

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 REGULAR MEETING

OCTOBER 28, 2014 AT 6:45 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, and Allen Roemhildt

3. APPROVAL OF AGENDA (voice vote)

4. APPROVAL OF CONSENT CALENDAR (voice vote)

- a. Minutes of 9-9-14 Regular MeetingPage 2-6
- b. Minutes of 9-24-14 Special MeetingPage 7-9
- c. Minutes of 9-24-14 Work SessionPage 10-12

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. DNR Public NoticePage 13
- b. Email from Jerry and Vicki BlacklerPage 14

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

8. PLANNER'S REPORTPage 15

- a. Second Street ParkingPage 16-18
- b. PlattingPage 19

9. NEW/MISCELLANEOUS BUSINESS

- a. Variance Request for Ronald and Anne WintersPage 20-31
- b. Disposal of a Portion of ATS 220Page 32-36

10. PENDING CALENDAR

- a. November 2014 CalendarPage 37
- b. December 2014 CalendarPage 38

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

13. ADJOURNMENT

**PLANNING COMMISSION REGULAR MEETING
SEPTEMBER 9, 2014 AT 6:30 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *Tom Bailer* called the Planning Commission Regular Meeting to order at 6:30 PM on September 9, 2014 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman *Tom Bailer* and Commissioners *David Reggiani, John Greenwood, Tom McGann, John Baenen*, and *Allen Roemhildt*. Commissioner *Scott Pegau* was present via teleconference.

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

3 people were in the audience.

3. APPROVAL OF AGENDA

M/Reggiani S/Greenwood to approve the Agenda.

Upon voice vote, motion passed 7-0.

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

Nay: None

Absent: None

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of 8-12-14 Regular Meeting

b. Record Excused Absence of David Reggiani from August 12, 2014 Regular Meeting

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

Upon voice vote, motion passed 7-0.

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

Nay: None

Absent: None

5. DISCLOSURES OF CONFLICTS OF INTEREST

None.

6. CORRESPONDENCE

None.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

None.

8. PLANNER'S REPORT

McGann asked if there was any update on the impound lot. **S. Greenwood** said that the Mobile Grid lot just went through the process so they just sent information to appraiser to get them all done at one time. For the new impound lot location they are meeting on Monday. There are two potential locations out New England Cannery Road.

Reggiani asked for an update on Safe Routes to School. **S. Greenwood** said they got the bids on Friday. There were two. **Reggiani** verified that the project would be next summer. **Rich Rogers**, Public Works Director, said that they need written approval from DOT that the funding won't expire. The project schedule will be eight weeks.

9. NEW/MISCELLANEOUS BUSINESS

a. South Fill Commercial Area Plan Goals – Discussion

Bailer said that he asked for this to be on the agenda because of item F. "consider and protect critical habitat." He's gone through the final draft report and he doesn't see any studies for how that became critical habitat. He asked what they had to back up that goal. **S. Greenwood** said that she wasn't prepared to answer that. She believes it came from shorebird habitat. **Bailer** said that he was fine with "consider and protect habitat," but when someone adds "critical" it takes on a whole new meaning. **Reggiani** said that Federal agencies label habitat in different categories, but usually that comes through studies and determinations. He remembers an individual using that term at a meeting. They should be cautious at their meetings with their labels and what the goals are so they can't be misinterpreted. He agrees with **Bailer**. **Baenen** said he agreed. Maybe they should call it something else. **McGann** has heard over the years that the whole area is a critical habitat for shorebirds; he has heard that term a lot. **S. Greenwood** said she doesn't think it defines where critical habitat is. Regardless, she thinks the commission needs to consider that they already accepted this document. City Council has accepted this document. It went through a public process and she's not sure they should be going back on that. **Pegau** has a very firm feeling that they should not be going back and editing documents that reflect a public process. He understands the concern about the use of the term "critical habitat," and he thinks their opportunity is through the Comprehensive Plan. **Reggiani** doesn't think they're going backwards or editing anything. What he remembers is that it was an awkward thing to accept a summary of a public meeting. He thinks it would be unwise to leave it set. If there are misstatements or mislabeling, they are obligated as a commission to correct that. **S. Greenwood** thinks they are mincing words and creating work. **Reggiani** said that because the commission accepted it and the City Council accepted it, it could be misconstrued that the City has deemed this critical habitat. **Pegau** said the goal was to consider and protect, it didn't say that the area was critical habitat. He asked where in the document the other commissioners were. **Bailer** said item F, "consider and protect critical habitat." **Pegau** said that it does not designate the South Fill as a critical habitat. **Bailer** said if it said "consider and protect habitat" he takes no issue with that. The word "critical" insinuates it is a critical habitat. **Pegau** said he'd be more concerned with the goal "consider and protect habitat" as that would mean all habitat. **Greenwood** said that they missed this on their first go-around. He doesn't like the word there either, but it would be pretty easy to make a couple phone calls to find out if it is critical habitat. **Baenen** said that he wasn't at the meeting so he has been trying to figure out what's going on. He, **Bailer**, and **Greenwood** weren't there. **Reggiani** said that accepting the report was awkward as the commission was not writing the report; it was being written by a third party. The third party wrote, submitted, and the commission accepted the report; they were not asked to edit. He likes **Greenwood's** idea. While it would involve staff work, it would go a long way to get confirmation on the South Fill and ask if there is any critical habitat. **Roemhildt** asked if the goal was there to prevent putting fill in. **Reggiani** remembers the comment at the public meeting being thrown out there so that fill wouldn't be placed, because the individual considered it critical habitat. That's where one person at a public meeting makes a comment and it gets embedded. **S. Greenwood** said there was one strong voice, but there was multiple people with

support behind the goal. **Reggiani** said what he is focused on is that the City of Cordova is not deeming it critical habitat. With a finding right now it would go a long way to complete the record. (There was consensus from the commission to direct staff to bring back that finding)

b. Disposal of Lot 3, 4, and 5, Block 8, Original Townsite

M/McGann S/Greenwood to recommend to City Council disposal by lease of Lot 3, 4, and 5, Block 8, Original Townsite and all improvements thereon by negotiating an agreement with the Cordova Chamber of Commerce.

McGann said he was in favor. **Greenwood** said it looks good to him. **Reggiani** recalled either an older or newer plan for moving the Chamber to the Cordova Center once it is complete. **Jennifer Gibbins**, President of the Chamber of Commerce, said she had never heard of that. The amount of space they are currently using and the volume of traffic could be problematic at the Cordova Center. The location they are at now is working very well. They have noticed a dramatic increase in traffic with their new signage.

Upon voice vote, motion passed 7-0.

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

Nay: None

Absent: None

c. Capital Improvement List

Greenwood suggested moving street repair to the first spot and raising it to two million dollars. He said that they had to do something with the streets. **Baenen** said that for two million they could pave every road in the town. **S. Greenwood** said they had drainage issues that needed to be addressed. She said it includes drainage, improvements, and paving. **Reggiani** said he wasn't sure what they could do with two million dollars, so it's hard for him to put that into context. One of the things he thinks the commission needs to do is work together with Public Works and prioritize. (There was discussion about specific streets and the amount of money it would cost to cover drainage, paving, sidewalks, etc.)

Bailer said as tight as the budget for the City is, he's not in favor of the \$35,000 for the Comprehensive Plan. He asked if baler development was still needed. **S. Greenwood** said that was included in the memo: lighting upgrades, electrical upgrades, the breakroom are still needed.

McGann said that he was in favor of maintenance in the infrastructure. He suggested that the sewer treatment plant take a higher priority.

Bailer verified that potable water/LT2 was already being worked on and could be taken off the list.

Pegau said he was trying to figure out why the Comprehensive Plan disappeared. It remains a high priority for him that it gets updated. Especially with issues related to development; that is where the commission addresses it. Putting it off another year is not what they had intended. He would like to get that back on the list with a \$100,000 budget. **Baenen** said he agreed that they need a Comprehensive Plan, but he won't get behind any money for it. **Greenwood** said he agrees with keeping it on the list, but moving it down.

