

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

1. CALL TO ORDER

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

2. ROLL CALL

Present for roll call were Chairman *John Greenwood* and Commissioners *Tom Bailer, Tom McGann, Scott Pegau, John Baenen,* and *Mark Frohnappfel*. Commissioner *Allen Roemhildt* 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/Bailer S/McGann to approve the Agenda.

J. Greenwood asked if the commission wanted to change the order of agenda items 9a and 9b. The commission decided to leave it as it was in the agenda. *Bailer* said that the agenda should be voted on.

Upon voice vote, motion passed 6-0.

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

Absent: *Roemhildt*

4. APPROVAL OF CONSENT CALENDAR

- a. Minutes of February 10, 2015 Regular Meeting
- b. Minutes of February 25, 2015 Public Hearing
- c. Minutes of February 25, 2015 Special Meeting

M/Bailer S/Baenen to approve the Consent Calendar for February 10th, February 25th Public Hearing, February 25th Special Meeting.

Upon voice vote, motion passed 6-0.

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

Absent: *Roemhildt*

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. State of Alaska DOT Public Notice
- b. State of Alaska DOT Public Notice
- c. Letter of Interest from George and Carrie Daskalos

Bailer asked if the letter of interest started the disposal process. *S. Greenwood* replied that it was on the agenda.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

David Roemhildt, Mile 6 Copper River Highway, wanted to comment on the Breakwater Fill property. He said it was such a valuable piece of property for the City that they ought to give it a lot of thought before disposing of it. He would not cut it loose without a lot of consideration. Regarding the agenda item for potentially removing some of the parking criteria for the Waterfront Commercial Park, you can all see that removing the requirement for landscaping might be appropriate. As far as 18.48, which has specific parking requirements, while it should be looked at and changed, they should protect the property owners. To do that, you need to require some off-street parking. Regarding his amended site plan, it is a much smaller development which should be approved without any code objections. **Bailer** noticed at the last meeting that **Roemhildt** had questions at the end of the meeting. He said that it is customary that if you have something on the agenda to come up to speak to it.

Randy Robertson, said that he was trying to get to all of the boards. The biggest issue that is confronting Cordova right now is the lack of timber receipts. It has never been received this late and is around \$750,000. There is also a significant reduction in jails operation budget. There is a proposed cut to revenue sharing. He also spoke to the cuts to the ferry system. Overall they are looking at about a one million dollar reduction in what the City budgeted for.

8. PLANNER'S REPORT

S. Greenwood wanted to clarify the protocol for adding agenda items since it's not in code. They will follow the council's rules. March 12 will be the FEMA Flood Map training. **Ken Hudson**, who has a lot of experience as a Flood Plain Manager, will be giving a presentation.

Frohnappel asked about the Science Center withdrawing negotiations for the fill lot. **S. Greenwood** said that they terminated the negotiations. She clarified that there were two items on the agenda about this lot.

Bailer asked about the recycle signs. **S. Greenwood** said they were getting signs for the recycling station on the South Fill. She said they were also looking at additional locations for recycling.

Bailer said for Special Meetings, staff should set it up by email. **S. Greenwood** said for the last meeting they had to send out public notice immediately the next morning. **Bailer** said that is a rare occasion.

9. NEW/MISCELLANEOUS BUSINESS

a. CMC Chapter 18.48 Discussion

S. Greenwood said that one of the reasons this came in as a discussion item is that she needs direction on what the commission was thinking about. **Frohnappel** said that the reason **Bailer** and he brought this forward was so **Roemhildt** could move forward with his project. He brought it up specifically for the Waterfront Commercial Park. He thinks it does need to get addressed City-wide, because it is not updated. **Pegau** said that the best way to do it would be to revise the comprehensive plan and then do the zoning to match the comprehensive plan and get into the details. He is worried about going in and fixing one little thing rather than looking at the whole code. He would like the commission to think about it in a comprehensive manner. He is struggling a little bit because they have an item in front of them that requires attention. He can't support having no parking requirements. He likes the option of having the commission decide the parking. One of the reasons why he supported the variance is that it requires notification. **Baenen** said that they need to deal with it otherwise they'll be in the same place again in a year. He agrees there should be some required parking. It's going to take a long time to deal with 18.48 and the comprehensive plan. This is in front of them now and they should move forward with it. **Bailer** said that the other thing to keep in mind is it will bring the existing buildings into compliance. AC is actually renting

