

PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL CONFERENCE ROOM  
TUESDAY, SEPTEMBER 11, 2012  
MINUTES

In those matters coming before the Cordova Planning Commission at 7:00 p.m.; Tuesday, September 11, 2012, in the City Hall Conference Room, 602 Railroad Road Cordova, Alaska, are as follows:

A. Call to order -

B. Roll Call Present for roll call were Chairman Tom Bailer, David Reggiani, Roy Srb, Greg LoForte, Tom McGann and Scott Pegau

Also present were City Planner Samantha Greenwood and Assistant Planner Faith Wheeler-Jeppson.

There were 5 people in the audience.

C. Approval of Agenda

M/Reggiani S/Pegau

Upon voice vote, motion passed, 6-0

D. Approval of Consent Calendar

Minutes from the August 14, 2012 Regular Meeting

E. Record Absences

John Greenwood was unexcused from the September 11, 2012 Regular Planning Commission meeting.

F. Disclosure of Conflict of Interest

Tom Bailer disclosed that he has a conflict of interest with item #1 under Old Business.

Bailer~ Since it was brought up in a Public Hearing would staff like to comment on the accusation that they had? Any kind of conflict of interest?

Samantha Greenwood ~ I don't agree with that, I've done all of the write-ups.

Bailer ~ Yeah, the Chair doesn't see any reason or how it could have been a conflict and there hasn't been any favoritism or anything, but, since it was brought up for the record.

G. Correspondence

None

H. Communication by and Petitions from Visitors

1. Guest Speakers

None

2. Audience comments regarding items in the agenda

None

September 11, 2012 Planning Commission Meeting

### 3. Chairpersons and Representatives of Boards and Commissions

None

#### I. Planners Report

**Samantha Greenwood** ~ I just have a couple of additions, I just want to mention in the Vacation of right-of-way there was Barnacle Road instead of Barnacle Boulevard, I did change that in the Resolution. So the Resolution that gets signed will have the corrected Boulevard instead of Road. So it's Boat Dock Road and Barnacle Boulevard. I also wanted to mention, I put it in my Planners Report so I wouldn't forget that Holly (Wells) the City Attorney has mentioned that she is willing to come and do training for us. When we get to Pending Calendar I'd like to get a date so that we can get her booked. Also, the AML (Alaska Municipal League) Conference is November 11th-13<sup>th</sup>, if people are interested we could look at getting Commissioners up to that training in Anchorage at the Capt. Cook. Roy, yours and John's seats are up at the end of November so think about whether or not you want to commit to another term.

#### J. New Business

##### 1. Vacation of right-of-way request by the City of Cordova.

M/Reggiani S/Srb "I move to approve Resolution 12-07 a Resolution of the Planning and Zoning Commission of the City of Cordova, Alaska, authorizing the vacation of Boat Dock Road and a portion of Barnacle Boulevard of the Ocean Dock Subdivision."

Yeas: Reggiani, LoForte, Srb, McGann, Pegau

Nay: None

Absent: Greenwood

Conflict of interest: Bailer

5-0 Motion Passed

##### 2. Preliminary Plat approval request by The Tatitlek Corporation for Lots 1B & 3B, Original Townsite.

M/Reggiani S/Srb "I move to approve the Preliminary Plat of Lot 1A and 3A, Block 10, Original Townsite."

Yeas: Bailer, Reggiani, LoForte, Srb, McGann, Pegau

Nay: None

Absent: Greenwood

Conflict of interest: None

6-0 Motion Passed

##### 3. Variance request by Samuel & Kathleen Zamudio from the corner lot side 10' setback requirement in Low Density Residential Zone to build a carport at a zero lot line at 600 Birch Street.

M/Pegau S/Srb "I move that the request by Samuel and Kathleen Zamudio from the corner lot setback requirements in the Low Density Residential Zone District (LDR) be approved and special conditions and findings 1-4 be adopted as contained in the staff report."