Bailer asked **S. Greenwood** if there was anything else on the list that could be taken off. **S. Greenwood** said that the high water benchmarks could be taken off the list. She said that she doesn't want to take the Comprehensive Plan off the list, but to give staff more time to do some internal planning to prepare for the Comprehensive Plan in the future. **Reggiani** thinks they should do something about the \$100,000 for the Comprehensive Plan as there are several ways to complete it, and he is leery about recommending that money.

McGann said he was in favor of the North Harbor Sheet Pile, but thinks that they aren't going to get the money to do it. (There was discussion about the dollar amount for the project. The commission decided to change the project to 25' of fill for \$800,000.)

Baenen asked the commission if they would consider changing the street repair/improvements to two million for street repair/improvements and two million for paving. (No one responded.)

Pegau said he would prefer the North harbor and sidewalks items be place above vacation of Adams Ave.

The list the commission came up with is as follows:

1. Street Repair and Improvements/Paving - \$2,000,000
2. Unfinished Baler Development – ???
3. Sewer treatment plant and infrastructure – as needed
4. Shipyard Expansion (Public Process) - \$15,000
5. Sidewalks between HS and Harbor Loop SW 2 & SW 6 (before paving) - \$200,000
6. Survey City roads and property - \$40,000
7. N. Side of Harbor – 25' fill (extend parking and walkway) - \$800,000
8. Vacation of Adams Avenue between 8th Street and 9th Street: includes survey, water/sewer lines, fire hydrants - \$100,000
9. Comprehensive Plan Update - ???

S. Greenwood asked if the commission wanted to spend more time with the list at the next meeting or submit it to Council. She added that in the past, they have asked City Council to accept the resolution which means they adopt it as their own. She wasn't sure if they wanted to do that or present it as a report **Reggiani** would do since he does reporting for the commission. It got edited by City Council in the past. If they present it through reports of committees it remains theirs. **Stavig** said the Code just directs the commission submit it to City Council, it doesn't require an action by the Council. (There was discussion on whether or not this would be brought to City Council as an action item. It was decided that it would not be.)

d. Resolution 14-04

M/Baenen S/Greenwood to approve Resolution 14-04; a resolution of the Planning Commission of the City of Cordova, Alaska, recommending a Capital Improvement List to the City Council of the City of Cordova, Alaska.

M/Reggiani S/Baenen to amend the resolution and replace the 11 items in the third "Whereas" with the nine items on the screen.

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

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

Nay: None

Absent: None

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

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

Nay: None

Absent: None

10. PENDING CALENDAR

Reggiani asked for Special Meeting on the prioritization of street repairs and improvements. **S. Greenwood** clarified that it would be a Work Session. (The commission decided to hold the Work Session at 6:30 PM on September 24.) **Reggiani** asked that the meeting be highlighted in advertising for community input.

S. Greenwood said the meeting with FEMA on the 23rd of September was about the new flood maps.

McGann asked for Chapter 16 on the next agenda.

S. Greenwood said that Planning Commissioner training in Anchorage would be coming up soon.

11. AUDIENCE PARTICIPATION

None.

12. COMMISSION COMMENTS

Greenwood said he was glad they got to the paving issues and to get it prioritized to Council.

Pegau said he wanted to revisit street names. He wants an update on where it is or is not so they can keep it moving forward with addressing.

13. ADJOURNMENT

M/Greenwood S/McGann to adjourn the Regular Meeting at 7:34 PM; with no objection, the meeting was adjourned.

Approved:

Tom Bailer, Chairman

Leif Stavig, Assistant Planner

**PLANNING COMMISSION SPECIAL MEETING
SEPTEMBER 24, 2014 AT 6:00 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *Tom Bailer* called the Planning Commission Special Meeting to order at 6:00 PM on September 24, 2014 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman *Tom Bailer* and Commissioners *David Reggiani, John Greenwood, Tom McGann*, and *Allen Roemhildt*. Commissioners *Scott Pegau* and *John Baenen* were absent.

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

2 people were in the audience.

3. APPROVAL OF AGENDA

M/Reggiani S/Greenwood to approve the Agenda.

Upon voice vote, motion passed 5-0.

Yea: *Bailer, Reggiani, Greenwood, McGann, Roemhildt*

Nay: None

Absent: *Pegau, Baenen*

4. DISCLOSURES OF CONFLICTS OF INTEREST

None.

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

Anne Winters, 925 Center Drive, thanked the Commission for the scheduling on short notice and for being there. They just sold their house and the last thing to come in was the as-built and they realized their garage was encroaching on City property on two sides. She said that they made the mistake; they built the garage on an existing gravel pad and they are trying to mitigate the problem. They agree with what the Planning Department laid out (in the packet). They request to purchase a minimal piece on the Northwest corner and another on the back side to meet all setback requirements.

6. NEW/MISCELLANEOUS BUSINESS

a. Resolution 14-05

M/Greenwood S/Reggiani to approve Resolution 14-05.

Greenwood said this was a housekeeping thing and the Commission needs to make it 'Available.' This is the first step in doing that. *McGann* said that his recommendation on the second item on the agenda makes him inclined to not make it Available.

Reggiani said that he went down to look at the lot and he is confused about the reference to a snow dump (the lot North of the Winters, lot 13). He can't see how it could be a snow dump from the cul-de-sac on Center Drive. He asked **Bill Howard**, Streets Superintendent, if there was another way it was used. **Howard** replied that they didn't find out it was a snow dump until recently. They have not had a chance to cut the brush back to utilize the lot. (There was discussion about where snow dumps were in the area.) **Reggiani** asked if the lot was a conforming lot. **S. Greenwood** said that it does not have the correct width. There is supposed to be a 40 ft. front lot line. **Reggiani** asked **Howard** if he needed both lots (the lot to the North and to the South of Winters) as snow dumps as they are on the hunt for developable land. **Howard** said that they did not. **Bailer** clarified with **Howard** that taking some of the snow dump lot away would not be an issue.

S. Greenwood said that she had talked to **Susie Herschleb**, Director of Parks and Recreation, about Tract A, and **Herschleb** told her that she didn't have any issues. **Greenwood** said that moving the back lot line out solves the problem. It's not ideal, but since it isn't a residential lot he isn't worried about it.

Bailer said that one option would be to move the garage, but there's not really room to move it and it is a taxable part of the piece of the property.

McGann said he did not understand the last sentence in the first 'Whereas' of the resolution: "It is important to maintain consistency with the land disposal process." **S. Greenwood** said she thought process was making it Available prior to selling the property since they are currently Unavailable.

Upon voice vote, motion passed 5-0.

Yea: **Bailer, Reggiani, Greenwood, McGann, Roemhildt**

Nay: None

Absent: **Pegau, Baenen**

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

M/Greenwood S/McGann 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.

Bailer said that it's direct negotiation since it's of no use to anyone else but the property owner next to it.

McGann said that the third option in the memo (land trade with City) would be a win-win for everyone. (There was discussion about this option; the Commission decided to move forward with a land trade for the area needed of Lot 13.)

Reggiani asked what the other options were for the encroachment on Tract A. **S. Greenwood** said that they could have an easement. **Reggiani** asked about variances. **S. Greenwood** said that a variance is only for within a lot. **Bailer** said that there was a lot of fill over that line (the lot line next to Tract A). By adding land to the property, you are increasing the value. He doesn't see a reason why they wouldn't sell the property. **Winters** mentioned that the bank said that they must own the property; they can't have an easement.

Greenwood said they all seemed to be in agreement on the Northwest boundary. He asked if they wanted to do that through a trade or let the City Manager do it. **Bailer** said that looking at it with a builder's eye, you're crowding that area. It's a nice house and nice piece of property with a garage. It will create a family home. According to the Public Works Director, it's not going to interfere with the snow dump. He is in favor with the way it has been drawn (with enough space for the setbacks) without trading. He clarified with **Howard** that there wouldn't be a situation where the snow plowing has the potential to do damage to any of the building.

