

**PLANNING COMMISSION REGULAR MEETING
MAY 19, 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 May 19, 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 Frohnafel*. *Scott Pegau* was present via teleconference.

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

9 people were in the audience.

3. APPROVAL OF AGENDA

M/Bailer S/Roemhildt to approve the agenda for May 19th, 2015.

Upon roll call vote, motion passed 7-0.

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

4. APPROVAL OF CONSENT CALENDAR

M/Bailer S/Roemhildt to approve the Consent Calendar for minutes of April 14th, 2015 and the Regular Meeting of April 14th, 2015.

Upon roll call vote, motion passed 7-0.

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

5. DISCLOSURES OF CONFLICTS OF INTEREST

Bailer said he may have a perceived conflict of interest as he has a piece of property within 300 feet of the proposed subdivision (agenda item 9d), but there's no financial windfall or harm for him so he does not see it as a conflict.

Baenen also said that he has a potential conflict of interest due to the same reasons. *Pegau* said that he thinks there is a conflict when the person lives right beside the lot being subdivided.

There was consensus that *Bailer* did not have a conflict of interest.

Pegau said that he saw a conflict of interest with *Baenen* as the property is right next to his house and it could affect it and his view. *Bailer* said that he agrees, but that there is no development at this point and as far as they know it is going to stay a hillside forever. *McGann* said that as he reads it, the replat is to establish the "bone yard" lot. *Pegau* said if that is the case he has no problem. There was consensus that *Baenen* had no conflict of interest.

6. CORRESPONDENCE

- a. State of Alaska DOT Public Notice
- b. Cordova Chamber of Commerce – Letter of Support for Bayside Storage
- c. Northern Lights Electrical – Letter of Support for Bayside Storage

d. Michael Maxwell – Letter of Support for Bayside Storage

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

i. Kristin Carpenter – Copper River Watershed Project

Carpenter said that the Watershed Project has been looking into ways of mitigating the pollution that comes from snowmelt and runoff. They have received some money for structural improvements to snow storage sites next to aquatic habitat. They have funding to do work at Odiak Pond which will happen in June or July. She wanted to talk to the commission about the Second Street snow storage area because the engineer's estimates for the proposed work at that site are \$150,000 - \$180,000 and she wants to be sure the City isn't planning on disposing of those lots. Carpenter showed pictures and engineered drawings for both snow storage areas.

b. Audience Comments regarding agenda items

Gerald Masolini expressed his full support for *Jerry* and *Vicki Blackler's* project. He's talked to several people who support it. *Lenny Peterson* has told him that the *Blacklers* can't build a big enough building. *Masolini* thinks it will be the biggest economic boost to Cordova since they had tanner crabs.

8. PLANNER'S REPORT

S. Greenwood told the commission that City Council approved a mobile kitchen license and land use permit for the Breakwater Fill Lot. The lot is still for sale and the land use permit is for less than six months. Proposals for the lot are due June 1st and will be at the next Regular Meeting. She said that *Ardy Hanson's* request to purchase land was also approved by City Council so they have put in an order to survey the lot.

S. Greenwood explained that the upcoming variance request in Alpine Properties Subdivision would allow construction faster than the code change would. Once the code changes, the variance would be null. The code change takes at least two months.

9. NEW/MISCELLANEOUS BUSINESS

a. Review of Proposal for Lot 4A, Block 5, North Fill Development Park Addition No. 2

M/Bailer S/Frohnapfel to recommend to City Council to approve the proposal from Bayside Storage for Lot 4A, Block 5, North Fill Development Park Addition No. 2.

Bailer said when they looked at this lot a while back they were looking for new business. The last time they denied five proposals for the lot. *Frohnapfel* said he questioned if the building was going to be more than one floor. *Roemhildt* said that he had questions about the proposal. *Stavig* said that *Paul Kelly* wanted to inform the commission that he couldn't attend because he would be traveling out of town. *McGann* said that they had hashed this out several times and the commission was clear that this was not something that was acceptable. He does not see any changes from the past proposal. *Pegau* said that there were five proposals last time and he knows that one didn't propose this time because they thought the commission's desire was a new business. *Baenen* agreed and said there were some good letters from other businesses. *J. Greenwood* said that they had denied this proposal before and for consistency he is not in favor of the proposal.

