chair

Baenen clarified that the nominations of **Greenwood** and **Bailer** were still standing. He asked if **Bailer** was still interested in being chair. **Bailer** withdrew since **Greenwood** was nominated. **Frohnappfel** said that the only thing was that **Greenwood** and **S. Greenwood** had the same last name. He said the perception may be that there is a conflict of interest.

Greenwood closed nominations and called for a voice vote on **John Greenwood** as chair.

Upon voice vote, motion passed 7-0.

Yea: **Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappfel**

b. Election of Co-Chair

Frohnappfel nominated **Bailer** for Co-Chair. **Bailer** said he would do it unless someone else was interested. **Pegau** said he wasn't interested, but asked if **McGann** was. **McGann** said he was not qualified yet.

Greenwood closed nominations and called for a voice vote on **Tom Bailer** as co-chair.

Upon voice vote, motion passed 7-0.

Yea: **Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappfel**

10. NEW/MISCELLANEOUS BUSINESS

a. Site Plan Review – Roemhildt Holdings LLC

M/McGann S/Baenen to recommend the City Council approve the Site Plan Review requested by **Roemhildt Holdings LLC** to construct a commercial/retail building on Lot 5, Block 2, South Fill Development Park based on the findings and with the special conditions as contained in the staff report.

McGann said that he is in favor of new retail buildings in town. He said he does have some problems with the application. Some of the required information for a site plan review has not been provided: the north arrow wasn't included, the elevations are incorrectly labeled, there are no abutting properties shown, and there are no driveways shown. These are minor issues that could be corrected with a drawing revision. His biggest problem is with 18.48 and off-street parking and how the square footage is being calculated. The code says one parking spot for each 600 square feet of gross floor space. "Floor area" is defined in 18.08 as the total of each floor of the building within the surrounding outer walls. In the application, Roemhildt Holdings says the area is 8,640 square feet. If you take out the numbers from the architect's drawings the number is 11,654 square feet, which would require 20 parking spaces. The square footage based on the definition is about 13,000 square feet. The IBC definition for floor space would include even more.

Bailer asked that *S. Greenwood* explain how far out into the setbacks the eaves extend. *S. Greenwood* said that the last drawings show the eaves extending two feet into the setbacks, which meets the code. *Bailer* said that the plans show the snow being pushed to the rear of the lot, which is the slough. He wants to be sure it is noted that the commission is not okay-ing putting it into the water. With the issues that *McGann* brought up, he is leaning towards referring it back to staff to get the questions answered.

Pegau said that he also had concerns with the off-street parking. He said there is also supposed to be a space for off-street loading and unloading. When you're looking at this size of a retail building without any ability to bring in a trailer or large vehicle for loading and unloading it doesn't seem realistic. He is also concerned about buildings being so close to the edge of the lot and what that means for snow coming off the roof.

Baenen asked if there were issues with Camtu's building having snow go into the neighbor's property. *S. Greenwood* said that the current code allows the eaves to be two feet within the side setback. She said there wasn't anything in the code that talks about snow shedding.

Pegau said that there are mitigation devices to reduce the likelihood of shedding snow, but they have not made the changes to Chapter 18. The code still says that half the front yard is to be used for landscaping and he knows that no one has ever done it, but it is part of their code and if they are going to do what was in the site plan they will need a variance.

Baenen said that with Camtu's building it has a similar footprint and number of parking spaces and the commission granted parking for that. *Bailer* said that if code is requiring a number of parking spaces then that is what they need to go by and if there is agreement that they need to lessen the number of required parking spaces then they need to go by that process. They can't simply okay something just because the neighbor has less. *S. Greenwood* said that they had this same discussion for Camtu's. *McGann* said that 22 parking spaces is way overboard, but this just illustrates that they need to get through Chapter 18. *Baenen* asked if this was a variance issue. *S. Greenwood* said it was discussed at Planning Commission meetings in the past and the commission acknowledged the amount of spaces needed and moved forward with the Site Plan.