Reggiani said he was thinking about the precedence they would be setting. Looking at the neighborhood, there are a lot of other properties that could be encroaching on the City. He's concerned about the precedence that others could start encroaching and land would be made available. He was leaning more towards an easement or trading, rather than you can encroach and work with the City to move the lines around. **Bailer** agreed and knows that it's asking for forgiveness rather than permission. He looks at it if they were coming to the Commission now and looking to put in a garage, they would get good consideration and he thinks he would be for it. **McGann** said he agreed with **Reggiani** and that hopefully they will have a building inspector soon and he can keep an eye. The garage didn't have a Building Permit. He thinks they can nip it in the bud in the future when there is an inspector. **Greenwood** said he agreed, but it is in the interests of the City to get their tax base.

Upon voice vote, motion **passed** 5-0.

Yea: **Bailer, Reggiani, Greenwood, McGann, Roemhildt**

Nay: None

Absent: **Pegau, Baenen**

7. AUDIENCE PARTICIPATION

None.

8. COMMISSION COMMENTS

None.

9. ADJOURNMENT

M/Greenwood S/McGann to adjourn the Special Meeting at 6:44 PM; with no objection, the meeting was adjourned.

Approved:

Tom Bailer, Chairman

Leif Stavig, Assistant Planner

**PLANNING COMMISSION WORK SESSION
SEPTEMBER 24, 2014 AT 6:30 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman **Tom Bailer** called the Planning Commission Work Session to order at 6:45 PM on September 24, 2014 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman **Tom Bailer** and Commissioners **David Reggiani**, **John Greenwood**, **Tom McGann**, and **Allen Roemhildt**. Commissioners **Scott Pegau** and **John Baenen** were absent.

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

8 people were in the audience.

3. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

Kristin Carpenter wanted to put in a plug for Spruce Street. She thinks that there is a lot of erosion in the drainage ditch contributing a lot of bed load to the oil and grit separator that's installed on Lake Avenue.

Ruth Steele, 510 Fourth Street, said that they have been concerned about the road repair that needs to be accomplished at the top of Browning Ave. at Fourth Street. Someone has done a great job at fixing the lower portions of Browning, but that particular part has not been addressed yet. It can be a hazard, especially in the winter time. She's had some concerns with the angled parking on Second Street and has wondered if limitations should be put on the sides of vehicles that are parked there.

Kara Johnson, PO Box 954, said she is a medic with the ambulance. She thinks Chase Avenue is a big problem. It is rocky and in the ambulance it feels like a rollercoaster. It's hard to see the patients be jostled back and forth. Another area is the "tot lot" by the baseball field and high school. Two other places: the intersection on Council and First Street as you can't see the traffic that is coming, and Second Street and Adams in front of the Elementary School.

Carl Fisher, 515 Fourth Street, was wondering what the schedule was on chuck holes and which ones were getting fixed and which ones weren't. The guys fix one, but leave another for a week or month. The holes by Napa are terrible (on Nicholoff Way) and the one on Fourth Street and Browning.

Paul Trumblee said that on the emergency side, when you are a patient inside an ambulance going to the hospital it is like a rollercoaster. There's only two ways in and that's it. If you have a broken femur and you are in the ambulance it is a very painful ride. It's a terrible road and he would like to see it as priority number one. On the road coming in from Copper River Highway to Chase Avenue the big dip is like a rollercoaster. Everything past that is pothole-y and is a rough ride. The ambulance does not have a soft suspension. It's a public safety thing.

4. WORK SESSION TOPIC

a. 2015 Roads Priority List

Greenwood asked for a clarification on lane foot vs. linear foot. **Rich Rogers**, Public Works Director, explained that everything provided was in linear feet.

McGann clarified with **Rogers** that the list was the department's priorities as listed.

Reggiani was extremely impressed with the comprehensiveness of the report. He appreciates the time and effort that the staff put into it.

Roemhildt asked about the sidewalk repair on Chase Ave and said that if you took that money and smoothed out the other part of Chase, you could eliminate the rollercoaster ride. There's a sidewalk there already that is not unwalkable. **Bailer** said that **Baenen** brought that to his attention and said that the sidewalk is basically sitting on muskeg. That is why it is not going to hold up. His concern was if they could put asphalt in it holds up better than concrete. **Reggiani** said that **Baenen** also said the rollercoaster ride was because of muskeg.

McGann was wondering why number one was prioritized over number two. Everyone has to drive the short drive to Napa, not everyone has to drive Harbor Loop. They should be reversed.

Greenwood said he was in savor of sidewalks, especially on Harbor Loop, except for some of the sidewalks in the middle of places that don't connect to anything else. For instance, the one by the Post Office. **Bailer** said that the asphalt sidewalks seem like the way to go. Trying to do a curb and gutter and cement sidewalk will eat up their budget. **Reggiani** asked if it was delineated somewhere. He verified the color-coding was the same, whether it's curb and gutter or not. Moving forward, changing colors would be a good way to highlight it. **McGann** verified that there was going to be a covered staircase going up to the Cordova Center. He said that deprioritizes some of the sidewalks.

Bailer skipped down to the 'subdivision projects: drainage and chip seal.' Forest Heights is what he is familiar with; he has a piece of property up there still. The hill going up is half chip seal and half gravel and has drainage issues. He asked to give some thought into brushing that out.

Greenwood asked **Trumblee** about Chase Avenue and if they should fix one end or the other. **Trumblee** replied that going from West to East the ambulance has to cross into the oncoming lane to avoid that dip just in that 50 foot section of road. Priority one would be the West section of Chase Avenue. **Johnson** said if either way was fixed, they would just use that way.

McGann said that the section of sidewalk on Second Street for repair was the better section of sidewalk. **S. Greenwood** said that due to having to deal with drainage they anticipate having to repair the sidewalk. Howard said that the property owners would be able to hook into the storm drain system since right now they pump it into the sewer system.

(There was discussion on some of the issues raised during the audience comments.)

Reggiani requested staff find out how much parking would be eliminated by changing the Second Street parking on the East side of the street from Browning to Council to parallel parking.

Roemhildt asked who regulates the heavy equipment chain use. He has noticed the potholes get a lot worse when the chains go on. He said that it's not only the City, but the private contractors as well.

McGann asked if there was any chance this was going to be bonded. **Reggiani** said that the bond for up to \$2,000,000 will be on the special election ballot in November. **Greenwood** asked if the bond gets passed if the commission will revisit the list. **Randy Robertson** said he would take it to the City Council to get their guidance.

Greenwood asked about the timeline for the projects. **Rogers** said it would likely take three years. **Rogers** added that the estimates provided were for non-prevailing wage jobs. He said there had also been comment about who is doing the work. His recommendation is that the streets crew does not do this contracting work because they will be taking away from all the things they normally do.

Bailer said it was nice that they were doing this so the public has had time to comment. He doesn't see any major changes; just some things to look at.

5. AUDIENCE PARTICIPATION

Carpenter said that this was a great layout. The information in the packet is helpful. She thanked everyone for their work.

6. COMMISSION COMMENTS

Greenwood thanked staff for their time. He said they have their homework to get yes votes on the ballot.

Reggiani thanked staff and asked to have it highlighted on the website. He thinks if people could go to the webpage it would be a valuable tool for the community. **Robertson** said that the commission would start to see the conversation.

7. ADJOURNMENT

M/Reggiani S/McGann to adjourn the Work Session at 7:50 PM; with no objection, the meeting was adjourned.