another lot to provide the required parking. **McGann** said that he agrees with **Pegau** that all of Title 18 needs to be gone through. He does not think there is an urgency to deal with the parking tonight. **Pegau** said that **Roemhildt** demonstrated that a building can be placed on a lot within existing code. The commission needs to set aside the time to go through the code. **J. Greenwood** said he is leaning towards **Pegau** and **McGann**. They need to deal with the code and hammer it out. He thinks they are reacting rather than being proactive. **Bailer** said that was fine and they should set a date and he wants to know what is holding this up. **McGann** asked if the redline could be posted online. **Frohnafel** said that his only concern was that there was another lot and he didn't want to have the site plan delayed because of them. **Baenen** said that **Roemhildt** had to completely change his site plan because of the code. **McGann** said the code was more than just parking.

b. **Resolution 15-04**

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska to amend Cordova Municipal Code Section 18.39.090 to remove the parking requirements in the Waterfront Commercial Park District

M/McGann S/Bailer to approve Resolution 15-04.

McGann said that he was not in favor of the resolution and that there needs to be some off-street parking. **Pegau** said he can't support no off-street parking. If they are trying to go for the quick fix then they could find the minimum number of spaces. He doesn't like the approach that quickly bandages it. **Baenen** said the commission discussed this two years ago and it still has not been dealt with. He doesn't agree with no parking and thinks they should amend the resolution to come up with some parking. They need to deal with the South Fill. **Frohnafel** said that the number of parking spots should be up to the business owner. It's in your best interest to have parking spaces in front of your building. The commission discussed ADA and City Code requirements for parking spaces.

J. Greenwood clarified that the resolution was for the Waterfront Commercial Park only and that it would not apply to the current site plan submitted by **Roemhildt**. **Pegau** said that because the code change still has to go to City Council and have two readings they would only be affecting future site plans. **J. Greenwood** said that he is leery doing the code change piecemeal because the table in Chapter 18.48 breaks it down by use. **Bailer** asked that they go through each item on the table. **Stavig** pointed out that the resolution was for a code change in the Waterfront Commercial Park District section of code, not 18.48. **Pegau** asked that they don't go through the table in 18.48 at this point. This is why they need to have a Work Session to go over these things. **Stavig** said it would take a lot of editing to make the resolution specific to 18.48. **S. Greenwood** said that staff could work through this and bring it back since it isn't a crisis anymore.

M/McGann S/Pegau to amend the resolution by striking "remove the parking requirements" and inserting "modify the parking requirements so that each commercial general store shall have one parking space per 1500 square feet of gross floor space."

Frohnafel asked if the resolution would still get rid of the landscaping requirements. **Stavig** said that the resolution was okay if they still pass the amendment. The redline of the actual code edit is in the memo. If staff gets direction on the redline then that would be what they take forward to City Council. **D. Roemhildt** pointed out that his development was the only one down there of the future proposed developments that was going to be a commercial general store. It looks like they are writing laws to suit one use which they are already too late to suit. **Pegau** said that they really have to be doing this in a comprehensive way. **Bailer** said he is not talking about future development, but existing development. Right now they are all in violation of code. They have an issue over the years where they have approved these site plans and building permits and they are in violation of the existing code. **Pegau** agreed it was a big issue and thinks they need to spend time addressing it. There is nothing dependent on them changing code tonight. If the code is adopted after the business is in place it only comes into effect if there is 50% damage to the build. They don't have to change

the code to go around the existing businesses and it won't affect them unless they have 50% damage.

Upon voice vote, motion to amend failed 0-6.

Nay: Greenwood, Bailer, McGann, Pegau, Baenen, Frohnapfel

Absent: Roemhildt

Bailer verified that they would take up this issue at Pending Calendar.

