AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA (voice vote)
4. APPROVAL OF CONSENT CALENDAR (voice vote)
   a. Minutes of March 10, 2015 Regular Meeting ................................................................. Page 2-8
   b. Minutes of March 31, 2015 Special Meeting ................................................................. Page 9-12
   c. Record Excused Absence for Allen Roemhildt from the March 10, 2015 Regular Meeting
5. DISCLOSURES OF CONFLICTS OF INTEREST
6. CORRESPONDENCE
   a. Letter of Interest from Laura and Ardy Hanson ....................................................... Page 13-14
   b. US Army Corps of Engineers Public Notice ............................................................. Page 15-19
7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS
   a. Audience comments regarding agenda items (3 minutes per speaker)
8. PLANNER’S REPORT ................................................................. Page 20
9. NEW/MISCELLANEOUS BUSINESS
      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
   b. Disposal of Lots 12-18, Block 6, Original Townsite (Library & Museum) ................. Page 27-29
   c. Land Disposal of Lot 15, Block 6, USS 2981 .............................................................. Page 30-32
   d. Resolution 15-06 – Code Change for Waterfront Commercial Park District .......... Page 33-43
      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
   e. Resolution 15-07 – Code Updates Cost ................................................................. Page 44-45
      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
10. PENDING CALENDAR
    a. April 2015 Calendar ................................................................................................. Page 46
    b. May 2015 Calendar ................................................................................................. Page 47
       i. Reschedule Regular Meeting
11. AUDIENCE PARTICIPATION
12. COMMISSION COMMENTS
13. ADJOURNMENT
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 Frohnapfel. 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, Frohnapfel
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, Frohnapfel
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.

Frohnapfel 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. Frohnapfel 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 *Roehmildt* 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. *Frohnapfel* 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 *Roehmildt* 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. *Frohnapfel* 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 *Roehmildt*. *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.”

*Frohnapfel* 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. Roehmildt* 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
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...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, Bail, 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, Bail, 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.’ Bail 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. Bail 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. Bail 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. Bail 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, Frohnapfel**  
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. **Frohnapfel** 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, Frohnapfel**  
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, Frohnapfel**  
Absent: **Roemhildt**
Upon voice vote, amended main motion passed 6-0.
Nay: Greenwood, Bailie, McGann, Pegau, Baenen, Frohnapfel
Absent: Roemhildt

11. PENDING CALENDAR

a. March 2015 Calendar
b. April 2015 Calendar

M/Bailie 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. Bailie said negative.

Upon voice vote, motion to reconsider failed 3-3.
Yea: Bailie, 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
1. CALL TO ORDER

Chairman John Greenwood called the Planning Commission Special Meeting to order at 6:30 PM on March 31, 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 Frohnapfel. Scott Pegau was present via teleconference.

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

1 person was in the audience.

3. APPROVAL OF AGENDA

\[M/Bailer S/Frohnapfel\] to approve the Agenda.

Upon voice vote, motion passed 7-0.

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

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

6. NEW/MISCELLANEOUS BUSINESS

a. Waterfront Commercial Park District Discussion

S. Greenwood said it was up to the commission to decide what they wanted to do. Any boundary changes require public notice and public hearing and they do not have money for the lawyer, so they would need to ask City Council for that. Frohnapfel asked why fueling piers were eliminated from the permitted principal uses. S. Greenwood said that they had moved it to a conditional use.

S. Greenwood said that in the past the commission was moving towards creating a Harbor Services District which would include the South Fill, the area zoned Economic Development, the Reluctant, and Trident. The work stopped because of funding and work. Any zoning change requires a fair amount of legal review and staff time. J. Greenwood said that they didn’t have to go down the road of Harbor Services District; that is just the history of what has been done. Frohnapfel said he keeps going back to the South Fill and how there wouldn’t be a lot of people that wouldn’t be grandfathered. Baenen said that he doesn’t look at it as grandfathered; the code has always been there when all those places were built. It was either overlooked or they went forward without variances. S. Greenwood said that the idea of a zoning code is what you want it to look like. Frohnapfel said that he thinks they are hitting their heads against the wall for a small user group since there are only a couple lots left to be developed. Roemhildt said that in the future the City might fill and add more area to the proposed district. Baenen said that he was thinking they would deal with the parking issue and bring everyone into compliance at the same time instead of getting involved with
what’s in the packet. **S. Greenwood** said the goal of the Harbor Services District was to get everyone around the harbor in the same district rather than having it piecemeal the way it is now.

**Pegau** said that the Harbor Services District was modeled off of the Waterfront Commercial Park District, so one of their options is to use the language that they came up with and not worry about changing the boundaries at this point. That way they are setting themselves up so if they plan on extending the district in the future they would be able to change the boundaries. **J. Greenwood** said that he likes the idea of the Harbor Services District, but is not sure of the reality with the state of the City’s funding. **Frohnapfel** said it would be better to address each area as it is zoned now to meet 2015. **J. Greenwood** said that he would not be opposed to rolling the language over to the Waterfront Commercial Park District without changing any boundaries.

After discussion, the commission decided to combine the Harbor Services District’s purpose statement with the Waterfront Commercial Park District’s purpose and to have staff present it at the next meeting.