Approved:

Tom Bailer, Chairman

Leif Stavig, Assistant Planner



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Division of Mining Land & Water
Southcentral Region Land Office

550 West 7th Ave
Anchorage, Alaska 99501
Main: (907) 269-8503
Fax: (907) 269-8913

PUBLIC NOTICE
ADL 231918
Alaskan Marine Resources, LLC

Subject to AS 38.05.850, the Southcentral Region Land Office has received an application for the following:

APPLICANT: Alaskan Marine Resources, LLC

PROJECT NAME: ADL 231918

GEOGRAPHIC LOCATION:

Mudflats outside Cordova Harbor breakwater, Cordova, Orca Inlet, Prince William Sound

LEGAL DESCRIPTION:

Mudflats outside Cordova Harbor breakwater, Cordova, Prince William Sound
SW1/4NE1/4 of Section 28, Township 15 South, Range 3 West, Copper River Meridian
60deg 32' 35" N, 145deg 46' 13" W

REQUESTED ACTIVITY:

Seasonal moorage, with three anchors, of the M/V Polar Bear, a 102' x 34' fishing vessel, on State-owned tidelands near the Cordova Harbor from September to June.

PROPOSED DATES OF USE:

Start: December 1, 2014
End: November 30, 2019

DEADLINE FOR COMMENTS: November 14, 2014

The public is invited to comment on the proposed activity. To ensure consideration, written comments must be received by the Division of Mining, Land and Water at 550 West 7th Ave, Anchorage, AK 99501 on or before 5:00 p.m. on the date noted above. Questions concerning this proposal should be directed to Emily Haynes, Telephone: (907) 269-8568; Fax: (907) 269-8913 or e-mail: emily.haynes@alaska.gov.

After review and adjudication, we may issue a permit with stipulations for the activity. The activity may be modified during the review and adjudication process.

The Alaska Department of Natural Resources complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services or special modifications to comment should contact Emily Haynes by phone at (907) 269-8568 or TDD (907) 269-8411.

The DNR/DMLW, reserves the right to waive technical defects in this notice.

/s/ Clark Cox, Regional Manager
Southcentral Region Land Office
Division of Mining, Land and Water

From: Jerry & Vicki Blackler [<mailto:docblack@ctcak.net>]

Sent: Tuesday, October 21, 2014 9:46 AM

To: Sam Greenwood

Subject: Public Hearing

Importance: High

Sam,

We support the variance that Ron & Anne Winters have requested on their property located on Lot 12 on Center Circle.

Jerry & Vicki Blackler
921 Center Circle
Cordova AK 99574

Planner's Report

To: Planning Commission
From: Planning Staff
Date: 10/23/14
Re: Recent Activities and Updates

- Six building permits issued since last Planning Commission Regular Meeting.
- CTC Ski Hill Sublease should be on the November 5th meeting.
- Safe Routes to School Contract to Council on November 5th meeting.
- Working on quarterly reports and submittals for LT2 and SRTS.
- UV equipment RFP proposals received and being reviewed by staff and GV Jones
- Reminder that Tom McGann and Scott Pegau's terms expire in November after meeting
- Researched and working with departments on impound lot location and needs.
- Weston Bennett has started as the new facility manger.
- Received GIS data from FEMA which Leif is working on incorporating into our data.
- Just recieved appraisals on mobile grid lot and impound lot; will go out for public notice for 30 days shortly.
- Winters purchase agreement has been signed.
- Dea Church has signed and is mailing the purchase agreement back to City for City Manager's signature.
- Power points and budget work.
- Organized & participated in cleanup day on Wednesday the 22nd.
- I researched the tidal area around the south fill and as far I can determine that area is not designated by any state or federal agency as critical habitat.

Some questions/information for the Commissioners

- Do we want to continue Legal Briefings and zoning bulletin?
- Does P&Z want to continue to have a budget? Staff would like to keep 700.00 to pay for ink.used for color printing for packets and memos.
- Road Inventory Update
- The November meeting falls on Veteran's day. We like to reschedule the meeting to the week of the 17th. (Scott will be out 1-7, 17-21 of November)

Memos attached:

- Second Street Parking
- Platting

Memorandum

To: Planning Commission
From: Planning Staff
Date: 10/23/14
Re: Second Street Parking

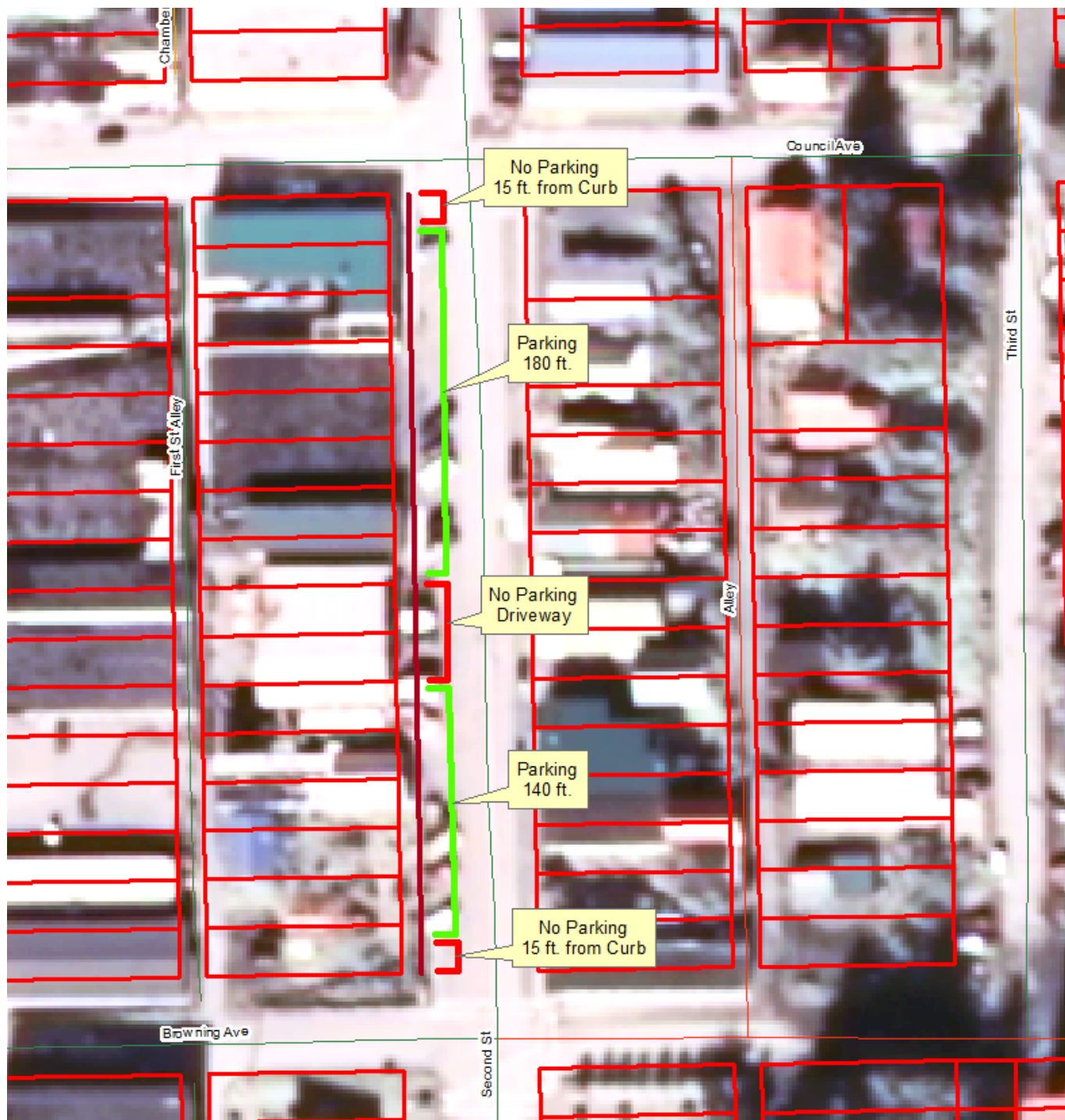
At the Planning Commission September 24th Work Session, staff was directed to investigate the parking on Second Street between Browning Avenue and Council Avenue. Staff have determined that the total length of curb dedicated to parking is approximately 320 feet (see Attachment A). Using the measurements provided in the City's Code (18.48.010 see Attachment B), there would be the following number of parking spaces for each condition:

Parallel Parking (0°) – 13 spaces
Angled Parking (35°) – 17 spaces
Angled Parking (45°) – 21 spaces
Angled Parking (55°) – 26 spaces

The parking currently on Second Street appears to be generally 45°-55° from the curb, however the parking spaces are not delineated in the entire length of the street. The parallel parking scenario accounts for 23 feet, but this is probably more variable as there are no lines painted on the ground (ex.: Main Street is parallel parking, but individual spaces are not marked so as to provide the maximum number of parking spaces) and the length of larger vehicles reaches nearly 23 feet. The amount of spaces decreases fairly significantly as you change the angle of the parking.