**Pegau** ~ Actually, this one I don't see meeting that requirement 1 meeting the circumstances required for the land use so I just don't see it meeting the criteria as outlined for the variance.  
**Kathleen Zamudio, 600 Birch Street** ~ When we did this and we got the paperwork back we realized that we don't think that we properly answered the question. But for the record when we originally looked at the house to buy, the owner who sold us the house said "Yeah you can build a carport there but you can't build a garage because a carport is a nonpermanent structure" and so we thought okay. But we did buy the house and then the following summer we did come up here and talk to the City Planner at the time who was Ann Cervenka. We told her what we wanted to do and you know she pulled out maps and everything and she was like "oh yeah, that's fine you just can't really do anything in the backyard because there is a creek there." So we told her okay and we didn't think anything of it so we left. Meanwhile, if you'll fast forward to this past summer we finally had the time and the wherewithal about how we wanted to do this especially after this last snowfall. So we went ahead and built it and left for the summer and that's when we found the packet (1<sup>st</sup> Notification of unpermitted construction and a Building Permit application), we we're kind of stunned because we had had a few neighbors come around and say "Hey, it looks great what's the problem?" We thought it looked great too.

**McGann** ~ What size rafters are those?

**Keith Zamudio** ~ 2"x12"

**McGann** ~ The picture doesn't look like that, and that top ledger is what?

**Keith Zamudio** ~ Excuse me, the rafter is 2"x10" and the beam is 2"x12" and there are two of them together with 3/8", 5/8" plywood sandwiched in there.

**McGann** ~ On the upslope side attached to the house?

**Keith Zamudio** ~ That's also a 2x10" and it goes right into the structure of the house where the top of the walls meet the structure of the attic. So it's all the way into beams and foundation (indistinct) there are a lot of bolts up there.

**McGann** ~ It's bolted on there?

**Keith Zamudio** ~ Yes it is

**Bailer** ~ The request is for a zero lot line correct? So basically that roof will shed onto City property as it stands right now.

**Kathleen Zamudio** ~ It kind of either way the City snow is dumped on our property too and we just kinda deal with it.

**Bailer** ~ That's a very good point and that's why we have setbacks for buildings so when that happens they don't get destroyed. So you need that little bit of a buffer, if we could build right out to the edge of the City roads it would make it really tough for the City crews to plow snow and store snow. As far as what the Planner had said or what was presented, I know that in some of those legal briefs that we've had that, first of all a permit has to be applied for and this would have been picked up in the Building Permit process. There had been a lot of advertising on the radio that anything that you do that last couple of years will need a permit. So that kind of nullifies that issue. There have been court cases even where the Planning Department issued a permit, the neighbors have objected and they went to court and if they were wrong they have to take it out. I personally can't give a lot of weight to the hearsay of what the Planner may or may not have said, she may not have understood that this was going to be right on the property line. And to say that a carport is not a permanent structure is kind of a stretch too; I'm not sure why anyone would say that. So, I'm leaning towards not allowing this carport to a zero lot line and allowing the snow to shed onto City property I concur with the Planner's assessment of the issue.

**Srb** ~ I tend to concur, I think it creates a hardship for the neighborhood. I've watched the snow and what happened last winter and one of the comments in here was that the snow would shed onto City property and with there being no place to shed that snow, the neighboring properties park in that area and I think it creates a situation that puts the City in a position to be the snow plow agent for the individual. I think having the carport there is an asset, but I think in not

engineer but looking at the construction and the span and the fact that it's just posts sitting on cement blocks would concern me that when snow is plowed that it's going to kick those blocks out and that whole roof is subject to fall. I would not support the variance.

LoForte ~ Yeah, I have to ask, the dimensions of the carport is 13'2" and just looking at the drawing with the vehicle in it it looks considerably bigger than that.

Samantha Greenwood ~ That is not the carport, that is just showing what the distance is from the side of the house to the property line. That's the as-built prior to the carport being built.