**Bailer** verified that the permitted uses were more encompassing than before and that the bigger change was that fueling piers would become a conditional use and they added research, educational, and cultural centers. He asked if by permitting offices and warehouses they are opening themselves up to a 500 square foot office. **S. Greenwood** said that office have to be associated with a permitted principal use. **Bailer** said that they wanted businesses. **J. Greenwood** said they should move it to accessory or conditional use. **Pegau** said to put it under a permitted accessory use. **S. Greenwood** verified that an office building would not be a permitted use.

The commission agreed to keep seafood processing and smoking as a conditional use.

The commission discussed “commercial outside storage” as a conditional use and agreed to keep it. **S. Greenwood** said that under the conditional use section of code there are additional uses that could also occur.

The commission decided to eliminate the lot area requirements because the setbacks already reduce the buildable area. **McGann** said they needed to define setbacks. **S. Greenwood** said that a yard is a clear and open view from the ground to the sky. A setback is the measurement from the wall to the lot line.

**S. Greenwood** said that in the past they had discussed allowing smaller lots so that they could allow more business development. Especially if there was ever sheet pile and fill where there could be small commercial areas. The commission decided to leave the existing minimum lot requirements.

The commission discussed the minimum setback requirements. **Bailer** said that he thinks they should leave it as it is until they are willing to address yard and setback requirements for the whole city. The commission decided to eliminate the word “yard” and use “setback” instead. The intent was to not allow any of the encroachments permitted in a yard.

**J. Greenwood** asked if there was anything in the maximum height that they wanted to change. **McGann** said that one thing to be aware of was that the International Building Code defines the building height as average height of the roof. The commission decided to not make any changes.

**Pegau** said that for the required off-street parking it should only comply with Chapter 18.48. **S. Greenwood** said that in the existing code there is a section which says parking areas shall be separated from property lines. **Stavig** said it was so you would have a driveway going in with a hard curb on the rest of the front of the lot.

**Bailer** said that the City already has an adopted sign code so it doesn’t need to be addressed.
S. Greenwood said that the other thing that they took out of the existing code was the minimum lot elevations.

S. Greenwood said that the existing code has a requirement for a drainage plan in the site plan review. She said that one thing they had talked about in the past was having architect stamped drawings. Frohnapfel said that he thought it was worth the investment. Bailer said on the plus side at least people would have a better idea of what their building was going to cost. Frohnapfel said that with a stamped drawing you’re going to meet a lot of the other requirements for a site plan review. S. Greenwood said that she would talk to the Fire Marshal because he may already be requiring engineered drawings for different types of development. Frohnapfel said that he likes the approval process for the color scheme.

S. Greenwood said that her plan of action would be to bring this back as a resolution which would be a recommendation to the City Council for the code change and also requesting funds. She asked if they wanted to do a Public Hearing for the code changes. They must have a Public Hearing for boundary changes, but it is optional for code changes. The commission agreed to hold a Public Hearing before the next Regular Meeting on the proposed code changes.

7. UNFINISHED BUSINESS

a. Land Disposal of the Breakwater Fill Lot

M/McGann S/Bailer to recommend to City Council to dispose of the Breakwater Fill lot as an unzoned lot by requesting sealed proposals to lease or purchase the property with the special conditions contained in the staff report.

McGann said he was wondering what council’s thinking was on not zoning the lot. S. Greenwood said that the council did not want to lose any opportunities. Bailer said that the two zones which were discussed were the Waterfront Industrial and Waterfront Commercial Park District. He said that Waterfront Historical was also thrown out there. S. Greenwood said that if you read the purpose for Waterfront Historical it doesn’t make any sense. Frohnapfel verified since the lot was touching both zones it could be either one. S. Greenwood said the Request for Proposals (RFP) would clarify that the lot could be either of those zones.

M/Bailer S/Baenen to amend the motion to add a special condition that uses will meet the Waterfront Commercial Park or Waterfront Industrial District requirements.

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

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

Pegau said that at the last meeting they discussed how this was a special lot and when they put the RFP out they need to craft the language carefully to identify the type of business they would like to have on it so they aren’t constantly opening the lot up and saying that they didn’t like the proposals. He is concerned that they are in such a hurry to open up the property again that they aren’t thinking how they would craft the RFP. This is the lot that is the entry point for Cordova for anyone coming in on a boat. Bailer said he agreed, and council has talked about putting criteria on this lot. S. Greenwood said that now is the time to put more criteria on it because it’s not coming back until the proposals come back. Pegau said that he hasn’t had time to come up with criteria because the movement on the lot has been so fast. Bailer said council’s intent was to get the lot out there as available because since day one the Science Center has been in negotiations for the lot. Baenen said it’s almost easier to say what you don’t want out there than what you do. There is such a vast amount of items that could go out there; it is like looking at the stars. S. Greenwood said that the criteria that they have created always goes out with the packet.

Upon voice vote, main motion passed 6-1.

Yea: Greenwood, Bailer, McGann, Baenen, Roemhildt, Frohnapfel
8. AUDIENCE PARTICIPATION

James Burton said that he wanted to make sure he was there to follow along with the spirit of what happened.

9. COMMISSION COMMENTS

Pegau appreciated the change to the motion to clarify that the lot was for Waterfront Commercial Park and Waterfront Industrial District. He also appreciated the material that the staff provided to remind him of all that they had done.

J. Greenwood thanked everyone for taking time for the Special Meeting. He thinks that they got a lot done.

10. ADJOURNMENT

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

Approved: ____________________________ John Greenwood, Chair

______________________________
Leif Stavig, Assistant Planner
March 5, 2015

City of Cordova,

We are interested in purchasing a portion of city-owned property. Lot 15, Block 6—It is located directly adjacent to the our residence at 310 Railroad Row. Our objective is to maintain a greenbelt behind our home. We are interested in negotiating a price with the City of Cordova regarding this property. Please inform us on the next step to take in order to purchase this property.