In conclusion, a good rule of thumb is that angled parking at 55° provides two times the amount of parking spaces as parallel parking, however whether or not the spaces are marked on the ground likely plays a large role in the actual number of spaces used.

Attachment A



Attachment B

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54° to 74°	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90°	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 10/23/14
Re: Platting

PART I – GENERAL INFORMATION

Staff will be moving forward with administrative plats per the definition provided in the City Code below. Staff will report any administrative platting in the Planner's Report. Some examples of the plats staff will be requiring include dissolving lots line of property owned by one person, and adjusting lot lines between land owners which may include fixing encroachment issues or providing better access. These plats will show changes in lot lines and ownership, however these are not considered subdivisions in our Code and need not go through the typical subdivision/platting process.

17.04.130 – Subdivision

For the purpose of these regulations, a subdivision of land is:

...

C. Re-subdivision of land heretofore divided or platted into lots, sites or parcels; provided, however, that the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land

Memorandum

To: Planning Commission
From: Planning Staff
Date: 10/23/14
Re: Variance Request for Ronald and Anne Winters

PART I – GENERAL INFORMATION

Requested Action: Variance from the required rear setback of 15 feet and side setback of 5 feet of Medium Density Residence District for one foot setbacks for their garage.
Applicant: Ronald and Anne Winters
Address: 925 Center Drive
Lot, Block, Survey: Lot 12, Block 5, Odiak Park Subdivision
Parcel Number: 02-072-842
Zoning: Medium Density Residence District
Lot Area: 9053 sq. ft.
Attachments: City Council Resolution 10-14-44
As-built
Location Map
Variance Application

PART II – BACKGROUND

9/20/14 – Ronald and Anne Winters sent a letter of interest to purchase a portion of Lot 13, Block 5, Odiak Park Subdivision and Tract A, Odiak Park Subdivision. The City owns both lots and the Winters wanted to purchase the land that their garage was encroaching on.

9/24/14 – At the Planning Commission Special Meeting, the commission passed a resolution recommending City Council make the portions of each lot available:

M/Greenwood S/Reggiani to approve Resolution 14-05.

Upon voice vote, motion **passed** 5-0.

Yea: Bailer, Reggiani, Greenwood, McGann, Roemhildt

Nay: None

Absent: Pegau, Baenen

The commission then passed the following motion:

M/Greenwood S/McGann 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.

Upon voice vote, motion **passed** 5-0.

Yea: Bailer, Reggiani, Greenwood, McGann, Roemhildt

Nay: None

Absent: Pegau, Baenen

See the draft minutes of this meeting for the discussion that occurred.

10/1/14 – At the City Council Regular Meeting, the council made the portions of the lots available in the Consent Calendar. Under New & Miscellaneous Business the following motion was made (which was the recommendation from the Planning Commission):

M/Joyce S/Bradford to direct the City Manager to dispose by direct negotiation with Anne and Ronald Winters a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Park Subdivision which will meet all required setbacks of the Medium Residential Zoning District.

The following amendment was made and passed on the main motion:

M/Joyce S/Burton to make that a one foot setback on the one side.

Vote on amendment: 4 yeas, 2 nays (Bradford, Bailer), 1 vacancy (seat E). Amendment passes.

The vote on the amended main motion:

Vote on main motion: 5 yeas, 1 nay (Bailer), 1 vacancy (seat E). Main motion passes.

City Council's intent was that the Winters would own the property their garage was on, but they could not rebuild as they would not be able to meet the required setbacks. See page four of the approved minutes available on the City's webpage for the discussion that occurred.

10/15/14 – At the City Council Regular Meeting, the council passed Resolution 10-14-44 (attached), authorizing the conveyance of land as depicted in the as-built (attached) needed for the setbacks from the garage to be 1 foot.

10/16/14 – The Winters submitted a Variance Application (attached) to the Planning Department for the 1 foot setbacks.

The requested variance is from the side and rear setbacks of the lot as the garage is located one foot off the property line. If the variance is granted, the garage would no longer be in violation of the City Code and the Winters can proceed to sell their property.

Because the purchase documents are in the process of being finalized, staff suggest the special condition stating that the variance is contingent upon the closing and purchase of the property.

Planning staff notified the Fire Marshal and Police Chief of the variance and have received no concerns.

PART III – APPLICABLE CRITERIA

18.24.050 R MEDIUM DENSITY RESIDENCE DISTRICT – Rear yard.

There shall be a rear yard in the R medium density district of not less than twenty-five percent of the depth of the lot but such yard need not exceed fifteen feet.

18.24.060 R MEDIUM DENSITY RESIDENCE DISTRICT – Side yard.

A. There shall be a side yard in the R medium density district of not less than five feet.

18.64.020 EXCEPTIONS, VARIANCES AND APPEALS – Variances.

An application has been filed pursuant to this section of code. Below is the review of the variance criteria.

PART IV – SUGGESTED FINDINGS

The application shall contain a statement and adequate evidence showing the following conditions, all four of which must exist before a variance may be granted.

- a. *That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same land use district.*

This condition has not been met. The property contains no exceptional physical circumstances or conditions that do not apply to other properties in the Medium Density Residence District. The requested variance is for an existing building which was built within the required setbacks. The lot is located on fill, is relatively flat, and consistent with other residential lots in the area.

- b. *That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.*

This condition has been partially met. Strict application of the provisions of this title would necessitate removal/relocation of the garage. The only other location on the lot that the garage could be located would be between the house and the street. Relocating the garage on the other side of the house would be a practical difficulty. Removing/relocating could be considered an unnecessary hardship because if the variance was granted they would not be required to.

- c. *That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.*

This condition has been partially met. Due to the fact that Tract A is 10.785 acres, the variance in the required setbacks has an extremely minimal impact on the lot. Tract A is also zoned Parks and Open Space District and its permitted uses are limited when it comes to development. The variance would have a negative effect on Lot 13 if it were to be developed following the requirements of the Medium Density Residence District. Because the garage is located one foot from the edge of the lot line, the separation between potential structures on Lot 13 will be less than if the setbacks were met. Additionally, the roof extends into the one foot setback, so rain and snow will shed onto Lot 13. Lot 13 is currently listed as Not Available in the 2014 Land Disposal Maps and is designated as a snow dump. Planning staff contacted the Fire Marshal and the Police Chief and neither had any concerns with the requested variance.

- d. *That the granting of the variance will not be contrary to the objectives of the comprehensive plan.*

This condition has been met. The development strategies for land use in all zoning districts are:

- *Provide land use guidance for the City.*
- *Plan for organized future growth and development.*
- *Anticipate and respond to trends in development patterns.*
- *Maintain and provide for a balanced and complementary pattern of land uses.*
- *Ensure growth patterns respect the natural environment.*
- *Protect the citizens of the community and the investments that have been made.*
- *Protect property values.*
- *Provide a clear and concise direction towards future growth within the community.*

The granting of this variance would not be contrary to any of the above strategies and would, in fact, be supported by several of the listed strategies. The strategy to “*protect the citizens of the community and the investments that have been made,*” is met by the variance as it would not require the garage to be removed or relocated and would protect the garage as an investment. The strategy to “*protect property values*” would also be met by the variance as keeping the garage on the property preserves the value of the property.