M/Bailer S/McGann to amend the motion to state: recommend to City Council to maintain ownership of Lot 4A, Block 5, North Fill Development Park Addition No. 2

Upon roll call vote, motion to amend passed 7-0.

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

Upon roll call vote, main motion **passed** 7-0.

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

b. Review of Proposal for a Portion of Tract 1A, Ocean Dock Subdivision Addition #2

M/**Bailer** S/**McGann** to recommend City Council approve the proposal from Alpine Diesel for a Portion of Tract 1A, Ocean Dock Subdivision Addition #2.

Frohnafel asked several questions about setbacks, access, and assessed value. **Frohnafel** said that the building would be considered permanent by the IBC. **Jerry Blackler** said that the building would not have doors and that the roof and connexes would be designed to meet the wind load requirement. He said that for environmental protection the entire floor area will be excavated down one foot and then have a layer of polyurea. **Blackler** said that they have not developed a drainage plan yet. **Tony Schinella**, Harbormaster, said that snow removal was something he had thought about and they will deal with it. **S. Greenwood** said that snow removal was something they could deal with in the lease agreement. **Baenen** said that he assumed the building would meet the wind load required by the IBC.

Upon roll call vote, motion **passed** 7-0.

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

c. Review of Proposal for Lot 13, Block 12, Original Townsite

M/**McGann** S/**Bailer** to recommend City Council approve the proposal from Joe Arvidson for Lot 13, Block 12, Original Townsite.

McGann said that it was a little lot and **Arvidson** could be the one to get the most utility out of it.

M/**Bailer** S/**Baenen** to amend the motion to add a special condition to dissolve the lot line between the properties as a condition of sale.

Upon roll call vote, motion to amend **passed** 7-0.

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

Bailer said he did have a concern for the neighbor's lot and drainage. **S. Greenwood** said that they will require drainage to be addressed.

M/**Bailer** S/**Frohnafel** to amend to add a second special condition that a drainage plan will be approved to the satisfaction of the City Engineer before filling.

Upon roll call vote, motion to amend **passed** 7-0.

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

Upon roll call vote, main motion **passed** 7-0.

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

d. Final Plat Request for 'Subdivision of US Survey 901'

M/**McGann** S/**Bailer** to approve the final plat request for 'Subdivision of US Survey 901.'

McGann said that he was confused by the plat until he saw it was for the creation of a bone yard. **Bailer** said that his problem was that it was not an approved use of the Low Density Residential zone. **S. Greenwood** said that this is a private family cemetery, not a business where plots are for sale. There is no state statute disallowing a private cemetery. If the issue is with the word "cemetery" than **Bailer** can make an amendment. **Bailer** said his issue is that once it is recorded it is a cemetery. His other issue is that it is creating a landlocked piece of property with no access and that is absurd. **S. Greenwood** said that **Lucas Borer** (the applicant) has met all requirements needed to present this plat to the Planning Commission. There is no State Statute or anything in City Code that requires access. She said that it is the job of the

commission to make discretionary decisions, and if they have issues with the word “cemetery” than they can make their concerns heard. **Bailer** said he has conferred with two licensed surveyors and they said not to do this as it doesn’t make sense to add an encumbrance to property. His solution is to send it back to staff to have it brought back in a form where it is not a cemetery and to show a viable easement through this piece of property. **J. Greenwood** says that right now **Borer** owns both pieces of property and when he sells the property he can create the easement. **Baenen** said that there needs to be an easement or platted access to the lot. Every surveyor he has spoken with has said it is not recommended. **Borer** said if the commission wants generic language on the plat that there shall be an easement to access, he can do that. The reason they didn’t add it is so whoever buys it is not limited to where the easement is going to be. He said he has no problem deleting “cemetery” from the plat.