Upon voice vote, main motion failed 0-6.

Nay: Greenwood, Bailer, McGann, Pegau, Baenen, Frohnapfel

Absent: Roemhildt

c. Discussion on Zoning Change for Lot 2, Block 7A, Tidewater Development Park (Breakwater Fill Lot)

J. Greenwood said that the lot is currently unzoned, and before it goes anywhere it should be zoned. *S. Greenwood* said that the reason she didn't have this as an action item is she wanted them to think about it and agree so that staff can bring this back at the next meeting with a resolution to make the change. *McGann* said that he thought that Waterfront Commercial Park is a good choice for the lot. *Pegau* said that Waterfront Commercial was his first choice, but that it is also abutting Waterfront Industrial and the one big difference between those zones is seafood processing. *Frohnapfel* said that with Waterfront Commercial there is an issue with height restrictions. *S. Greenwood* said that the uses are very different between the two districts.

Frohnapfel asked if the lot was 'Available.' *Bailer* said that it was 'Available' and someone was interested in it. *S. Greenwood* said that in the past when a lot has been leased or in direct negotiation the lot was 'Available' before the process and remains 'Available' after. *McGann* said that they should think about a criteria and priorities for that lot. *Bailer* asked if the next step in this process would be to forward a recommendation to council to make this lot 'Available.' *S. Greenwood* clarified that the lot was currently 'Available.' What she is asking is that they change the zoning prior to it moving forward to council. *Bailer* said that you might want to have council weigh in on this. *McGann* clarified that they were giving a recommendation to council for Waterfront Commercial. *J. Greenwood* said that council doesn't have to agree, but that's what their recommendation will be.

Bailer said he doesn't know if the lot is big enough for a processor, but he would hate to eliminate that option. *S. Greenwood* said that for Waterfront Commercial, the processor cannot be larger than 2,000 square feet. *Pegau* said that the lot could take a much larger processor. *Bailer* said to move forward with Waterfront Commercial, if council agrees then they are good, if not they can kick it back. *J. Greenwood* said he agreed; they are just giving a recommendation. He verified with the commission that there was concurrence on Waterfront Commercial and that it would come back at the next Regular Meeting to be formalized.

d. Land Disposal of Lot 2, Block 7A, Tidewater Development Park (Breakwater Fill Lot)

M/McGann S/Pegau to recommend to City Council to dispose of Lot 2, Block 7A, Tidewater Development Park, commonly known as the "Breakwater Fill Lot" by requesting sealed proposals to lease or purchase the property with the special conditions contained in the staff report.

McGann said he thinks they have the cart way ahead of the horse with this. *Pegau* concurred with *McGann* and said he thinks they should vote it down and wait until they see how it ends up zoned so they will know better how to dispose of it. *J. Greenwood* agreed and said they need to specify zoning first. He said that it just recently became 'Available' and they don't need to rush out and make it go away right away. *Bailer* said he would disagree since they were ready to sell it before it was zoned to the Science

Center. He said if you've got someone looking to spend money he wouldn't mind hearing what they have to say. **S. Greenwood** pointed out that a special condition was that "once issues and concerns related to the zoning of the property have been addressed, the RFP will be released." **Bailer** said he would strike that. **S. Greenwood** asked what they would put in the RFP for the zone. **Bailer** said the same thing they've got in there now. He said to put it out there to see what they get and they can take up the zoning later. **S. Greenwood** said that then you would be zoning based on the use which is spot zoning.

Stavig suggested they refer it back to staff until the zoning has been worked out. **J. Greenwood** said that with the special conditions, nothing would happen until the commission and City Council figured out the zoning.

Upon voice vote, motion **failed** 2-4.

Yea: **Bailer, Frohnappel**

Nay: **Greenwood, McGann, Pegau, Baenen**

Absent: **Roemhildt**

10. UNFINISHED BUSINESS

a. Site Plan Review – Roemhildt Holdings LLC

M/McGann S/Pegau 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.

J. Greenwood said that they had a highly amended site plan that was submitted by Roemhildt Holdings.

M/McGann S/Pegau to amend the motion to approve the site plan submitted on March 9th and remove the special conditions.