PART V – SUGGESTED SPECIAL CONDITIONS

1. Variance shall be contingent on the final closing and purchase of the property.

PART VI – STAFF RECOMMENDATION

Staff recommend denying the request by Ronald and Anne Winters for the variance as the conditions above have not been met.

PART VII – SUGGESTED MOTION

“I move that the request by Ronald and Anne Winters for a variance from the required rear setbacks of 15 feet and side setbacks of 5 feet of the Medium Density Residence District for one foot setbacks for their garage be approved as contained in the staff report with the special condition that the variance shall be contingent on the final closing and purchase of the property.”

**CITY OF CORDOVA, ALASKA
RESOLUTION 10-14-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA,
ALASKA, AUTHORIZING THE CONVEYANCE TO RONALD AND ANNE
WINTERS OF 163 SQUARE FEET OF LOT 13, BLOCK 5 AND 32 SQUARE FEET OF
TRACT A, ODIAK PARK SUBDIVISION**

WHEREAS, pursuant to CMC 5.22.030, the City of Cordova directly negotiated to sell 163 square feet of Lot 13, Block 5 and 32 square feet of Tract A both in Odiak Park Subdivision (the "Property"); and

WHEREAS, the purchase price is not less than fair market value of the Property; and

WHEREAS, selling the Property allows the future sale of the Winters' property; and

WHEREAS, the Council finds that selling the Property to Ronald and Anne Winters is in the best interest of the City; and

WHEREAS, there have been presented to this meeting the forms of a Purchase and Sale Agreement and Quitclaim Deed that are to be executed in connection with the disposal of the Property by the City, and it appears that such documents are in appropriate form and are appropriate instruments for the purposes intended.


NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Cordova, Alaska, authorizes the conveyance to Ronald and Anne Winters of 163 square feet of Lot 13, Block 5 Odiak Park Subdivision and 32 square feet of Tract A Odiak Park Subdivision.

Section 1 The City Manager is authorized and directed to convey the Property to Ronald and Anne Winters in accordance with the terms in the Purchase and Sale Agreement. The form and content of the Purchase and Sale Agreement and Quitclaim Deed now before this meeting hereby are in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver such documents on behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of said documents now before this meeting, and from and after the execution and delivery of said documents, the City Manager hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the documents as executed.

PASSED AND APPROVED THIS 15th DAY OF OCTOBER, 2014



ATTEST:


James Kacsh, Mayor


Susan Bourgeois, CMC, City Clerk

163 Sq. Feet

32 Sq. Feet

BEGINNING AT THE NORTH WESTERLY CORNER OF LOT 12 BLOCK 5 OF ODIK SUBDIVISION REPLAT POINT OF BEGINNING ALSO NOTED ON PLAT 79-5 FILED IN THE CORDOVA RECORDING DISTRICT THIRD JUDICIAL DISTRICT STATE OF ALASKA; POINT LIES S 87°56'47" W ALONG THE NORTHERLY LOT LINE OF LOT 12 A DISTANCE OF 3.09'; FROM THE TRUE POINT OF BEGINNING THENCE N 20°52'24" E A DISTANCE OF 12.05' TO A POINT; THENCE S 69°12'25" E A DISTANCE OF 22.04' TO A POINT; THENCE S 20°52'24" W A DISTANCE OF 2.75' TO A POINT; THENCE S 87°56'47" W A DISTANCE OF 23.93' TO A POINT; WHICH IS THE POINT OF BEGINNING HAVING AN AREA OF 163 SQUARE FEET, PARCEL BEING IN LOT 13 BLOCK 5 OF SAID SUBDIVISION.

BEGINNING AT THE NORTH WESTERLY CORNER OF LOT 12 BLOCK 5 OF ODIK SUBDIVISION REPLAT POINT OF BEGINNING ALSO NOTED ON PLAT 79-5 FILED IN THE CORDOVA RECORDING DISTRICT THIRD JUDICIAL DISTRICT STATE OF ALASKA; POINT LIES N 02°03'13" W ALONG THE WESTERLY LOT LINE OF LOT 12 A DISTANCE OF 7.31' FROM THE TRUE POINT OF BEGINNING; THENCE S 02°03'13" E ALONG THE WESTERLY LOT LINE OF LOT 12 A DISTANCE OF 13.25' TO A POINT; THENCE N 69°12'25" E A DISTANCE OF 5.16' TO A POINT; THENCE N 20°52'24" E A DISTANCE OF 12.21' TO A POINT; WHICH IS THE SAID TRUE POINT OF BEGINNING HAVING AN AREA OF 32 SQUARE FEET, PARCEL LOCATED IN TRACT A OF PLAT 74-272 FILED IN THE CORDOVA RECORDING DISTRICT THIRD JUDICIAL DISTRICT STATE OF ALASKA;

TRACT A
PLAT 74-272

N 02°03'13" W
92.79'

163 Sq. Feet

GARAGE

HOUSE

LOT 13
PLAT 79-5

LOT 12
BLOCK 5
8858 Sq. Feet
0.203 Acres

GRAVEL DRIVE

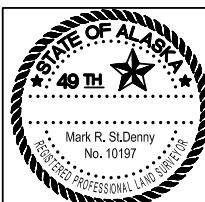
N 85°14'57" W

LOT 11
PLAT 79-5

LEGEND

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

0' 20' 30' 40'



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

CORDOVA

DRAWN BY

DATE

MSTD

09-17-14

SCALE

SHEET

1"=20'

1 of 1

CORDOVA RECORDING DISTRICT

PROJECT NO. 14-010916

PREPARED FOR:

RONALD E. & ANNE B. WINTERS, CORDOVA ALASKA 99574

ST. DENNY SURVEYING INC.

P.O. BOX 388, KODIAK, ALASKA 99615 (907) 481-3500

Location Map



CITY OF CORDOVA



VARIANCE APPLICATION CITY OF CORDOVA

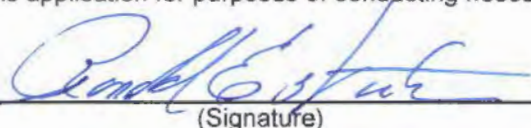
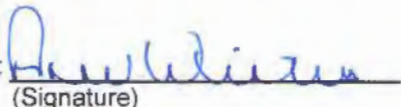
INSTRUCTIONS

Print or type requested information. Incomplete applications will be returned to the applicant and will delay the processing of your request. All applications must be filed with the Planning Department **21 days prior to** the next Planning Commission meeting date.