Thank you,

Ardy Hanson

Laura Hanson
424-3749
PO Box 2575
Cordova, AK 99574
August 8, 2005

Scott Hahn,  
City Manager  
City of Cordova,  

We are interested in purchasing city-owned property. Lot 15, Block 6---It is located behind our residence at 310 Railroad Row (Lots 13 & 2, Block 6, USS 828 & USS 2981). The only other access to this property, other than through our property or other privately owned property is an unmaintained alley way. Our objective is to enhance and further upgrade the landscaping of the area on this small lot directly adjacent to our home. We are interested in negotiating a price with the City of Cordova regarding this property. Please inform us on the next available steps to take in order to purchase this property.

Thank you,

Ardy Hanson

Laura Hanson  
424-3749  
PO Box 2575  
Cordova, AK 99574
Public Notice of Application for Permit

PUBLIC NOTICE DATE: March 30, 2015
EXPIRATION DATE: April 28, 2015
REFERENCE NUMBER: POA-2014-432
WATERWAY: Scott River

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Shane McCoy at (907) 753-2715, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at shane.m.mccoy@usace.army.mil if further information is desired concerning this notice.

APPLICANT: U.S. Forest Service – Chugach National Forest, POC: Mr. David Zastrow, Post Office Box 280, Cordova, Alaska 99574

LOCATION: The project site is located within Section 2, T. 16 S., R. 2 W., Copper River Meridian; USGS Quad Map Cordova C-5; Latitude 60.5091° N., Longitude 145.5438° W.; mile point 9.5 Copper River Highway at the Sand Trail trailhead, in Cordova, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Chugach National Park.

PURPOSE: The applicant’s stated purpose is to provide nearby and safe access to public lands accessed by Sand Trail, while improving critical salmon spawning habitat. Currently, there is no safe place to park vehicles and vehicles with off-highway vehicle trailers at the Sand Trail trailhead. The closest location to safely park these vehicles is 2.5 miles west from the trailhead, where both recreational and subsistence users are accessing public lands (at mile point 7 Copper River Highway). However, access to public lands at this area is restricted to subsistence users only, and the user created trails at this location cross and disturb critical salmon spawning and rearing habitat in the Ibeck Creek drainage.
PROPOSED WORK: The U.S. Forest Service (USFS) proposes to discharge up to 6,700 cubic yards of clean gravel fill material into 0.68-acre of wetlands in order to create a driveway and parking area for the Sand Trail trailhead. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated March 16, 2015.

ADDITIONAL INFORMATION: The USFS is the lead federal agency for the proposed project.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The site for this project was selected for its location adjacent to the existing Copper River Highway, an existing Alaska Department of Transportation levee, and previously establish Sand Trail to avoid any additional impacts to the surrounding wetlands. The parking area would incorporate the existing fill slopes of the road and levee to avoid additional impacts and the existing trail follows the Scott River along a raised and well drained bank. The proposed project also avoids impacts to wetlands by getting off-highway vehicle users to travel on a “wetland-friendly” trail, rather than the user-created trails elsewhere that are damaging salmon streams.

b. Minimization: The proposed project design limits fill discharges to the minimum amount required for raising the parking area high enough to create a solid base. The lot size is also minimized to accommodate a maximum of 8 vehicles with trailers. It has been determined that this is the minimum amount of parking spaces required to meet the public needs for access.

c. Compensatory Mitigation: The proposed project is part of a larger effort by the USFS and Alaska Department of Fish and Game (ADF&G) Habitat Division, to designate off-highway vehicle trail routes in the Scott Glacier Valley to avoid, minimize, and mitigate the effects caused by off-highway vehicles users in critical salmon spawning and rearing habitat. User created off-highway vehicle trails throughout the valley has had a number of adverse effects on coho salmon spawning and rearing habitat. Off-highway vehicle users cross streams causing bank erosion, introduce fine sediments into salmon spawning gravel, destroy riparian vegetation, and potentially injure adult and juvenile salmon, including the incubating eggs. There were an estimated 80 stream crossings and 5 to 6 miles of user-created trail in the upper Ibeck Creek/Scott Glacier area, which is prime spawning habitat for coho salmon.

To address these problems the USFS and the ADF&G have worked together to make sections of the upper Sand Trail more "fish friendly." They have been able to reroute the trail to eliminate 14 anadromous stream crossings and revegetate the banks. Four stream crossings were unavoidable. Where stream crossings have been necessary, they have hardened the banks to prevent erosion and sedimentation. The user created trails are now blocked off and an additional two miles of new trail has been added to Sand Trail redirecting off-highway vehicle users away from critical salmon spawning and rearing habitat.

The Sand Trail parking lot would provide safe, convenient access to the start of what would become the designated off-highway vehicle route into the valley. Without a designated trail, riders create their own routes that frequently cross salmon streams, or for lack of better trails, simply follow shallow stream channels. In FY15 another three miles would be added to Sand Trail to complete the route and stream bank restoration would be completed at the remaining user created stream crossings.
Preservation – the parking lot and the Sand Trail would provide an alternative to the user-created trails that are damaging wetlands and fish habitat. Thus, this proposed project would help to preserve the wetlands in those areas.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**CULTURAL RESOURCES:** The lead Federal agency, the USFS, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. In the “Sand Trail Vehicle Parking Area Environmental Assessment,” (USFS; January 2015) the USFS made the determination of “No Historic Properties Affected.”

