

**PLANNING COMMISSION REGULAR MEETING
APRIL 14, 2015 AT 6:45 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *John Greenwood* called the Planning Commission Regular Meeting to order at 6:45 PM on April 14, 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, Allen Roemhildt, and Mark Frohnafel.*

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

3 people were in the audience.

3. APPROVAL OF AGENDA

M/Bailer S/Pegau to approve the agenda for April 14th, 2015.

Upon voice vote, motion passed 7-0.

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

4. APPROVAL OF CONSENT CALENDAR

M/Bailer S/McGann to approve the Consent Calendar.

Upon voice vote, motion passed 7-0.

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

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. Letter of Interest from Laura and Ardy Hanson
- b. US Army Corps of Engineers Public Notice

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience Comments regarding agenda items

Ardy Hanson, 310 Railroad Row, thanked the commission for hearing him today. Hanson said that he has been trying to buy the land behind his house for a while now to maintain the green area. He does not want to see it developed. He would be interested in purchasing a portion of it or come to some sort of agreement about it. He has done some research and one issue he has is that once land has been titled it is hard for any stipulations to be on the land. If you want to maintain a greenbelt if it is in a private title the owner can take out what they want.

David Roemhildt, Mile 6 Copper River Highway, spoke in favor of the changes in code to the Waterfront Commercial Park District. He also wanted to voice caution on the agenda item to make the Library and Museum lots 'Available.' His suggestion is that the Planning Commission should do all the heavy thinking on this and not just pass it to council. They should consider all of the options that could come into play for

the property. From attending the meetings it appears that from the City Council side there is not as much of an understanding of what's going on with land development.

8. PLANNER'S REPORT

S. Greenwood said that there was a Robert's Rules of Order training with the City's attorney. She said that there was a water leak on Second Street.

Frohnapfel verified that the land owner request to purchase that withdrew was *Brent Davis*. *McGann* asked if they had adequate setbacks. *S. Greenwood* said that they met the setbacks prior to their interest in purchasing the lots.

9. NEW/MISCELLANEOUS BUSINESS

a. Resolution 15-05 – Making Lots 12-18, Block 6, Original Townsite 'Available'

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska that Lots 12-18, Block 6, Original Townsite be updated to 'Available' and added to the 2015 Land Disposal Maps

M/McGann S/Bailer to approve Resolution 15-05.

McGann said that just making it 'Available' doesn't do anything. They can take their sweet time to decide what they want. They don't have to accept any proposals. *Bailer* agreed with *McGann*. He said that basically this is putting a sign up saying that this is "For Sale." There is a lot of work to be done. *Pegau* said that they have been working hard to make lots 'Available' once a year rather than every meeting. He encourages them to stick to that. With this particular lot he is really concerned about parking with the Cordova Center. They need to look at if they have everything the City needs in that area before they open this up. They should take their time and not put the "For Sale" sign up while the lights are still on and the building is still occupied. *Baenen* said that they can move forward with getting the buildings out of there. He doesn't want to see the buildings there anymore. He wants to move forward with as soon as the City is out of the building to put the buildings up for sale to see if anyone is interested in taking them. Then they would have the clean lot and they could decide what they wanted there. *Frohnapfel* said that he thinks they owe it to the community to make the buildings go away once the Cordova Center is done.

Pegau said that they were talking about the building, but that the resolution was for the land. *McGann* said by making it 'Available' it does free them up for the next agenda item. *S. Greenwood* said that her interpretation of 'Available' means the building and the land. She never thought of it as only the land.

Pegau said that he didn't think the building was a building that you could just purchase and move. *Baenen* said that it was moveable. He said he just wanted to make the building 'Available' and not the land. *Bailer* said that making the land 'Available' is exactly what you want to do to get the developers thinking. *Randy Robertson*, City Manager, said that council's intent was to start the process now.

Upon voice vote, resolution passed 6-1.

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

Nay: *Pegau*

b. Disposal of Lots 12-18, Block 6, Original Townsite (Library & Museum)

M/Bailer S/McGann to recommend to City Council to dispose of Lots 12-18, Block 6, Original Townsite and the improvements thereon by requesting sealed proposals to lease or purchase the property with the special conditions contained in the staff report.

McGann said that he wanted to change the special conditions so that they would only be disposing of the buildings.

