

**Chairman**

Tom Bailer

**Commissioners**

David Reggiani

John Greenwood

Tom McGann

Scott Pegau

John Baenen

Allen Roemhildt

**City Planner**

Samantha Greenwood

**Assistant Planner**

Leif Stavig

**PLANNING COMMISSION SPECIAL MEETING**

**SEPTEMBER 24, 2014 AT 6:00 PM**

**LIBRARY MEETING ROOM**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chairman Tom Bailer, Commissioners David Reggiani, John Greenwood, Tom McGann, Scott Pegau, John Baenen, Allen Roemhildt

**3. APPROVAL OF AGENDA (voice vote)**

**4. DISCLOSURES OF CONFLICTS OF INTEREST**

**5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

a. Audience comments regarding agenda items (3 minutes per speaker)

**6. NEW/MISCELLANEOUS BUSINESS**

a. Resolution 14-05

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A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska that a portion of Lot 13, Block 5, and a portion of Tract A, Odiak Park Subdivision be updated to available and added to the to the 2014 Land Disposal Maps

b. Disposal of Lot 13, Block 5 and a Portion of Tract A, Odiak Park Subdivision

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**7. AUDIENCE PARTICIPATION**

**8. COMMISSION COMMENTS**

**9. ADJOURNMENT**

# Memorandum

**To:** Planning Commission  
**From:** Planning Staff  
**Date:** 9/20/2014  
**Re:** A portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision Disposal Status

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## **PART I – GENERAL INFORMATION**

File No.: 02-373-450 & 02-072-842  
Zoning: Medium Residential and Parks and Open Spaces  
Requested Action: Recommendation to City Council

## **PART II – BACKGROUND**

The Current owners (Anne and Ron Winters) of 925 Center drive are in the process of selling their house. The completed as-built showed that the garage located at the rear of the property extends past their property lines. Currently there is 128 square feet of the building on Lot 13 Block 5 and 17 square feet on Tract A, Odiak Park subdivision.

Currently Lot 13 is marked as a snow dump and Tract A is the property that surrounds Odiak Pond. Both of these lots are marked as unavailable on the land disposal maps. The land disposal maps and the definitions of the land disposal categories are a policy of the planning department and Planning and Zoning, they are not codified.

The policy developed in 2014 was to review property disposal request for “Not Available” properties at the P&Z annual review of the maps in January. This is a policy not code, the planner and chairmen agreed that this request was time sensitive for the Winters. In order for the Winters to move forward a decision needed to be made prior to January. At this time Planning and Zoning can make a determination to make a portion of each lot available and then move to the next disposal step of recommending a method of disposal to City Council.

## **PART III. REVIEW OF APPLICABLE INFORMATION:**

At this meeting, the Commission needs to determine if a portion of these lots are available to be sold to accommodate the encroachment of the garage.

The total square footage for the property is undetermined at this time, an estimation of the potentially largest square footage would be for Tract A 2,212 square feet and Lot 13 would be 416 square feet to meet all setbacks and provide a workable lot configuration for Lot 13.

Public Works has no issue with a portion of Lot 13 being sold as long as the portion sold does not limit/restrict access for snow dumping.

Parks and Recreation has not commented at this time but Staff will bring any comments received to the meeting.

The current classifications of land disposals are:

1. **Available** – Means available to purchase, lease or lease with an option to purchase.
2. **Not available** – Means that once the maps are approved by Planning and Zoning and City Council, the identified property is NOT available for sale. These parcels include protected watersheds, substandard lots, snow dumps and other lots used by the City.
3. **Leased** – These lots are currently leased to a business or government entity by the City and are not currently available. We have leases that range from short term (renewing every 2 years) to long term leases with substantial improvements on the property.
4. **Tidelands** – All requests to purchase tideland will be reviewed by the Planning and Zoning Commission as they are received. Planning and Zoning will make a recommendation on disposing of the tidelands to City Council.

**PART IV. STAFF RECOMMENDATION:**

Staff recommends that a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision, be classified as Available.

**PART V. SUGGESTED MOTION:**

"I move to approved resolution 14-05."

**Attachment A**



**CITY OF CORDOVA, ALASKA  
PLANNING COMMISSION  
RESOLUTION 14-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,  
ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA,  
ALASKA THAT A PORTION OF LOT 13, BLOCK 5 AND A PORTION OF TRACT A, ODIAK  
PARK SUBDIVISION BE UPDATED TO AVAILABLE AND ADDED TO THE 2014 LAND  
DISPOSAL MAPS**

**WHEREAS**, the City of Cordova's Planning Commission has determined that updating the 2014 Land Disposal Maps at this time to make a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision to available is important to maintain consistency with land disposal process, and;

**WHEREAS**, the City of Cordova's Planning Commission has determined that a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision should be designated as AVAILABLE on the land disposal maps in order to address encroachment issues, and;

**NOW, THEREFORE BE IT RESOLVED THAT** the Planning Commission hereby recommends that a portion of Lot 13, Block 5 and a portion of Tract A, Odiak Park Subdivison be updated to available and added to the 2014 Land Disposal Maps.

**PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2014**

\_\_\_\_\_  
Tom Bailer, Chairman

ATTEST:

\_\_\_\_\_  
Samantha Greenwood, City Planner

# Memorandum

**To:** Planning Commission  
**From:** Planning Staff  
**Date:** 9/20/2014  
**Re:** Disposal of a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision

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## **PART I – GENERAL INFORMATION**

Requested Action: Recommendation to City Council on Disposal Method and amount of Property to dispose  
Lot, Block, Survey: A portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision  
Parcel Numbers: 02-373-450 & 02-072-842  
Zoning: Medium Residential and Parks and Open Spaces  
Attachments: Location Map Attachment A, Letter of interest Attachment B, Potential disposal area of lots Attachment C

## **PART II – BACKGROUND**

We have received a letter of interest from the Winters. The Winters whose property is located at 925 Center drive are in the process of selling their house. The completed as-built showed that the garage located at the rear of the property extends past their property lines on to City Property. Currently there is 128 square feet of the building on Lot 13 Block 5 and 17 square feet on Tract A, Odiak Park subdivision. There is no building permit on file for the garage.

At this time Planning and Zoning can make a determination to sell a portion of each of the lots to the Winters. After a discussion with Public works we believe that continuing the Winters lot line on the North west side at an angle rather than squaring the corner makes the City lot more useable lot for snow dumping and in the future for a residential lot. Including the entire length of the lot line on the West side provides cleaner lot lines for both lots. Below is are some options to consider

1. Sell enough property from both lots to meet all setbacks. This means an additional 5 feet past the current encroachment on the Northwest side and an additional 15 feet past the current encroachment on the West side, the West lot line would need to continue to the end of the proposed purchase property to allow for the rear set back to meet for the entire length of the building.
2. Sell enough property to have the garage sit entirely on the Winters Property plus 1 foot past the current encroachment. This leaves a non-conforming building on the property that when/if destroyed could not be built back to its current dimensions. Attachment C.
3. There could be some possibility of decreasing the Winters North East property line inward potentially trading land between the City and the Winters.
4. The City could choose not to sell any property to the Winters.

Lot 13, Block 5 is currently 13,575 square feet disposing of land to allow Winters lot to meet all setback would still allow lot 13 to meet minimum lots size requirement of 4000 square feet in medium residential zone. The current lot size of Tract A is 10.78 acres there is minimum lot size in parks and open spaces.

**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 the Commission recommend to City Council to dispose of the property as described in Number 1 above and by direct negotiation (Method 1). Staff also recommends that the option of trading land between the Winters and the City to accommodate the garage be analyzed.

**ART V – SUGGESTED MOTION**

“I move to recommend to City Council to disposal of a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision which will meet all required setbacks of the medium residential zoning district by direct negotiate.”