**ENDANGERED SPECIES:** The lead Federal agency, the USFS, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. In the “Sand Trail Vehicle Parking Area Environmental Assessment,” (USFS; January 2015) the USFS made the determination that habitat for threatened and endangered species does not exist in the project area and no threatened and endangered species would be affected. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Government Slough, which is near the proposed project area, provides EFH for coho salmon (*Oncorhynchus kisutch*) and eulachon (*Thaleichthys pacificus*). We have determined the described activity would not adversely affect EFH in the project area, as a major purpose of the proposed project is to improve the area's critical salmon habitat.

**TRIBAL CONSULTATION:** The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof.

Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency’s 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Commander
U.S. Army, Corps of Engineers

Enclosures
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers’ Public Notice No. POA-2014-432, Scott River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer’s Public Notice.
Planner’s Report

To: Planning Commission
From: Planning Staff
Date: 4/10/15
Re: Recent Activities and Updates

- Two building permits issued since last Planning Commission Regular Meeting.
- Received 50% drawings from engineers for Nicholoff and Harbor Loop Rds. Paving reviewed with Engineers
- Winters and Ocean Beauty have closed.
- Land owner who requested to purchase property along railroad and above chase has withdrew request.
- Mobile grid lease with option to purchase and ordinance will be on the April 15th City Council meeting
- RFP created and currently being advertised- close May 1st will be on the May 12th P&Z meeting – Shipyard lease, lot on 3rd street and Impound lot.
- Recycle signs have been placed on the recycle containers in the south fill. Additional recycle containers will be placed seasonal in the snow dump behind library and museum. Parking will be designated for summer in the lot as well.
- Aluminum can recycle dumpster being place at Reluctant working with other businesses
- Clean up Day is May 2.
- LT2 drawings are moving towards 95%.
- State loan/grant funding has been extended through June of 2016
- Remember snow in April is good for water in July
- Submittals for Safe Routes to School were received and reviewed by engineering company
Memorandum

To: Planning Commission
From: Planning Staff
Date: 4/10/15
Re: Resolution 15-05 – Making Lots 12-18, Block 6, Original Townsite ‘Available’

PART I – GENERAL INFORMATION

Requested Action: Recommendation to City Council
Legal Description: Lots 12-18, Block 6, Original Townsite
Lot Area: Each lot area = 2,500 SF; Total Area = 17,500 SF
Parcel Number: 02-173-512, 513, 514, 515, 516, 517, 518
Zoning: Central Business District
Location Map: Attachment A

PART II – BACKGROUND

In the 2015 Land Disposal Maps, Lots 12-18 are currently shown as ‘Not Available.’ At the City Council Regular Meeting held on April 1st, the council had a discussion about the Library and Museum and expressed the desire to begin the disposal process for these lots.

The attached location maps show the seven lots used by the Library and Museum outlined in green. These are the lots to be made available. The City-owned lots behind the existing Library and Museum are outlined in blue. These are shown just for reference and will remain ‘Not Available.’

Once the lots are made ‘Available’ by City Council, the disposal process can begin.

PART III – APPLICABLE CRITERIA

Map designations on the 2015 Land Disposal Maps:

Available – Available to purchase, lease, or lease with an option to purchase.

Not Available – The identified property is NOT available for sale. A response will be sent to the interested party stating that the parcel is not available for purchase. These parcels include protected watersheds, substandard lots, snow dumps and other lots used by the city.

Tidelands – All requests to purchase tidelands will be reviewed by the Planning Commission as they are received. The Planning Commission will make a recommendation on disposing of the tidelands to City Council.

Leased – These are lots currently leased to a business or government entity by the City and are not available during the lease term. There are leases that are short term and renew every two years and others are long term leases with substantial improvements on the property. At the end of the lease term the property becomes available for disposal.
PART IV – STAFF RECOMMENDATION

Staff recommend that the Planning Commission make a recommendation to City Council to make Lots 12-18 available by approving the resolution.

PART V – SUGGESTED MOTION

“I move to approve Resolution 15-05.”
Attachment A – Location Map

Owned by Rankin

City-Owned Lots 12-18 to be made Available

Owned by CTC

City-Owned Lots - Parking Area and Snow Dump
Attachment A – Location Map cont.
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

WHEREAS, the City of Cordova’s City Manager and City Planner are directed by Cordova Municipal Code Section 5.22.040(D): The city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting; and

WHEREAS, the City of Cordova’s Planning Commission has determined that updating the 2015 Land Disposal Maps at this time to make Lots 12-18, Block 6, Original Townsite ‘Available’ is important to maintain consistency with land disposal process; and

WHEREAS, the City of Cordova’s Planning Commission has determined that Lots 12-18, Block 6, Original Townsite should be designated as ‘Available’ on the 2015 Land Disposal Maps in order to consider disposal; and

WHEREAS, the City of Cordova’s Library and Museum are being relocated to the Cordova Center and there is no need for the City to retain the building or land where they were once located; and

WHEREAS, having updated maps will benefit the citizens of Cordova by providing maps for public review.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend 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.