LoForte ~ My concern would be the understanding that the party had with the prior Planner I guess and if that was documented that might affect my conclusion.

Kathleen Zamudio ~ We didn't think to get anything in writing.

LoForte ~ Okay so there was no permit, this lady just said you could go build a carport.

Keith Zamudio ~ Yes, I mean we came in asking questions and in all honesty I walked out of this office more confused (**indistinct**) but we were told as long as it's not a permanent structure.

LoForte ~ But something attached to your house, maybe I'm wrong but if it's glued to the house then it becomes a part of the house.

Keith Zamudio ~ I stand corrected, I understand.

LoForte ~ I would have to lean to not giving the variance.

Reggiani ~ These are awkward issues that the Planning and Zoning Commission has to deal with at times when something has been constructed with an assumption or with some information that might not have been accurate but at least was acted on so I'm kind of breaking this down into two items. One is the Building Permit application wasn't put in place at least to my understanding early enough to catch some of the building aspects and the structure aspects. And in that Building Permit application we would have been looking at trying to meet the codes as far as setbacks and stuff like that. So what's before us is the variance, going to a zero lot line and I think that Sam did a really good job looking at the applicable criteria, the four criteria before we review and grant a variance. So with that I agree with her assessment, I will be voting against the motion.

McGann ~ I think all of my comments have already been stated, it's definitely a bummer when false information is put out if that was indeed the case. If we don't give him a variance does that mean the building has to come down?

Bailer ~ Yes, it's noncompliant. I just want to address the possibility of false information; I think the Planner was right if she stated that you can put a temporary structure. I think I have often stated that even in utility corridors you can put up a shed there but if it has to be move you move it or they have the right to tear it apart. But an attached garage is not a temporary structure, so there may have been some confusion there.

McGann ~ I think Building Permits are pretty standard throughout the world.

Pegau ~ And so, on this because it is a corner lot there is a ten foot setback on the side versus a normal five foot.

Yeas: None

Nay: Bailer, Reggiani, LoForte, Srb, McGann, Pegau

Absent: Greenwood

Conflict of interest: None

#### 0-6 Motion Fails

4. Variance request by Diana Riedel from the 10' front yard setback requirement in the Medium Density Residential Zone to build as single family home with a 3'-6' varying front setback at 305 Observation Avenue.

M/Reggiani S/Srb "I move to approve the variance request by Diana Riedel from the 10' front yard setback in the Medium Residential Density Zone to a 3' setback on the north corner of the

special conditions contained in the staff report.

**Srb** ~ It's a lengthy packet of information, I was glad to see all of the engineering that went into this, the fact that there is a strategy for tying that structure to the hillside. I don't know if I can speak to engineering but that portion of it looks confident. With regards to prior comments and testimony at the Public Hearing, I don't know if the structure is going to reside on any of those gabions or if they are there basically to just level things out. In the past when this was brought before us there were a lot of issues that were in place with regards to structural (indistinct) in my mind those issues have been answered with regards to the engineers work. With this plan I am leaning towards supporting the variance.

**Reggiani** ~ First I should note, Sam maybe you have noted it already that we have a substitute page to our packet on page 82. This one makes it very clear.

**Samantha Greenwood** ~ I think what we need to look at everybody is that 8' grassy salmonberry area is there and then the road.

The Commission had a lengthy discussion regarding the physical location of the travelled portion of Observation Avenue and the right-of-way in relation to the proposed construction.

**Reggiani** ~ I couldn't find real quickly the roofline, which end will the snow be shedding?

**Diana Riedel** ~ There's no shedding onto the road or anyone else's property.

**McGann** ~ That's interesting because if you read through the engineers reports the angle of the roof is 22.6, the difference between the ridge and the eave height is only 6 feet. I don't know how you're going to do that.