APPLICANT INFORMATION	
Name	RONALD E. & ANNE WINTERS
Address	P.O. Box 1789 CORDOVA AK 99574
Telephone [home]	907.424.3122
Business Name	
Business Address	
Telephone [business] - CELL	907.441.1643
Business FAX	
Project architect/engineer	
Address of architect/engineer	
Telephone of architect/engineer	

PROPERTY/PROJECT INFORMATION	
Address of subject property	925 CENTER DR CORDOVA AK
Parcel identification number	LOT 12 BLOCK 5 ODIAK SUB
Property owner [name/address]	RONALD E. & ANNE WINTERS / PO Box 1789 CORDOVA AK
Current zoning	MEDIUM RESIDENTIAL
Proposed use	RESIDENTIAL - SINGLE FAMILY
Construction start date	

ZONING APPLICATION	
Owner of property (if different than applicant). If multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheet if necessary.	
Real Estate Firm/Broker handling sale of property. Provide name and address. Note: <i>If you do not own the property, you must provide a copy of a Purchase Agreement or instrument acceptable to the city indicating the owner is fully aware of, and in agreement with, the requested action.</i>	BUYERS DEALING WITH RESIDENTIAL MORTGAGE ANCHORAGE
City Business License Permit Number (if applicable)	

APPLICANT CERTIFICATION	
<p>By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting necessary site inspections.</p>	
By: <u></u> (Signature)	By: <u></u> (Signature)
Name: <u>RONALD E. WINTERS</u> (Type/Print)	Name: <u>ANNE WINTERS</u> (Type/Print)
Date: <u>10.9.2014</u>	Date: <u>10.9.2014</u>
<p>Appeal Procedures: A decision of the Planning Commission may be appealed to the Board of Adjustment. An appeal must be filed in writing with the City Clerk within ten (10) days of the decision. In accordance with the procedures outlined in Section 18.64.030 of the City of Cordova Zoning Code.</p>	

CITY USE ONLY - PLEASE DO NOT WRITE IN THIS SECTION	
ITEM	ACTION
Date application received:	
Fee paid:	
Does application require a public hearing? Planning Commission: City Council:	
Staff review date/reviewer name:	
Planning Commission final action:	
City Council final action:	
Other:	

ZONING APPLICATION continued

Project/Request Description Page:

- 1 Please describe your request in complete detail. Feel free to add additional pages and/or drawings, maps, photographs of the site, and other documentation that might be helpful to the Planning Commission as they make a decision on your request.
- 2 If you are requesting a dimensional variance, you must include a basic site plan drawing showing the location of your property lines, existing and proposed buildings, existing and proposed easements, building setbacks, and other items necessary to adequately and accurately show the nature of your request.
- 3 In order to receive a zoning compliance permit, you must meet the standards of the relevant zoning code. **PLEASE REFER TO THE FOLLOWING PAGES OF THIS APPLICATION FOR A COPY OF THE RELEVANT SECTION STANDARDS.**

Please describe your request. Add additional pages, drawings and required information.

WE HAVE TENTATIVELY SOLD OUR HOME ON CENTER DR. THE ONLY REMAINING PIECE OF PAPERWORK BEING REQUIRED BY THE BUYERS' MORTGAGE CO. IS AN AS-BUILT SHOWING A CONFORMING LOT THAT EACH STRUCTURE HAS THE REQUIRED SET-BACKS. THE INITIAL AS-BUILT REVEALED AN ENCROACHMENT PROBLEM WITH OUR GARAGE ONTO TWO PIECES OF CITY PROPERTY. WE CAME BEFORE PLANNING & ZONING COMMISSION SEP 24 TO REQUEST THE SALE OF SMALL PIECES OF PROPERTY FROM THESE 2 CITY LOTS. P&Z AGREED TO RECOMMEND THE SALE OF A SMALL TRIANGLE OF PROPERTY ON LOT 13 (DESIGNATED A SNOW DUMP) & A LONG 18' WIDE PIECE OF PROPERTY FROM TRACT A OF ODIAK PARK SUB. (DESIGNATED PARK/OPEN SPACE) TO CITY COUNCIL. A MOTION WAS MADE & PASSED AT THAT P&Z MEETING TO RECOMMEND THAT THE CITY MGR. NEGOTIATE THE SALE OF THE SUGGESTED PROPERTY TO "MEET ALL REQUIRED SETBACKS OF THE MEDIUM RESIDENTIAL ZONING DIST." THE CITY COUNCIL CONSIDERED THE RECOMMENDATION ON OCT. 1 & AMENDED IT SO THAT ONLY 1 FOOT PAST THE EDGE OF THE GARAGE ON BOTH PIECES OF PROPERTY WOULD BE AVAILABLE FOR SALE. THIS DOES NOT ALLOW FOR THE REQUIRED LEGAL SETBACKS. IT ALSO PRECLUDES THE SALE OF THE PROPERTY TO OUR BUYERS WHO ARE NEGOTIATING A CONVENTIONAL MORTGAGE. THEIR MORTGAGE COMPANY IS REQUIRING THAT ALL SETBACKS BE MET. WE ARE, THEREFORE APPLYING FOR A VARIANCE ALONG BOTH NEW LOT LINES TO PROVIDE FOR THE REQUIRED LEGAL SETBACKS. THANK YOU FOR YOUR CONSIDERATION.

INITIAL AS-BUILT ATTACHED.

VARIANCE STANDARDS 18.64.020

The Planning and Zoning Commission may only approve the variance if the Commission finds that ALL of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. Use additional paper if needed.

1

Exceptional physical circumstances or conditions that apply to the property or to its intended use or development which do not apply generally to the other properties in the same land use district.

EXPLAIN: WITHOUT A VARIANCE PROVIDING FOR THE REQUIRED LEGAL SET BACKS THIS PROPERTY WILL BE HARD TO SELL TO ANY BUYER SEEKING CONVENTIONAL FINANCING. SINGLE FAMILY, MEDIUM PRICED HOMES ARE AT A PREMIUM IN CORDOVA. A VARIANCE WILL PROTECT FUTURE BUYERS & SELLERS OF THIS PROPERTY.

2

That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.

EXPLAIN: AS PREVIOUSLY STATED, WITHOUT THE VARIANCE PROVIDING FOR THE SET BACKS, THE CURRENT BUYERS CANNOT PROCEED WITH THE PURCHASE. THE LACK OF SET BACKS WOULD MAKE IT VERY DIFFICULT FOR ANYONE IN THE FUTURE TO SECURE CONVENTIONAL FINANCING ON THE PROPERTY.

3

That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

EXPLAIN: THE GRANTING OF THE VARIANCE WILL ABSOLUTELY NOT RESULT IN MATERIAL DAMAGE OR PREJUDICE TO THE 2 ADJACENT CITY PROPERTIES. THE PROPERTY ORIGINALLY PROPOSED FOR SALE BY P+Z INCLUDED THE REQUIRED PROPERTIES. P+Z CONSULTED WITH THE PUBLIC WORKS DIR AT THE SEP 24 MEETING & HE STATED THAT IT WOULD NOT NEGATIVELY IMPACT LOT 13, THE SNOW DUMP. THE REQUIRED PROPERTY (SEE BELOW)

4

That the granting of the variance will not be contrary to the objectives of the comprehensive plan.

EXPLAIN: THE COMPREHENSIVE PLAN STATES THAT THE MISSION IS TO CREATE A SAFE PLACE TO LIVE. "THE PLAN WAS MEANT TO BRING AN ENHANCEMENT OF QUALITY OF LIFE..." & AS FAR AS LAND USE IS CONCERNED, IT SHOULD RESPECT THE NATURAL ENVIRONMENT & "PROTECT... INVESTMENTS THAT HAVE BEEN MADE" & PROTECT PROPERTY VALUES. THIS VARIANCE WOULD NOT BE CONTRARY TO THOSE OBJECTIVES. GRANTING THE VARIANCE WOULD INCREASE (SEE PAGE 2)

OTHER REQUIREMENTS

1. A legal description of the property involved. LOT 12 BLOCK 5 ODIAK SUB.
2. Site and Building Plan: Plot plan showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and such other data as may be required.
3. Evidence of the ability and intention of the applicant to proceed in accordance with the plans within six months after the effective date of the variance.

3 CONT'D: IN TRACT A ALONG THE BACK PROPERTY LINE IS VERY CLOSE TO THE HOSPITAL HELI-PAD & A VARIANCE PROTECTING THE SET BACKS WOULD NOT IMPACT ANY OF THAT TRACT THAT COULD REASONABLY BE USED OR DEVELOPED IN THE FORESEEABLE FUTURE. THE REQUESTED VARIANCE HAS NO IMPACT ON ACCESS & WOULD NOT RESTRICT THE POLICE, FIRE DEPT. OR EMS IN ANY WAY.

VARIANCE STANDARDS 18.64.020

The Planning and Zoning Commission may only approve the variance if the Commission finds that ALL of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. Use additional paper if needed.