M/Bailer S/Baenen to refer back to staff to get these issues addressed.

S. Greenwood clarified that the commission wanted the correct dimensions, the north arrow, abutting properties, easements, drawing elevations were mislabeled, a way to generate square footage, and a way to deal with offloading and parking spaces. *Baenen* asked if the issues were going to be addressed by a variance request. *Pegau* said that would be the proper way to do it. *Pegau* said that he would like to know if there is the intent to use snow arrestors on the roof.

Upon voice vote, motion to refer passed 7-0.

Yea: *Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnapfel*

b. Resolution 15-02

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska that a portion of Tract 1A, Ocean Dock Subdivision #2 be updated to available and added to the 2015 Land Disposal Maps.

M/McGann S/Roemhildt to approve Resolution 15-02.

S. Greenwood wanted to give a brief overview. She said that this was the first part of 5.22. This disposal status was referred back to staff so that staff could look at the way the harbor manages their property. The City Manager, Harbormaster, *Stavig*, and herself have had long discussions about harbor management. The shipyard has the potential for harbor development. The first step is to make it available. *Frohnapfel* clarified that disposal means lease or sale.

McGann said there had been lots of discussion about this and that there seemed to be consensus that this was the way to move forward. *Pegau* asked if they could make a portion of the lot available without making the whole lot available. *S. Greenwood* said that they could. *Greenwood* said that he thinks they are ready to move on.

Upon voice vote, motion passed 7-0.

Yea: *Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnapfel*

c. Land Disposal of a Portion of Tract 1A of the Ocean Dock Subdivision #2

M/Pegau S/McGann to recommend to City Council disposal of a portion of Tract 1A of the Ocean Dock Subdivision #2 by negotiating a lease agreement with Alpine Diesel.

Pegau said that the one thing he would like to see them do is specify what the portion is. He is nervous about having a nebulous portion. *Bailer* verified with *Schinella* that they will be fine-tuning the agreement with Alpine Diesel after this step in the process. *Schinella* said that they still have to go into negotiations to find out what fits the best for both Alpine Diesel and the City. *Bailer* said he was in favor of the motion as it was a way to get the ball rolling. *Baenen* clarified that the length of the lease was a Council decision as well. *Greenwood* said he agreed with *Pegau* about setting numbers, but he also saw how that could be restrictive. *Frohnapfel* said his only concern was what the plan was since it goes directly to Council and the commission doesn't make a decision. *S. Greenwood* said that is how it rolls with direct negotiation and if they want to put it out for proposals then it goes back to the commission. *Pegau* said it would come back as a site plan. *Frohnapfel* wanted to know if they would do a site plan since it was a temporary structure. *Bailer* said that he gives a lot of weight to the Harbor Commission's resolution. They gave this a lot of thought and discussion and they are endorsing it and he will go with their recommendation. *Baenen* verified that the lease amount will be calculated with the direct negotiation. *Pegau* said that lease amount would go to the City and the Harbor would be losing the potential revenue from boat storage on the area. *Roemhildt* said they would not be giving up boat haul-out revenue.

Upon voice vote, motion passed 7-0.

Yea: *Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnapfel*

d. Cordova Municipal Code Chapter 5.22 Disposal of City Real Property Discussion

S. Greenwood said that the City Manager asked that staff look at code and add deposit requirements for proposals and a section where up to three times the fair market value could be charged for encroachment or zoning violations. She said they also made edits reflecting how business is done and they cleaned it up.

McGann said it looks like a good edit. He likes the fee schedule for proposals, the non-returnable, and the triple fair market value for encroachment purposes.

Baenen wanted to know if when they make lots available they can advertise them in a specific way before receiving a letter of interest. *S. Greenwood* said they could decline a letter of interest. *Baenen* said that people aren't going to understand why their letter of interest was declined. *Greenwood* said there would be the record and they have commented on it at the meeting. *Bailer* said that Council has been concerned about this and is looking at adding more criteria in the bid packets. *Baenen* said he wanted to make requirements when the lot was listed as available. *Pegau* said that all of the lots were in a zone that defines the range of things they are looking for. The general guidance is in the zoning. The specific guidance should be in the bid packet. *McGann* said they can change the criteria at any time.