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2015

______________________________
John Greenwood, Chair

ATTEST:

______________________________
Samantha Greenwood, City Planner
Memorandum

To: Planning Commission
From: Planning Staff
Date: 4/10/15
Re: Disposal of Lots 12-18, Block 6, Original Townsite (Library & Museum)

This action item is contingent on the Planning Commission passing Resolution 15-05 with the area designated as ‘Available’ and if this has not occurred then no action should be taken. Any action on this item is still pending City Council concurrence on designating this area ‘Available.’

PART I – GENERAL INFORMATION

Requested Actions: Recommendation to City Council on Disposal Method
Legal Description: Lots 12-18, Block 6, Original Townsite
Lot Area: Each lot area = 2,500 SF; Total Area = 17,500 SF
Parcel Number: 02-173-512, 513, 514, 515, 516, 517, 518
Zoning: Central Business District
Location Map: Attachment A

PART II – BACKGROUND

Typically, the disposal process for City property does not begin until the City has received a letter of interest on a piece of property shown as ‘Available’ on the Land Disposal Maps. At their April 1st meeting City Council expressed an interest in beginning the disposal process now since the Museum and Library will be relocating to the Cordova Center in the latter part of 2015.

Council discussed issuing a Request for Proposals (RFP) that was open-ended in that someone could submit a proposal for just the building in order to relocate it, the land with no improvements, or the building and the land. Council also indicated that they did not want to retain any of these lots for parking.

Staff have created Special Conditions that address the unique circumstances of these lots. Please consider these carefully as they will impact the RFP.

In accordance with the Cordova Municipal Code, the Planning Commission will give a recommendation to City Council of how to dispose of the property.

PART III – APPLICABLE CRITERIA

5.22.040 DISPOSAL OF CITY REAL PROPERTY – Application to lease or purchase.
   E. The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

5.22.060 DISPOSAL OF CITY REAL PROPERTY – Methods of disposal for fair market value.
   A. In approving a disposal of an interest in city real property for fair market value, the council shall select the method by which the city manager will conduct the disposal from among the following:
1. Negotiate an agreement with the person who applied to lease or purchase the property;
2. Invite sealed bids to lease or purchase the property;
3. Offer the property for lease or purchase at public auction;
4. Request sealed proposals to lease or purchase the property.

PART IV – SPECIAL CONDITIONS

1. Proposals will be requested for the following:
   a. The old Library/Museum building to be purchased and relocated.
   b. The land with no improvements. Proposals may be for individual or any combination of lots being disposed. (Additional costs for demolition of building may be added)
   c. The land with the existing building.

PART IV – STAFF RECOMMENDATION

Staff recommend disposing 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.

PART V – SUGGESTED MOTION

“I move 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.”
Memorandum

To: Planning Commission  
From: Planning Staff  
Date: 4/10/15  
Re: Land Disposal of Lot 15, Block 6, USS 2981

PART I – GENERAL INFORMATION

Requested Actions: Recommendation to City Council on Disposal Method  
Legal Description: Lot 15, Block 6, USS 2981  
Lot Area: 4,649 SF  
Parcel Number: 02-373-138  
Zoning: Parks and Open Space District  
Location Map: Attachment A

PART II – BACKGROUND

3/5/15 - The City has received a letter of interest from Ardy and Laura Hanson (see Correspondence) for Lot 15, Block 6, USS 2981. Attached to the current letter is the letter they sent in 2005 trying to purchase the property.

In accordance with the Cordova Municipal Code, the Planning Commission will give a recommendation to City Council of how to dispose of the property.

PART III – APPLICABLE CRITERIA

5.22.040 DISPOSAL OF CITY REAL PROPERTY – Application to lease or purchase.
   E. The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

5.22.060 DISPOSAL OF CITY REAL PROPERTY – Methods of disposal for fair market value.
   A. In approving a disposal of an interest in city real property for fair market value, the council shall select the method by which the city manager will conduct the disposal from among the following:
      1. Negotiate an agreement with the person who applied to lease or purchase the property;
      2. Invite sealed bids to lease or purchase the property;
      3. Offer the property for lease or purchase at public auction;
      4. Request sealed proposals to lease or purchase the property.

PART IV – STAFF RECOMMENDATION

Staff recommend disposing of Lot 15, Block 6, USS 2981 by negotiating an agreement with Ardy and Laura Hanson.
PART V – SUGGESTED MOTION

“I move to recommend to City Council to dispose of Lot 15, Block 6, USS 2981 by negotiating an agreement with Ardy and Laura Hanson.”
Memorandum

To: Planning Commission
From: Planning Staff
Date: 4/10/2015
Re: Resolution 15-06 – Code Change for Waterfront Commercial Park District

PART I – GENERAL INFORMATION

3/10/2015 P&Z requested a work session for 18.39
3/31/2015 Special meeting Chapter 18.39 was reviewed and edited

At the 3/31/2015 meeting the commission decided to not change any boundaries for the Waterfront Commercial Park (WCP) District and not to change the district to Harbor Service District. While not opposed to the Harbor service boundaries and language the commission felt at this time the undertaking of changing boundaries would be too much. The Commission did feel that the editing of the language of the for harbor commission district was still applicable for the WCP and wanted to incorporate that language into their edits.

Attached is the edited version from the meeting. Below is additional information and suggestions for review after researching and reviewing the edits.

Definitions – changed or added

Business services is a general term that describes work that supports a business but does not produce a tangible commodity

Hotel is a commercial establishment offering lodging to travelers and often having restaurants, meeting rooms, stores, etc., that are available to the general public

Motel provides travelers with lodging and free parking facilities

Setback the distance from property line within which building is prohibited

18.39.020 - Permitted principal uses and structures.