**Riedel** ~ I'm not sure, I talked to Appleton and had a 7/12.

**McGann** ~ 7/12 and you've got a span of 32'

**Diana Riedel** ~ Yeah

**McGann** ~ Okay; well that's not what you've got in here.

**Bailer** ~ We're going to have to go with what's in here (in the packet)

**Diana Riedel** ~ We asked him (engineer) to address the off-street parking, the drainage, the foundation, the safety of the house in the seismic zone and so there's not a cliff there anymore and when we get to the Building Permit I'll have more information from my builder. But no part of our house will be over our lot line.

**McGann** ~ At any rate, did you have Leo shoot the elevations right there at the pad?

**Diana Riedel** ~ I didn't, I had him come in before we did anything and he picked up all of the corners so that we didn't go over our line at all.

**McGann** ~ Well this foundation is designed for 20', I didn't bring a level up there but I did stick a tape down and where the old foundation is is about 13'. But if the footing and that foundation gets put in just eyeballing it you're going to be at least 5 feet above the height of the road. So where are the stairs going to go to get in the first floor?

**Diana Riedel** ~ We have the entryway or over to the side of the house.

**McGann** ~ But it's going to be on the front so you're going to have stairs there as well.

The Commissioners had a lengthy discussion about the grade and position of the stairs to gain entry into to home from Observation Avenue.

**McGann** ~ I would like to see Elevation Drawings 18.64.020 (A) (1) (b). Don't take this as I am against the project I am very much for it, I think you've made a really good start I just don't think you're quite there yet.

**Diana Riedel** ~ Another option I could do with the way this is laid out is where our parking is do the entrance in between the parking and the house.

**McGann** ~ I'd like to see that.

right.

**Samantha Greenwood** ~ She has one.

**McGann** ~ One thing that I did noticed when I walked the lot is that Bill is right, those Gabions need to be laced up, they are just loose. I don't think that it would take much to go back and do it, I strongly suggest you do it.

**Bailer** ~ What I circled was on page 83, "Gabions to be placed on compacted fill and shall have all rows and sections connected per manufacturer's specifications." That was one of my questions was, is the engineer going to check this site and inspect it to make sure that it was done correctly.

**Diana Riedel** ~ He was up there right before he did this packet and nothing has been done since he was up there.

**McGann** ~ You have the first eight feet and then you have some issues, sheet S 0.3, it's all doable I'm not saying it's not all doable, I'd just like to see more detail. But, you're off to a great start.

**Reggiani** ~ I support the project very much too, I think it's going to be a great addition to the neighborhood and well worth the effort and the expense. And I agree with Tom, I think we're looking at a variance but it is also very tied to the site plan and some elevations would go a long way to making me feel comfortable to go ahead with the variance. So, I'd like to see a little bit more information here as far as where the front doors are, what the roof is doing, where the stairs are and I think Tom has done a good job thinking about things like that.

**McGann** ~ You know, one thing you might want to do is just have Leo shoot the elevation and see if you do need to go down more.

**Srb** ~ These are really great questions, but I do concur.

**Pegau** ~ The first part was, does it meet the basic criteria and I think it does, I've looked at the back side of that lot and I'd be nervous about being that close to that huge hole that's in the middle of that gabion string. It drops straight down to the next road. So, there's no way that we're going to move that house another seven feet towards that cliff that I can see, so in that regard I think that the physical circumstance says that that house can't move further away from the road. I have to admit I'm sitting here a little confused about what we've been asking of Diana because it seems that she met what we asked for the last time she came before us.

**Bailer** ~ Personally I'm leaning towards referring this back to staff with definite criteria of what we want to see so she knows exactly what she needs to come back with. One of the things I'm hearing and I agree with is the simple things like the pitch of the roof. The engineer is saying it's going one way and your builder is saying it's going the other way, the stairs. I'm leaning towards granting this variance based on that this is all of the encumbrance that we see here. And the elevations as Tom spoke.

**Diana Riedel** ~ If you did refer it back to staff and I had to come back again, would that be a whole month from now?

**Bailer** ~ That would be up to you Commission if we could have a Special Meeting.

**Reggiani** ~ I would support a motion to refer it back to staff and I would be more than happy to come back in when you have the information available to us.