Greenwood had several grammatical edits in the revisions.

e. Resolution 15-03

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska to change Cordova Municipal Code Chapter 18.35 Avalanche District to allow bed and breakfasts in the blue zone and to add the requirement for a Conditional Use Permit for commercial uses in the blue zone.

M/McGann S/Pegau to approve Resolution 15-03.

McGann said he thought it was a great idea as there is no increase in hazards and it generates revenue for the City and there's more places for people to stay in town. *Pegau* said that he appreciated the defined dates for seasonal use. *Frohnappel* asked if this was the only FEMA avalanche area in town. *S. Greenwood* said the only real FEMA area was the red zone. There are deed restrictions on those lots. The blue zone does not have deed restrictions and are not tied to FEMA. *Bailer* said that he assumed the bed and breakfast was an existing one. He would have a problem with someone building a new one. He is not in favor of any new structures. *S. Greenwood* said that there are items in the code that are restricting to new structures. *McGann* says that the code on page 52 gives him some comfort as it is required to be engineered for that area. *Bailer* said he concurred with that.

Upon voice vote, motion passed 7-0.

Yea: Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappel

11. PENDING CALENDAR

- a. February 2015 Calendar
- b. March 2015 Calendar

S. Greenwood wanted to throw out the option of a Special Meeting for the Site Plan Review. There was general consensus from the commission to have it on or before February 25th.

12. AUDIENCE PARTICIPATION

Jerry Blackler thanked the commission for moving on with his project.

David Roemhildt, Mile 6 Copper River Highway, wanted to lend his support to the *Blackler's* project. He said he was unsure of what information they were trying to get for the variance request. For example, with the required parking spaces, if they intend to hold him to that, they need to say that. He would rather not go through the lengthy process of a variance request just to have it voted down. He's not upset with the decision making; he just wants to know what they are asking for. If he can't build to that size then he is not going to do it. This is the first he has heard of a parking requirement being imposed on anyone in the South Fill including his previous development.

Pegau said what he is looking for in the variance request is the justification for why the parking they are requesting is adequate. *Frohnappel* asked where *Roemhildt* intends to resupply the building from with a five foot setback. *Roemhildt* said they were going to create a freight-way between the two buildings which would be the receiving area for both buildings.

Bailer called a point of order as they were in audience participation. If they wanted to have a discussion, they should rescind the motion to refer back to staff or they should move on.

13. COMMISSION COMMENTS

Baenen told *Frohnappel* he did a good job at his first meeting.

Frohnappel said he was glad to be there.

Bailer said he appreciated **Frohnapfel** standing up, and also appreciated **Blackler** and **Roemhildt** investing in Cordova. They should know that the commission does support these projects, but that they need to set the record straight. Saying that they let parking spaces go for another building isn't a reason to do it for the next one. Things need to be done in order and they need to build the record. He thanked everyone for being there and working hard.

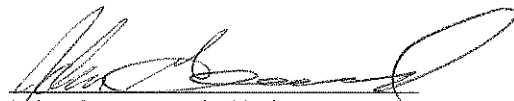
Roemhildt welcomed **Frohnapfel** to the commission.

Greenwood thanked **Frohnapfel** for stepping up as it can sometimes be difficult to get people to be on the commissions.

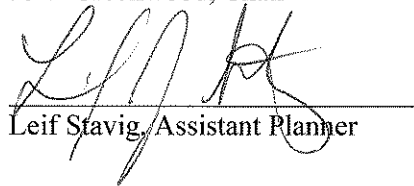
14. ADJOURNMENT

M/McGann S/Baenen to adjourn the Regular Meeting at 8:08 PM; with no objection, the meeting was adjourned.

Approved:



John Greenwood, Chair



Leif Stavig, Assistant Planner