McGann said that **Roemhildt** had made major sacrifices to comply with what they asked him. **Pegau** said that **Roemhildt** has made it so the lot meets the requirements. **Frohnappel** said he appreciated that it meets the code, but is disappointed they weren't able to get the first site plan. **Bailer** asked if the site plan meets all of the existing codes. **S. Greenwood** said as she stated in the email she sent to the commissioners, she just got back and she can't guarantee that it does. She is depending on the commission. **McGann** said that he looked at it. **Baenen** said that it looked good to him. **S. Greenwood** said that if they wanted more time for review they could call a Special Meeting.

Upon voice vote, motion to amend **passed** 6-0.

Nay: **Greenwood, Bailer, McGann, Pegau, Baenen, Frohnappel**

Absent: **Roemhildt**

There was confusion about how the amendment changed the main motion as the amendment did not specifically strike or add language to the main motion.

M/Bailer S/Pegau to amend the motion to "I move to recommend to City Council to approve the Site Plan Review requested by Roemhildt Holdings LLC dated March 6, 2015 to construct a commercial/retail building on Lot 5, Block 2, South Fill Development Park."

Upon voice vote, motion to amend **passed** 6-0.

Nay: **Greenwood, Bailer, McGann, Pegau, Baenen, Frohnappel**

Absent: **Roemhildt**

Upon voice vote, amended main motion **passed** 6-0.

Nay: **Greenwood, Bailer, McGann, Pegau, Baenen, Frohnappel**

Absent: Roemhildt

11. PENDING CALENDAR

- a. March 2015 Calendar
- b. April 2015 Calendar

M/Bailer S/Baenen to reconsider the vote on Lot 2, Block 7, Tidewater Development Park, commonly known as "Breakwater Fill Lot."

Bailer said he wasn't sure why it failed. The issue was to move it forward with the special conditions. If they approve it at least it goes to Council and they get to look at it.

Pegau called a point of order as a motion to reconsider has to come from someone who voted with the majority. *Bailer* said negative.

Upon voice vote, motion to reconsider failed 3-3.

Yea: Bailer, Baenen, Frohnapfel

Nay: Greenwood, McGann, Pegau.

Absent: Roemhildt

The commission decided to hold a Work Session on March 31st at 6:30 PM for Chapter 18.39 - Waterfront Commercial Park District.

Pegau verified that the zoning change for the Breakwater Fill Lot would be at the next Regular Meeting.

12. AUDIENCE PARTICIPATION

D. Roemhildt thanked the commission for approving the site plan. He suggested a way for dealing with 18.39 and 18.48 that was simple. The rules for 18.39 have been established for 30 years and the place is fully occupied with the exception of three lots that remain to be built on. However the parking restrictions are out of whack. You could add in 18.39: "Off street parking shall not be required as specified in 18.48. Off street parking shall be required as determined by the Planning Commission. The Planning Commission shall consider the requirements of 18.48 as a guide in determining the off street parking requirements in the WCP." You've got three lots left to develop. Use 18.48 as a guide which is exactly what it is. It comes out of Builder's Standards published in the Eisenhower administration about how many parking spaces are needed in Kansas; it is not necessarily meant for Cordova. His suggestion is that someone could reconsider and make that motion right now.

13. COMMISSION COMMENTS

Pegau appreciates all the effort that everyone put in. The commission needs to spend the time to take a look at code. They need to be looking at it as part of a comprehensive packet.

Baenen would like to see the South Fill parking issue dealt with because it's changed someone's building. He's disappointed with the whole process that they spent the whole month dealing with. He hopes they can move forward. It's a small step, but a giant leap for the area.

McGann said he would appreciate seeing the revised sections of codes online. He encouraged the commission to think about the breakwater lot and what their criteria for judging proposals is going to be.

14. ADJOURNMENT

M/McGann S/Pegau to adjourn the Regular Meeting at 8:32 PM; with no objection, the meeting was adjourned.

Approved:



John Greenwood, Chair



Leif Stavig, Assistant Planner