The definition of retail business encompasses A, B, D, G, I, J, L. I suggest we eliminate those specific types of retail business.

D. Hotels Do we want to limit to just hotels or add motel

Hotel is defined in City Code as

18.08.340 - Hotel. "Hotel" means any building or group of buildings in which there are six or more guest rooms used, designed or intended to be used for the purpose of offering to the general public food or lodging, or both, on a day-to-day basis.
Suggested edited definition

**Hotel** is any building or group of buildings designed or intended to be used for the purpose of offering to the general public food or lodging, or both, on a day-to-day.

Do we want to put a limit on the number of rooms available?

**Motel is defined in code as**

**18.08.450 - Motel.** "Motel" means a group of one or more detached or semi-detached buildings containing two or more individual dwelling units and/or guest rooms designed for or used temporarily by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designed as auto courts, motor lodges or tourist courts

Suggested edited definition

**Motel** provides travelers with lodging and parking facilities

E. Offices associated with permitted principal uses;

Would adding building after office clarify what we want to see here? Are we concerned about an office in the building of a permitted use? Or an actual standalone office building?

E. Offices buildings associated with permitted principal uses

**18.39.070 - Minimum setback requirements**

After spending some time researching “setbacks” and “yards” I came to the conclusion that the setback is how the measurement occurs e.g. from the lot line while yard is the area in the setback. It may be simpler and provide consistency if we leave yard and exclude the provision that allows structures to be in the yard. I would suggest we add this

**18.39.070 - Minimum setback requirements.**

The following are the minimum setback requirements in the WCP district: Section 18.56.020- Yards does not apply in WCP.

A. Front yard, fifteen feet

B. Side yard, five feet

C. Rear yard, five feet.

If we make the change above this will place the majority of properties in the South fill into the nonconforming structure category. Below is an explanation of nonconforming

A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use. A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the
zoning and/or development regulations, no longer fully complies with those regulations. A nonconforming lot is one that, at the time of its establishment, met the minimum lots size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size. State law does not regulate nonconforming uses, structures, or lots. So, local jurisdictions are free, within certain constitutional limits, to establish their own standards for regulation of these nonconforming situations.

IF these buildings do become nonconforming, then the nonconforming section of code has to be applied to future building requests. Below is the current city code.

Chapter 18.52 - NONCONFORMING USES

18.52.010 - Conditions for continuation.

Any otherwise lawful use of land, structure, building or premises (including parking areas), existing at the time the ordinance codified in this title became effective, but not conforming to the provisions hereof, may be continued, provided:

A. That if such nonconforming use is discontinued for a period of over ninety days or is abandoned, the use of such land thereafter shall be subject to the provisions of this title;

B. That no conforming building or building used for a nonconforming use shall be added to, structurally altered, or enlarged in any manner, except as required by another ordinance of the city or by state law, or in order to bring the building, or its use into full conformity with the provisions of this title or Title 16;

C. That no conforming use occupying a conforming building or portion thereof, or occupying any land, shall be enlarged or extended into any other portion of such building or land not actually so occupied at the effective date of the ordinance codified in this title;

D. In cases where a variance is sought from Chapter 18.52, nonconforming single-family buildings shall be exempt from section 18.64.020(A)(2)(a) of this title;

E. Nothing in this section shall be construed to prevent general maintenance on a nonconforming building or building housing a nonconforming use.

18.52.020 - Conditions for occupation or use.

Any building or portion thereof in existence prior to the effective date of this ordinance which is specifically designed or arranged to be lawfully occupied or used in a manner not conforming to the provisions of this title may thereafter be so occupied or used, subject to the limitations set forth above for existing nonconforming uses. The term "in existence" shall include, for the purposes of this section only, any building under actual construction at such date; provided, that such building be completed within one year therefrom.

18.52.030 - Damage or destruction.

A. Except as provided in Subsection B of this section, no building which has been damaged or partially destroyed to the extent of more than fifty percent of its assessed value shall be repaired, moved or altered except in conformity with the provisions of this title.

B. The planning commission may grant a conditional use permit for a telecommunication tower to be repaired or replaced without changing its location, provided that the repaired or replaced telecommunication tower meets all of the requirements for a conditional use permit under Section 18.60.015, except the requirements in Section 18.60.015(C)(7) and (9).

18.52.040 - Applicability.
The provisions of this chapter shall apply to uses which become nonconforming by reason of any amendment to the ordinance codified in this title, as of the effective date of such amendment.

In summary if these buildings become nonconforming due to the change of not allowing structures in the yard area any request to enlarge or alter the building would have to be denied, among the other restrictions listed above. The applicant could ask for a variance from the nonconforming requirement or appeal to the P&Z board on the building official’s interpretation of the code. Although I would say this section of code is written in a clear manner.

The idea of a nonconforming section of code is provide a fall back for the existing buildings to remain but allow for changes and updates to the city code. I want to make clear the implications to the existing structures if the yard section of code is changed.

The theory of the zoning ordinance is that the nonconforming use is detrimental to some of those public interests (health, safety, morals or welfare) which justify the invoking of the police power. Although found to be detrimental to important public interests, nonconforming uses are allowed to continue based on the belief that it would be unfair and perhaps unconstitutional to require an immediate cessation of a nonconforming use.

18.39.130 - Site plan and architectural review.