M/Pegau S/McGann to amend the motion to strike 1b and 1c from the special conditions.

Bailer said he didn't understand why you want to limit it. The end result is to sell the property. **Pegau** said that the purpose is to ask whether or not there is interest in the buildings alone to give them more time to think about what they want to do with the land. **Baenen** said that they needed to ask for proposals on the building first.

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

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

Upon voice vote, amended main motion passed 7-0.

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

c. Land Disposal of Lot 15, Block 6, USS 2981

M/Bailer S/Baenen to recommend to City Council to dispose of Lot 15, Block 6, USS 2981 by negotiating an agreement with Ardy and Laura Hanson.

Bailer asked if it was a buildable lot and if it was practical to build on. **S. Greenwood** said that it was 4,000 square feet, but that it was steep and access is difficult. **Bailer** asked why there was a letter from 10 years ago in the packet. **Hanson** said that the City told him at that time they were not in the business of selling land. **Frohnapfel** verified that the lot was not subdivided as the adjacent lots were. **Baenen** asked where this lot was in relation to the steep rock wall. **Stavig** said it was further down Chase Ave. from this lot. **Pegau** said that when they looked at the disposal of the lots adjacent to this one they added a special condition that a greenbelt easement be added.

M/Pegau S/Baenen to amend the motion by adding a special condition to put a 20 foot greenbelt easement on the section closest to Chase Avenue.

Bailer said because it was direct negotiation that could be something to get negotiated. **Bailer** asked the commission if for consistency they should put the lot out for proposals. **Frohnapfel** said that for the **Davis** lots they did direct negotiation. **Bailer** asked if the greenbelt was necessary and if it could be enforced. **J. Greenwood** suggested selling a portion of the lot. **Hanson** said with the greenbelt there is no obligation that the owner has to stick to it. **J. Greenwood** said that if they want to maintain a greenbelt than they need to maintain ownership. **S. Greenwood** said that it is currently zoned Parks and Open Spaces and there is no minimum lot size so a smaller lot would not be nonconforming. **Frohnapfel** said with the current zoning, **Hanson** would not be able to do anything with the lot besides own it and maintain it. **Bailer** said that to maintain a greenbelt they could just keep the lot and make it 'Not Available.' **Hanson** said he would be fine using it as he already is, but he is worried about private property on either side and it could be developed.

Upon voice vote, motion to amend failed 0-7.

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

M/Pegau S/McGann to amend the motion to read "a portion of Lot 15, Block 6, USS 2981."

S. Greenwood said she understood the intent of stating "a portion" and that staff could work with it during direct negotiation. **Bailer** said that he didn't know about doing direct negotiation for a piece of property adjacent to other privately owned lots. **S. Greenwood** said it was not zoned residential and the adjacent lots are.

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

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

Upon voice vote, amended main motion passed 7-0.

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

d. **Resolution 15-06 – Code Change for Waterfront Commercial Park District**

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 Chapter 18.39 to change the requirements in the Waterfront Commercial Park District and to amend Chapter 18.08 to change and add definitions to Title 18

M/McGann S/Frohnapfel to approve Resolution 15-06.

The commission discussed hotels and motels and decided to pick the new, simplified definitions.

S. Greenwood told the commission that the way the code reads now is offices associated with a permitted principal use are a permitted use. *Pegau* recommended striking it. The commission agreed to remove it.

S. Greenwood said that they had a long discussion about setbacks and yards at the last meeting. The setback is the measurement from the building to the lot line and the yard is the space in between. She said she wanted to the commission to understand if they change it to “setback” they would be making nonconforming buildings. Anyone who has eaves currently in the setbacks are going to become nonconforming. *Pegau* asked if the setback was from the lot line to the first part of the building or to the foundation. *S. Greenwood* said that by taking out the yards section of code no part of a building could be within the required setbacks. *Bailer* said that if a building is built to the current code and the code changes that does not make the building nonconforming. *S. Greenwood* said that it would be nonconforming. *Stavig* said if a building is legally constructed and the code changes and the building doesn’t meet the new requirements it is nonconforming. *S. Greenwood* said that the code doesn’t allow nonconforming buildings to be added to. *Baenen* said he was not for the code change if it would change things like that. *McGann* said that they have setbacks for a reason. Allowing someone to put a three foot stairwell in a five foot setback does not make sense to him. *Bailer* said it was news to him that you could build a building that met code for 2000 and then in 2015 you change the code and it becomes nonconforming. He finds that troublesome. *J. Greenwood* said that it is too much of a burden for property owners. *Pegau* said that they need to be able to make code changes. There will be uncomfortable consequences to make change, but they have to be willing to do that to create the city that they want. *Roemhildt* asked if they could add a date to grandfather the buildings. *Stavig* said that nonconforming is grandfathering. *S. Greenwood* said if you want to tackle the restrictions on nonconforming that is a different section of code. *J. Greenwood* said that at some point they could look at the nonconforming part of code. *Bailer* said he needed to think about it.