**Attachment A**

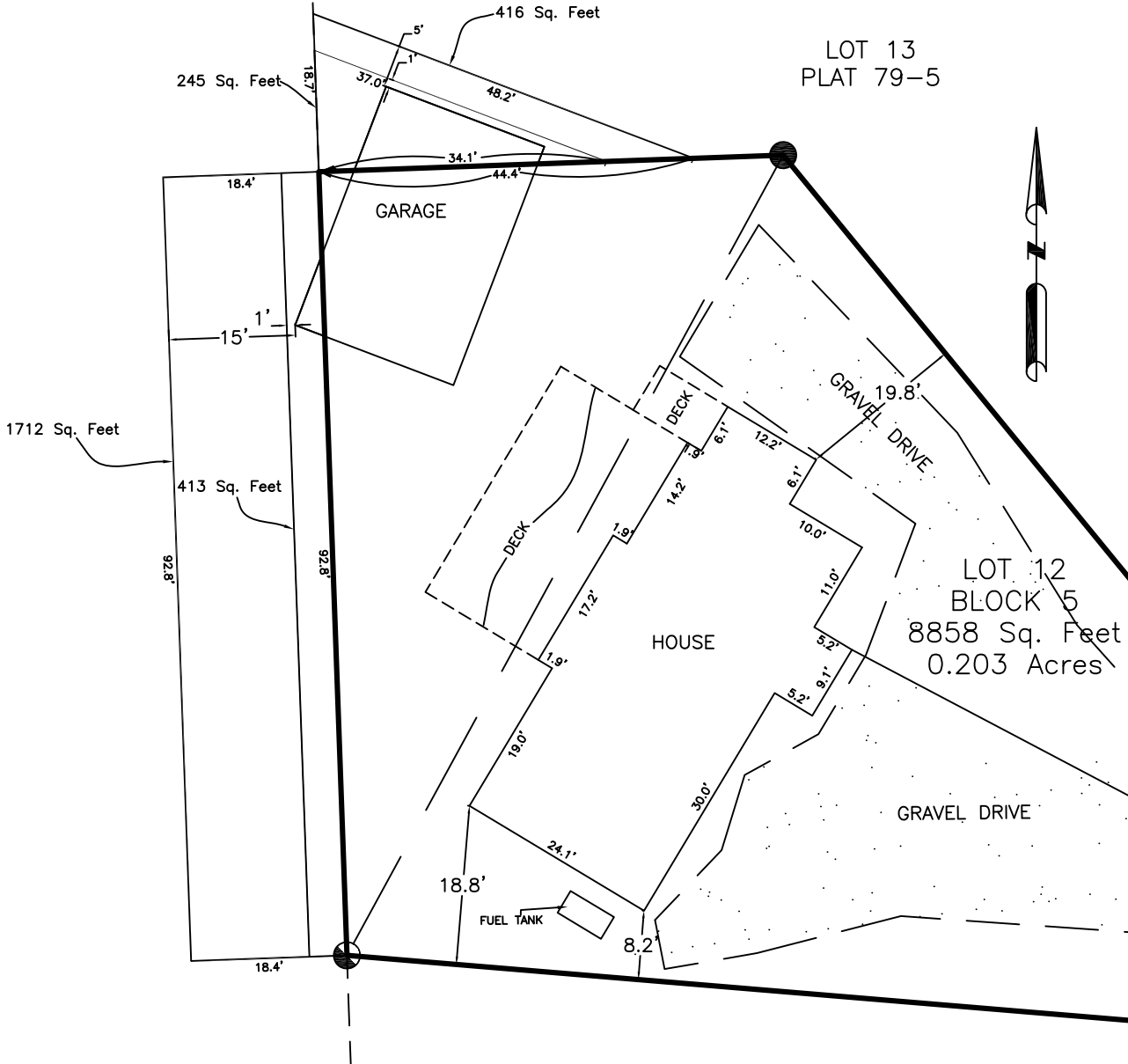




**From:** [Ronald Winters](#)  
**To:** [Sam Greenwood](#)  
**Subject:** Purchase of city property  
**Date:** Saturday, September 20, 2014 11:41:01 AM

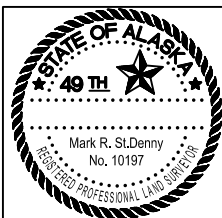
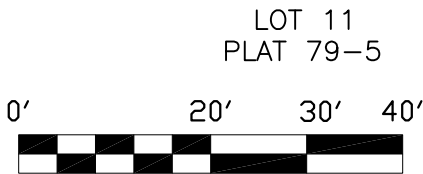
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Sirs: We would like to request that you consider allowing us to purchase a small portion of Lot 13 Block 5 and a small portion of Tract A Odiak subdivision. We are in the process of selling our property and the as-built survey indicates that our garage is encroaching on City property. We would like to remedy this problem by purchasing a portion of the two city lots affected. Thank you for your consideration. Ron & Anne Winters



**LEGEND**

- = FOUND IRON PIPE
- = FOUND 5/8" REBAR
- (M) = MEASURED DIMENSION
- (R) = RECORD DIMENSION
- ☐ = ELECTRIC SERVICE BOX
- = COMMUNICATION PEDESTAL



**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS AS-BUILT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.  
 DATE: \_\_\_\_\_ REGISTRATION NO. \_\_\_\_\_  
 MARK R. ST.DENNY REGISTERED LAND SURVEYOR

Legal Description:		AS-BUILT LOT 12 BLOCK 5 ODIAK SUBDIVISION RE-PLAT PLAT 79-5 ALASKA	
<b>CORDOVA</b>	<b>DATE</b>	<b>CORDOVA RECORDING DISTRICT</b>	
<b>DRAWN BY</b>	<b>DATE</b>	<b>PROJECT NO.</b>	
MSTD	09-17-14	14-010916	
<b>SCALE</b>	<b>SHEET</b>	<b>PREPARED FOR:</b>	
1"=20'	1 of 1	RONDALD E. & ANNE B. WINTERS, CORDOVA ALASSKA 99574	
<b>ST. DENNY SURVEYING INC.</b>			
P.O. BOX 388, KODIAK, ALASKA 99615 (907) 481-3500			