I deleted the color and finish requirements because this is a requirement in 18.42 Site Plan review. Currently 18.39 does not clearly state that 18.42 shall dictate the site plan review. Adding “A site plan review will be required and shall comply with chapter 18.42 of this code” clarifies this and provides for the exterior finish and color. If the goal is to only allow the listed types of finishes then we can leave the list in place.

I spoke with the Fire Marshal and he requires AK stamped drawings by the appropriate design specialist if a project is over $150,000 dollars. He said it can be an architect but mechanical drawings have to have a stamp from a mechanical engineer and so on. Since this is a commercial district all building would be required to get a fire, life and safety review prior to the planning department issuing a building permit.
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

WHEREAS, the Planning Commission has determined that the existing code for the Waterfront Commercial Park District is outdated and that amending the code is a benefit to the City and the citizens of Cordova; and

WHEREAS, the Planning Commission has determined that the proposed amendments are in accordance with the purpose of Title 18; and

WHEREAS, the Planning Commission recommend to City Council to accept the proposed amendments.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend 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.

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2015

____________________________________
John Greenwood, Chair

ATTEST:

____________________________________
Samantha Greenwood, City Planner
Definitions to add or update to 18.08 Definitions

Retail business the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

Business services is a general term that describes work that supports a business but does not produce a tangible commodity.

Centers are buildings or groups that promotes culture, arts, education and research.

Hotel is a commercial establishment offering lodging to travelers and often having restaurants, meeting rooms, stores, etc., that are available to the general public.

Motel provides travelers with lodging and free parking facilities.

Setback A distance from property line within which building is prohibited.

Chapter 18.39 - WATERFRONT COMMERCIAL PARK DISTRICT

Sections:
18.39.010 - Purpose.
18.39.020 - Permitted principal uses and structures.
18.39.030 - Permitted accessory uses and structures.
18.39.040 - Conditional uses.
18.39.050 - Prohibited uses and structures.
18.39.060 - Minimum lot requirements.
18.39.070 - Minimum setback requirements.
18.39.090 - Required off-street parking and loading.
18.39.100 - Signs.
18.39.110 - Drainage.
18.39.120 - Minimum finished floor elevations.
18.39.130 - Site plan and architectural review.

18.39.010 - Purpose.

The following statement of intent and use regulations shall apply in the WCP district: The waterfront commercial park district is intended to be applied to land with direct access or close proximity to navigable tidal waters within the city. Structures within the WCP district are to be constructed in such a manner as to be aesthetically consistent with, and reflect the community's marine-oriented lifestyle. Uses within the waterfront commercial park district are intended to be water dependent or water related, and primarily those uses that are particularly related to location, recreation or commercial enterprises that derive an economic or social benefit from a waterfront location.

The purpose of the Waterfront Commercial Park District is provide a mix of commercial and business.
uses, that will promote or benefit the community user either as a service, business or recreation. Uses within the waterfront commercial park district are intended to be water-dependent or water-related, and primarily those uses that are particularly related to location, recreation or commercial enterprises that derive an economic or social benefit from a waterfront location.

(Ord. 612 (part), 1986).

18.39.020 - Permitted principal uses and structures.

The following are the permitted principal uses and structures in the WCP district:

A. **Boat charter services; Retail Service**
B. **Commercial and sport fishing supplies and services; Business Services**
C. Docks and harbor facilities;
D. **Eating and drinking facilities;**
E. Fish and seafood markets;
F. **Fueling piers;**
G. Gift shops;
H. **Hotels;**
I. **Laundromats and laundries;**
J. **Marine-related retail and wholesale stores;**
KE. Offices associated with permitted principal uses;
L. **Recreational goods sales;**
M. **Travel agencies;**
N. **Visitor information center; Research, educational and cultural centers –**
O. Waterfront parks, access paths, and boardwalks.
P. **Public service and municipal buildings.**

(Ord. 612 (part), 1986).

18.39.030 - Permitted accessory uses and structures.

The following are the permitted accessory uses and structures in the WCP district:

A. Accessory buildings;
B. **Parking in conjunction with permitted principal uses and conditional uses;**
C. Outside storage;
D. Processing of seafood where no more than two thousand square feet of gross floor space of structure is used for processing. The smoking of seafood is prohibited.

EB. Watchman’s quarters.

(Ord. 612 (part), 1986).

(Ord. No. 1073, 7-7-2010)

18.39.040 - Conditional uses.

Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted in the WCP district:

A. Commercial Outside storage.
B. Processing of seafood where no more than two thousand square feet of gross floor space of structure is used for processing.
C. Fueling Pier

(Ord. 612 (part), 1986).

18.39.050 - Prohibited uses and structures.

Any use or structure not of a character as indicated under permitted principal uses and structures or permitted under conditional uses is prohibited.

(Ord. 612 (part), 1986).

18.39.060 - Minimum lot requirements.

The following are the minimum lot requirements in the WCP district:

A. Lot width, ninety feet
B. Lot area, nine thousand square feet.

(Ord. 802 § 1, 1998: Ord. 612 (part), 1986).

18.39.070 - Minimum setback requirements.

The following are the minimum setback requirements in the WCP district: Section 18.56.020-Yards does not apply in WCP.

A. Front yard setback, fifteen feet
B. Side yard setback, five feet

Commented [SG1]: This idea is not to have to follow 18.56.020 so instead of changing that section they propose to remove the word yard. Keeping 18.52.020 exceptions for other districts. Maybe should say conditions in 18.52.020 will not apply in the water front commercial park and leave yards keeping that definition of clear and unobstructed.
C. Rear yard setback, five feet.