**Bailer** ~ Staff, what kind of time frame do you need in order for proper noticing to the public once you get the information from her?

**Samantha Greenwood** ~ We have to have atleast 24 hours.

**LoForte** ~ I agree with you, but before we go any further let's state what absolutely needs to be supplied.

**McGann** ~ Pitch in which direction, an elevation drawing as in 18.64.020 (A) (1) (b)

**The Commission had a lengthy discussion defining what the Commission is looking for in an elevation drawing.**

M/Reggiani S/McGann Refer back to staff

Yeas: Bailer, Reggiani, LoForte, Srb, McGann.

Nay: Pegau

Absent: Greenwood

Conflict of interest: None

5-0 Motion Passed

5. Variance request by Trident Seafoods from the 20' front yard setback requirement in Waterfront Industrial Zone to build a three story bunkhouse at a 10' setback at 211 Jim Poor Avenue.

M/Reggiani S/Srb "I move that the Variance request by Trident Seafoods from the 20' front yard setback in the Waterfront Industrial District (WID) to a 10' front setback be approved and special conditions and findings 1-4 be adopted as contained in the staff report."

Reggiani ~ Well this one was a little easier for me to understand with the elevations, without having to kick a dead horse a couple more times. I am somewhat concerned about it, reducing the front setback from twenty to ten. I think we had good public comment that highlighted the snow, which again I wasn't thinking about that as much as I was thinking about the parking. And I understand the position of Trident and that there are not very many of the employees that have vehicles, but if we were strict on the code with one parking spot for every two employees we would need eighty parking spots and I think to reduce that would certainly eliminate some parking I guess I have that concern. Even if it were only ten percent that had cars we're still talking about a substantial amount of parking needed.

Leo Vargas, 1901 CRH ~ Most of the crew that we get in are flown in, they don't drive, that's about 90% of our crew. The bulk of the people that will occupy the bunkhouse don't have cars, we didn't feel that we needed any parking spots around that building.

Samantha Greenwood ~ I also talked with Kurt (Esveldt) about this today for a little bit and he is willing to look at providing parking up to ten to fifteen places. Although before he commits to this he really wants to speak to Paul (Trumblee) about fire access and making sure that it's clear. He named some potential places, the Screen House area which already exists and was mentioned in the write-up, one thing that we talked about was parking between the new bunkhouse and the fence but only in the summer because in the winter you would have the snow falling on the cars.

Leo Vargas ~ There will be no fence there anymore.

Samantha Greenwood ~ My understanding is that the fence line is the property line.

Leo Vargas ~ It's pretty close.

Srb ~ The question that I had in looking at it, just driving by and looking without a tape measure was that with those existing structure that you have there it looks like it's about ten feet off that fence. So this new building would be essentially replicating where those sit currently.

LoForte ~ I had a question on this one, I agree that there is congestion down on that street something fierce, there are trailer parked down there on the fence line, there are vehicles parked on the fence line on that side. So if you take the fence line out, you're going to have more parking for your people there. And I would assume the way that the street is it will be

the building on the west side and give us twenty feet on the front. It would be advantageous to you.

Leo Vargas ~ On the west side we're right up against the bank.

LoForte ~ How about squeezing them together?

Leo Vargas ~ We need fire access and snow removal.

LoForte ~ I think the twenty feet along that street is really important and the mere fact that you have temporary buildings down there that are only ten feet from the property line has been hard to deal, an existing actual structure down in the same environment.

Leo Vargas ~ If we have twenty feet we'll probably have to put up a fence on the property line which would be doing the same thing that we are now.

LoForte ~ I'm saying that down there with a temporary building I have no problems, because it is only a temporary building, but a permanent building I would really like to see the twenty foot. I think it would be advantageous for everyone, the users of Seafood Lane and also Trident.