McGann asked to add “mean maximum height” to the maximum height of buildings portion of the code.

S. Greenwood said that the site plan review section now just refers to the site plan chapter in code. She spoke with the Fire Marshall and stamped drawings are required for projects over \$150,000.

M/Pegau S/Bailer to refer back to staff.

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

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

e. **Resolution 15-07 – Code Updates Cost**

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska to appropriate twenty-one thousand four hundred dollars for editing and updating Titles 16, 17, and 18 of the Cordova Municipal Code

S. Greenwood said that she needs a budget to do code work. She got a quote from *Holly Wells* (City attorney) for code work, but they need to read it closely because it is not what they just did with Waterfront Commercial Park District.

M/Bailer S/Frohnapfel to approve Resolution 15-07

Bailer asked if the changes to zoning code have to go to the lawyer. *S. Greenwood* said that especially issues with zoning need to go through the lawyer. *Pegau* said when they went through the code in the past they had made changes to zoning boundaries and requirements. *S. Greenwood* said that this quote does not include changes like that. *Frohnapfel* said that while it is expensive, they need to compete and let their quest be known to City Council. Unless they ask for it, they are never going to get it. *Pegau* said he really wants to do this, but he is worried that they are only doing a quarter of the step. The modifications that they made would really impact development in Cordova if it does not involve rezoning. *Roemhildt* asked if they had to go to the lawyer. *Robertson* said that you would not want to touch this with a 10 foot pole without a legal review.

Upon voice vote, resolution passed 7-0.

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

10. PENDING CALENDAR

- a. April 2015 Calendar
- b. May 2015 Calendar
 - i. Reschedule Regular Meeting

The commission agreed to change their May regular meeting to Tuesday, May 19th.

S. Greenwood said they would wait to see what council decided with budgeting for code changes. If they did not go for it, then she would bring the snow load change back at the next meeting since it was an easy change.

Pegau said if the code gets budgeted at some point they will need to review all of the changes they made in the past.

11. AUDIENCE PARTICIPATION

D. Roemhildt said it would be helpful to have a large zoning map or topo map at the meetings. He thinks it would be helpful to have the full text of every code affected by decisions under their review. He would also like the coffee machine in the back of the room. His understanding is that home rule and first class cities have reserved to them all planning, platting, and land-use authorities. While it may be wise to go to lawyers, the code has to be consistent with itself. The process in which codes are adopted is a public process and as long as it is consistent you can do whatever you want.

Bailer told *D. Roemhildt* he was hung up on making an existing building nonconforming and asked for his opinion. *D. Roemhildt* said it would be very troublesome. His building conforms to the proposed changes, but Camtu's, Ilanka, and AC do not and they may need to expand.

12. COMMISSION COMMENTS

McGann said it was a good meeting.

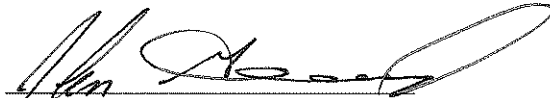
Bailer said with the Library and Museum lots they have had a lot of conversation about what to do with them. He encouraged everyone to talk to others to see what they want. He doesn't know if they have a historic downtown code, but all of these things they need to look at.

Pegau said it looks like they are going to be busy.

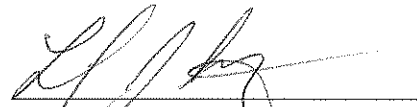
13. ADJOURNMENT

M/Frohnapfel S/McGann to adjourn the Regular Meeting at 8:45 PM; with no objection, the meeting was adjourned.

Approved:



John Greenwood, Chair



Leif Stavig, Assistant Planner