(Ord. 802 § 2, 1998: Ord. 612 (part), 1986).


The following are the maximum heights of buildings and structures in the WCP district:

A. Principal buildings and structures, 30 feet

B. Accessory buildings and structures, 20 feet.

(Ord. 623 § 1, 1987; Ord. 612 (part), 1986).

18.39.090 - Required off-street parking and loading.

The requirements for off-street parking and loading in the WCP district shall be as set forth in Chapter 18.48 of this code. In addition the following parking requirements shall apply to property in the WCP district:

A. Parking areas and drives shall be limited to fifty percent of the required front yards to provide for landscaping, pathways, or similar nonvehicular improvements.

B. Parking areas in required front yards shall be separated from property lines to provide for the delineation and limitation of access drives.

(Ord. 802 § 3, 1998: Ord. 612 (part), 1986).

18.39.100 - Signs.

Signs may be allowed in the WCP district subject to the supplementary district regulations, the Uniform Sign Code, and as set forth in Chapter 18.44 of this code.

(Ord. 612 (part), 1986).

18.39.110 - Drainage.

The developer wishing to develop land in the WCP district shall be required to submit a drainage plan. Such drainage plan shall address stormwater runoff from the unused portion of the lot, and roof runoff.

(Ord. 612 (part), 1986).

18.39.120 - Minimum finished floor elevations.

In the WCP district, the minimum finished floor elevations as listed shall be adhered to:

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<th>South Fill Development Park</th>
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Block 2, Lot 3 & 25.25 \\
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9 & 25.75 \\
10 & 25.50 \\

Note: Elevation datum based on the following: North Bolt fire hydrant at northwest corner of intersection of Nicholoff Way and Railroad Avenue: Elevation 29.84 feet above M.L.L.W.

(Ord. 612 (part), 1986).

18.39.130 - Site plan and architectural review.

The development plan of any proposed development in the WCP district shall be subject to review by the planning commission. The architectural plans shall, in addition to requirements of Sections 18.39.010 through 18.39.120, include the following:

A site plan review will be required and shall comply with chapter 18.42 of this code.

A. Exterior finish material;

B. Color scheme.

Exterior siding finish of structures shall be wood, stucco, brick or approved metal building material. Color scheme of exterior siding and roof finish shall consist of earth tones.

(Ord. 612 (part), 1986)
Memorandum

To: Planning Commission
From: Planning Staff
Date: 4/10/2015
Re: Resolution 15-07 – Code Updates Cost

PART I – BACKGROUND

In the past we have spent a large amount of time on code revision for Titles 16, less for 17 and 18. Lately, there has been much talk of needing to update/edit Titles 16, 17 and 18. While I do not disagree that there is a need for this to occur there was no funds budgeted for these reviews in this year’s budget and the current workload of the planning staff is reaching a high level.

I have asked Holly (city lawyer) to provide an estimate her cost to review, edit and prepare ordinances for the three titles. Total cost would be $21,400 not including staff time.

The estimate is for amendments meaning that the end product especially for Title 18 is not combining district, planning for the future but more of a cleanup and update of what exists. The quote includes an initial edited version, two revisions, and a memo and ordinance. Staff envisions meeting with Holly with their ideas, edits, and questions for each chapter. Holly would create a red-line version of the chapter that both staff and the P&Z commission would review prior to returning it to her for a revision. Holly would then revise and draft an ordinance and memo for the City Council that would incorporate the edits. At that time it would go to City Council with the potential of one more revision from Holly.

On top of Holly’s time I estimate an average of 5 hours per chapter of staff time. On Holly’s side she believes 3 months would be adequate time for her to work through her portions of the chapters. Incorporating our time into that scenario which would be preparation for the initial meeting with Holly, revisions and the council packet preparation. I believe 4 to 5 months per title would allow staff time while minimizing the impact to current work load.

All that said I also think it’s important that the commission understand the current budget challenges that the city is facing. One revenue source of the City is Forest receipts, which is receive annually from the Federal government. While the amount has been decreasing over the last few years and we have been budgeting less by 10% every year, we were not prepared for the dramatic cut that we received. We recently learned that the forest receipts which the City budgeted in 2015 as $736,000 will be $8,900 dollars for the year. That among cuts looming from the State put the current 2015 City budget in a challenging state. Staff was asked by the City Manager to look at their department budgets and determine where cuts can be made. There has also been a budget meeting scheduled with City Council to discuss the current 2015 budget and prepare for the impacts for 2016.

I have prepared a resolution from P&Z to City Council stating that while the commission is aware of the budget situation they would recommend that City Council appropriate $21,400 from the general fund to update and amend Titles 16, 17 and 18 of the city code. If at this meeting, P&Z determines that do not want to move forward with the funding request, I have spoken with Jon and he believes that the legal review of 18.39 can be billed to the general legal budget line, which is where planning’s legal expenses are charged.
CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 15-07

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

WHEREAS, the City of Cordova’s Planning Commission has determined that editing and updating Titles 16, 17 and 18 of the Cordova Municipal Code is beneficial to the City and the citizens of Cordova; and

WHEREAS, the City of Cordova’s Planning Commission understands that the City currently faces a budget challenge; and

WHEREAS, the Planning Commission feels that the benefits of a clear and updated code would allow for future development and investment in the community.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend 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.

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2015

______________________________
John Greenwood, Chair

ATTEST:

______________________________
Samantha Greenwood, City Planner
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