

**PLANNING COMMISSION SPECIAL MEETING
FEBRUARY 25, 2015 AT 6:45 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *John Greenwood* called the Planning Commission Special Meeting to order at 6:45 PM on February 25, 2015 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman *John Greenwood* and Commissioners *Tom Bailer, Tom McGann, John Baenen, Allen Roemhildt*, and *Mark Frohnappfel*. Commissioner *Scott Pegau* was absent.

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

2 people were in the audience.

3. APPROVAL OF AGENDA

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

4. DISCLOSURES OF CONFLICTS OF INTEREST

A. Roemhildt stated he was related to *David Roemhildt* of Roemhildt Holdings. There was concurrence among the commission that there was no conflict of interest.

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

6. NEW/MISCELLANEOUS BUSINESS

a. Variance Request – Roemhildt Holdings LLC

M/McGann S/Roemhildt that the Planning Commission grant the variance request from Roemhildt Holdings LLC for a variance from parking requirements in CMC 18.39.090 and 18.48 as contained in the staff report with the special condition.

McGann said that he will vote in favor of the motion though he does not like it at all. He thinks they are going down the same road they've gone before which leads to nowhere. The only reason he's in favor of it is because they have done it in the past. *Roemhildt* said he wasn't around for the other applications (Site Plan Reviews) for the other buildings in the South Fill. He will vote in favor of it since the other buildings have the same parking.

Bailer said that he is not in favor of the variance at all and that the direction needs to be a code change. He doesn't think the commission has ever done this in the past. What happened was that they passed the Site Plans based on the recommendation that was given to them by staff and unfortunately they did not do their homework and look at the code. He does not remember anybody having the discussion that they would just give it to them on the parking spaces. He said that it seems like they are all concluding that the requirements for parking are too stringent, but the way to fix that is to go back to code. *Baenen* said that they were all in agreement that they wanted to go forward with the building. He wonders if there is a way

to approve the Site Plan with a provision that they do a code change at their next meeting. *S. Greenwood* said that you cannot guarantee a City Council vote on a code change. The commission would be looking at a minimum of three months before a code change takes effect. She wanted to remind the commission that Council extended the Performance Deed of Trust for only one year. *Bailer* said the time frame is not on them, the *Roemhildts* have had five years to get this done. *Frohnapfel* said that the code for the Waterfront Commercial Park District was last updated in 1986. He fully supports what they are doing down there and the buildings down there. Most generally, they are not following any of the principal uses down there. He envisions that the original planners had a touristy area like the Homer Spit in mind and they have gotten away from that. If you look at the Site Plan, one of the ten parking spaces is for a dumpster. If you look at City code, the parking spaces have to be nine feet wide and 19 feet long. Are they giving a variance for smaller spaces or fewer spaces? He cannot support the variance based on the fact that there are too many variables.

Greenwood said with the variance criteria, the first one is not a big hang-up for him. The last two criteria aren't that big. The Comprehensive Plan doesn't have a lot of weight because it needs updating very badly. The conditions are met and they have set a pretty big precedence. There isn't a lot of building left down there and it's a little late in the game to start changing rules for people. It's too late and they need to move on. He's not opposed to changing code, but he's not going to recommend it. *McGann* said that with Camtu's Site Plan Review they did call out square footage and that is part of the public record and they passed it. There has to be some consistency. *S. Greenwood* agreed and said that they also did it with Trident and Ocean Beauty. *Baenen* said that he is worried about the precedence they are setting in not following code. *Greenwood* clarified that they are following code by doing a variance. *Frohnapfel* said that his concern is "that the granting of the variance will not result in material damage or prejudice to other properties." He asked if it was a prejudice for future proposers and if they are opening themselves up for continual variances. *S. Greenwood* said that more variance requests would support updating the code. She said that when she talked to the lawyers about that criteria they approached it as "would it damage the property values within that district." Her approach is that the building would increase property values and bring more people to that business area. *Randy Robertson*, City Manager, said that the model of that criteria applies to those properties immediately adjacent to the property in question. *Baenen* said that he would be in favor of the variance based on it being only for the South Fill area and that they wouldn't be setting a precedence for anywhere else, but he wants to see the code dealt with. *Bailer* said that there are no exceptional physical circumstances for the lot. The only circumstance is that someone wants to build the biggest possible building on that lot. He agrees that the parking is a little bit overboard. The second criteria is another good reason to change the code as it affects all the lots down there. *Baenen* said that's an issue with all the lots, because they are all small lots. Those aren't that big of buildings. For the Native Village of Eyak (NVE) to get their parking they had to buy a whole other lot. The South Fill has more parking than anywhere in Cordova. He thinks that it is an "exceptional physical circumstance or condition" because you can't build anything with any size. *Bailer* said that NVE did not buy that lot for more parking; they bought it to add on to their existing building. *McGann* said he wanted to change the discussion to 18.48 because he supports that portion of code.