J. Greenwood said he thinks they should refer it back to staff so they can add the plat note properly. **Borer** said he might argue that there is a conflict of interest as he has met the code and that this is coming out of the blue from the two that said they may have a conflict of interest. The staff should be able to approve the generic language and getting rid of the word cemetery. **Stavig** said that once it is approved by the commission it still has to get approved by City Council and the commission may be having a Special Meeting next week. **S. Greenwood** said that staff could work with **Borer** and **Mark St. Denny** (the surveyor) to get the changes to the plat. **Baenen** said that **St. Denny** was one of the people that he spoke with about the access issue. **S. Greenwood** said that she cannot deny **Borer** the opportunity to come forward with the plat because there is no access. **Bailer** said that staff could have put the access issue in the recommendation.

M/Bailer S/Baenen to refer this back to staff to address access and remove “cemetery.”

Upon roll call vote, motion to refer passed 7-0.

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

e. **Final Plat Request for ‘Plat of Subdivision of Tract B-2 of Pebo Subdivision’**

M/Bailer S/McGann to approve the final plat request for ‘Plat of Subdivision of Tract B-2 of Pebo Subdivision.’

S. Greenwood said the plat was creating two tracts from one. **Pegau** was curious how the plat falls in the flood plain map. **S. Greenwood** said that the new maps, which have not been approved, show it in the floodplain. The floodplain would be dealt with if development were to occur if someone wanted to subdivide into lots or submitted a building permit. **Bailer** said he sees where **Pegau** is coming from, but at this point there is no development.

Upon roll call vote, main motion passed 7-0.

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

f. **Resolution 15-08 – Code Change for RR3 Rural Residential 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 18.21 by repealing Subsection 18.21.070(B) and amending section 18.21.080 in order to eliminate the minimum lot width requirement and reduce the yard requirements in the RR3 Rural Residential District

M/Bailer S/McGann to approve Resolution 15-08.

McGann said he thinks there were some lofty ideals when they created the code, but some of those lots are limited in where you can place a house. **Baenen** asked if the area could just be zoned Low Density Residential. **S. Greenwood** said there is a very different intent for those districts.

Upon roll call vote, resolution passed 7-0.

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

10. PENDING CALENDAR

- a. May 2015 Calendar
- b. June 2015 Calendar

Bailer addressed the comment about conflicts of interest. He said there is a difference between a conflict and a perceived conflict.

The commission decided to meet at noon on the 27th of May for a Special Meeting for a variance request and the plat approval.

Stavig said the resolution from the commission was at the City Council meeting under reports from commissions; there was no memo and it wasn't an action item. There was consensus from the commission to have the snow load code change at the next Regular Meeting.

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

Pegau wanted to comment on parking. He thinks it is important that people can get down to the Harbor area around an opener. On the north side of the harbor everything is taken up until the north ramp and the uphill side is congested. There's also limited parking around the businesses. They have had a lot of parking conversations and this is a good time to go there to look at it.

McGann appreciated the packets, but he doesn't think they need the lease agreements since they don't act on them. Under the correspondence from the State DOT, the gun club gets a lease at fair market value. The annual lease is \$4,500.

Frohnafel said they were at just the beginning of parking issues in Cordova. He notices that every time something goes on at the Pioneer building or at the Cordova Center, he has a parking lot.

Bailer said that they need to think about parking on Main Street with the lots for disposal. He was not aware of the gun club's lease.

Baenen agreed with *Pegau*; he has also been down there.

J. Greenwood asked to have something on the next agenda about quasi-judicial decisions and what the commission's responsibilities are.

McGann said that in the meeting with *Holly Wells*, City Attorney, she talked about how if you make a motion you can't argue against the motion. He asked if the commission was going to start following that rule or making their own rule. *Stavig* said that is just one of those things that happens at meetings and that you're technically not supposed to make a motion and speak against it. You can second a motion and speak against it.

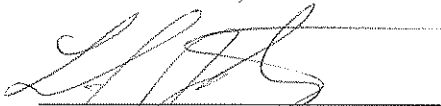
13. ADJOURNMENT

M/McGann S/Baenen to adjourn the Regular Meeting at 8:35 PM.
With no objection, the meeting was adjourned.

Approved:



John Greenwood, Chair



Leif Stavig, Assistant Planner