McGann ~ What is the distance from your proposed second building to your property line?

Leo Vargas ~ Twenty six feet, but we also have the lot over there.

McGann ~ I concur with Greg that it would be advantageous to push that back as far to the west that you could.

Leo Vargas ~ We're already against the bank here, there is a bank it's a difference of about six to eight feet or so from one grade to the other.

McGann ~ Okay, I support you building this and I don't mind the variance, but I would not support the variance with this roof structure. The notion of pitching snow off of a hundred foot building with a 2/12 pitch roof with a two foot overhang, you're already eight feet from the property line three stories up is health and safety, it'll land right on the street. I mean if you want to pitch your roof to the west, I'm all for the variance.

Bailer ~ So to clarify then, (McGann) you are good with the ten foot variance as long as the roof is not pitched towards that.

Pegau ~ As drawn in the plans that we're provided to us. So it's the same thing as Diana's, kick it back because there's a difference between what you want and what's being presented.

LoForte ~ I think it should be twenty foot due to the congestion on the street.

Pegau ~ I really want to see them build these buildings. I think they are going to be important but when I'm seeing a hundred and one feet of building width and you can't lose ten. I don't buy that we've met that physical hardship; it's quite easy to lose ten feet out of a hundred and one in building width.

Srb ~ Well snow is my concern, looking at what the projection of that building would be against that only being a ten foot setback. In looking at the way the property is used across the street at the warehouse a lot of what could be parking is taken up by fish pumps and everything that's dropped off there by fishermen and whomever. I'm not comfortable with changing the easement; I would like them to take a second look at the building plan with regards to trying to fit within what the City Code is.

Reggiani ~ I don't support the variance going from twenty to ten, I think that it's important for both the parking and the snow issue that we've been talking about.

Bailer ~ I guess where I'm going is, is this another way to refer back to staff and let them (Trident) bring a new set of plans to help expedite this whole process to try to get started this fall, we certainly don't want to delay.

Reggiani ~ Right, everybody supports the project, I didn't hear anything in the comments.

Tom Carpenter ~ I think Dave basically stated what my concern was, my concern all along is not the project it's the snow in the road. I think it's been stated quite clearly that the twenty foot setback is the minimum that is necessary. Has there been any calculation of how far that snow even at a twenty foot setback is going to come into the right-of-way. I don't think that it's necessarily been answered in anything here that I can see. I think that becomes a concern



the way they plow the road.

Bailer ~ So I think that's been stated by Dave, that's something that we want to see when this comes back to us.

Yeas: None

Nay: Bailer, Reggiani, LoForte, Srb, McGann & Pegau

Absent: Greenwood

Conflict of interest: None

0-6 Motion Fails

6. Site Plan Review for Trident Seafoods to construct 2 three story bunkhouses at 211 Jim Poor Avenue.

M/Reggiani S/Srb Refer back to staff

Yeas: Bailer, Reggiani, LoForte, Srb, McGann & Pegau

Nay: None

Absent: Greenwood

Conflict of interest: None

6-0 Motion Passed

Chairman Bailer turned the meeting over to Co-Chair Reggiani due to a conflict of interest.

K. OLD BUSINESS

Resolution 12-06 ~ Vacating a 10' Utility Easement

M/Pegau S/Srb "I move to approve Resolution 12-06 a resolution of the Planning and Zoning Commission of the City of Cordova, Alaska vacating the 10 foot utility easement along the west boundary of Lot 7, Knute Johnson Subdivision, Plat No. 79-1, Cordova Recording District."

Yeas: Reggiani, LoForte, Srb, McGann & Pegau

Nay: None

Absent: Greenwood

Conflict of interest: Bailer

5-0 Motion Passed

Co-Chair Reggiani turned the meeting back over to Chairman Bailer

L. MISCELLANEOUS BUSINESS

None

M. PENDING CALENDAR

Training with the City's attorney was scheduled for Thursday October 11, at 5:30pm in the Library Conference Room.