Upon roll call vote, motion failed 2-4.

Yea: *Greenwood, Baenen*

Nay: *Bailer, McGann, Roemhildt, Frohnapfel*

Absent: *Pegau*

7. UNFINISHED BUSINESS

a. Site Plan Review – Roemhildt Holdings LLC

M/McGann S/Roemhildt that the Planning Commission recommend to the City Council to 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 without the variance he doesn't see how they can move forward. *Baenen* clarified that the loading/unloading zone was taken care of by the easement. *Frohnapfel* said he fully supports *Roemhildt* and everything he wants to do. It's his business; if he wants to have fewer parking spaces to detract from the amount business he can do than it is up to him. He doesn't think they should hold businesses to 1986 code. They should take all of the parking restrictions out of the Waterfront Commercial Park District like the Central Business District. That is a fast and fair way to move forward. *Bailer* said that he thinks they can and should move forward with the site plan if Council moves forward on the code change. *Greenwood* said he doesn't know how they can move forward with not passing the variance and he is not in favor of moving forward contingent on the code change. They need to do the code change separate. In two to three months he will miss the building season. *Frohnapfel* clarified that the code change would be removing all of the parking restrictions from the Waterfront Commercial Park District. *S. Greenwood* said that there are two sections of code: 18.39 and 18.48. *Frohnapfel* said he only wanted to change Waterfront Commercial to remove the 50% front yard requirement and the requirement that the parking requirements in 18.48 must be met (CMC 18.39.090). *Baenen* clarified if they had the code change at their next Regular Meeting they could get it to City Council for their second Regular Meeting in March.

Stavig said that he thought that the site plan had to be approved or denied within a certain amount of time. *Baenen* said why they don't approve it on the condition that the code gets changed. *Stavig* said that could take more than two months and the site plan wouldn't actually be approved until after the code change. *Greenwood* said he isn't going to vote for the site plan because he isn't willing to put those conditions on it. If they're going to go down that road, then they should change the code first and then approve the site plan.

At 7:30 PM *Frohnapfel* and *Baenen* left the meeting.

Upon roll call vote, motion failed 0-4.

Yay: *Greenwood, Bailer, McGann, Roemhildt*

Absent: *Pegau, Baenen, Frohnapfel*

8. AUDIENCE PARTICIPATION

9. COMMISSION COMMENTS

McGann said that Chapter 16 and 18 have been his soapbox now for a while. He thinks they should have a discussion at the next meeting. The status quo is not getting them anywhere. They need a plan to get it accomplished. He's not saying that the staff is slacking. The commission needs to go through it bit by bit or they need to hire somebody. Those sections of code are terrible.

Bailer apologized since he was supposed to start working on code but he had to leave town. In the future with meetings and Special Meetings word needs to go out before the dates and times are set. For something this important they all need to be there.

Greenwood echoed *McGann's* comments; they need to address the code. They need to look at hiring someone. This isn't something trivial that they can address at a couple meetings. If they want to go down this road they should approach Council who appropriates money.

S. Greenwood said that they did set the meeting at the last Regular Meeting during Pending Calendar. Everyone said they could be there at that time frame. They made every effort to make sure everyone could be there.

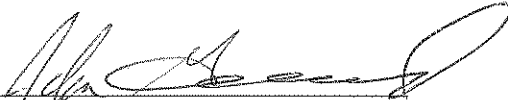
Robertson clarified that the code change had been looked at in the past and they had looked at spending \$50,000. *S. Greenwood* said that the commission has done some code work, but once it was time for legal review they were out of money. Despite that there is a lot more to be done. *Robertson* said that he couldn't agree with the commission more; the code is inhibiting businesses. There hasn't been a dime given for code

review. The City is running out of money and undertaking this would be a very expensive proposition. The code is stifling the growth that the City desperately needs. He likes variances because they can give flexibility, though he understands that isn't the way they want to go. He thanked the commission for what they were doing since they had to make difficult decisions.


10. ADJOURNMENT

M/McGann S/Roemhildt to adjourn the Regular Meeting at 7:40 PM; with no objection, the meeting was adjourned.

Approved:



John Greenwood, Chair



Leif Stayig, Assistant Planner