1

Exceptional physical circumstances or conditions that apply to the property or to its intended use or development which do not apply generally to the other properties in the same land use district.
EXPLAIN:

2

That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.
EXPLAIN:

3

That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.
EXPLAIN:

4 CONTINUED

That the granting of the variance will not be contrary to the objectives of the comprehensive plan.
EXPLAIN:
THE PROPERTY VALUE, INCREASE THE TAX BASE & PROVIDE PROTECTION TO THE BUYERS & TO FUTURE OWNERS.

OTHER REQUIREMENTS

1. A legal description of the property involved.
2. Site and Building Plan: Plot plan showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and such other data as may be required.
3. Evidence of the ability and intention of the applicant to proceed in accordance with the plans within six months after the effective date of the variance.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 10/23/2014
Re: Disposal of a Portion of ATS 220

PART I – GENERAL INFORMATION

Requested Action: Recommendation to City Council on Disposal Method and amount of Property to dispose.
Lot, Block, Survey: ATS 220
Zoning: Unzoned
Attachments: Attachment A: Location Map
Encroachment As-Built Drawing
Letter of interest

PART II – BACKGROUND

We have received a letter of interest from Ocean Beauty to purchase City tidelands that their current building encroaches on. Ocean Beauty recently purchased Lot 1, Block 1 from the City. A requirement of that purchase was to dissolve the lot lines between Lots 1, 2, and 3, all of which are owned by Ocean Beauty. Their main plant extends across Lots 2 and 3 and their proposal for Lot 1 was to extend the building on to Lot 1. When Ocean Beauty had the survey done an as-built of the current building was also done (attached) which is how this encroachment was brought to light. This main building was built approximately 30 plus years ago.

At this time the commission can make a recommendation to City Council to sell or not to sell a portion of the tidelands to Ocean Beauty. They have requested to purchase the encroachment area only. In the Waterfront Industrial District setbacks requirements are:

18.33.060 - Setbacks.

A. Minimum Setbacks.

1. Front yard-Twenty feet.
2. Side yard and rear yard: subject to Uniform Building Code regarding fire walls and separation of buildings.

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 – SUGGESTED SPECIAL CONDITIONS

1. Ocean Beauty shall incorporate the additional land purchased from the City in the required re-plat of Lot 1 Block 1 and a re-plat of ATS 220 in that area.

PART V – STAFF RECOMMENDATION

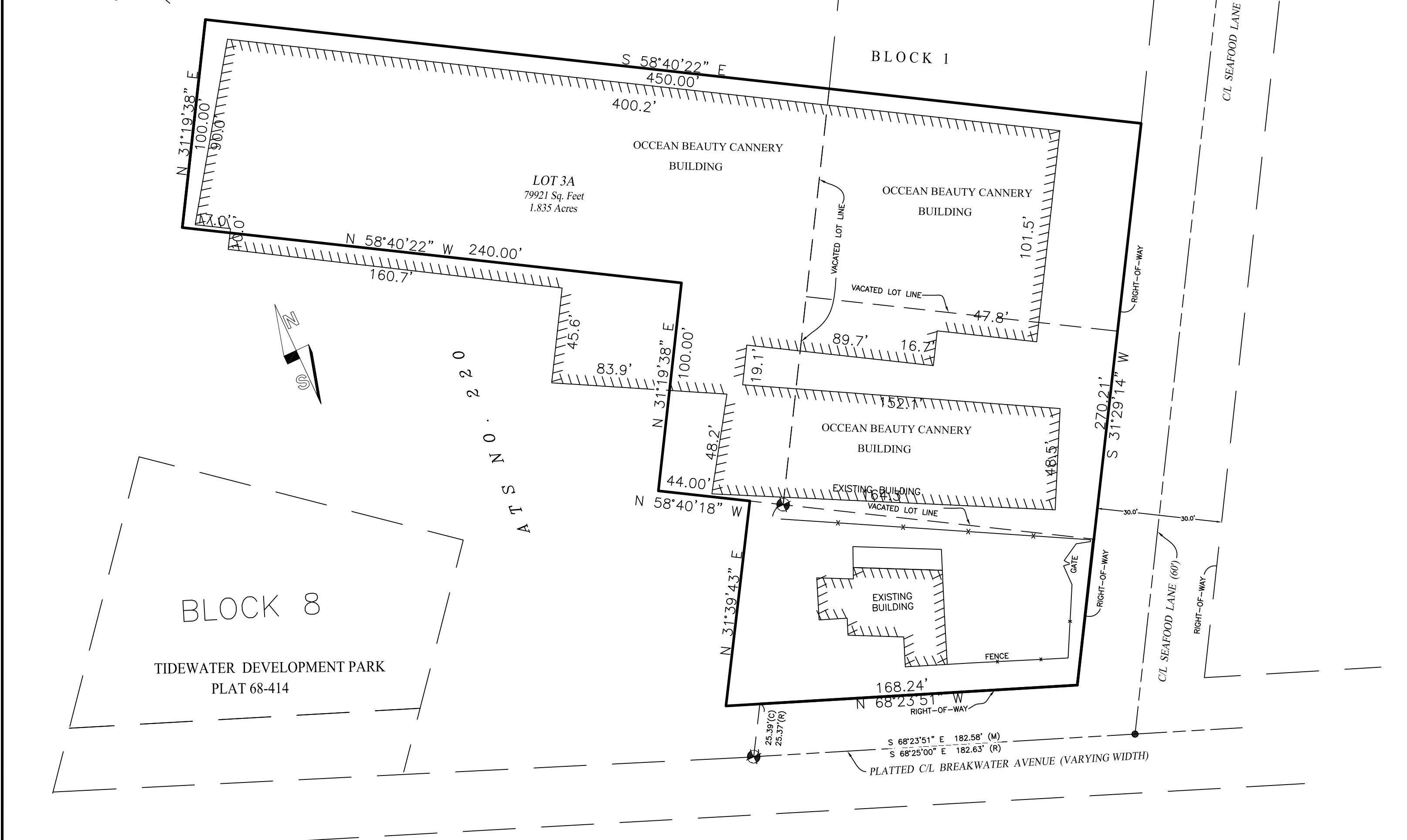
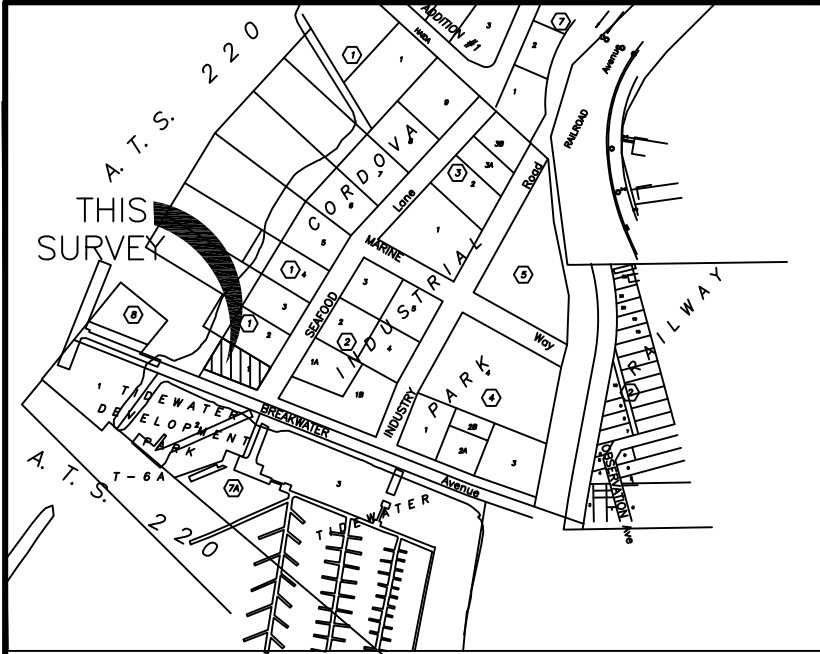
Staff recommend the Commission recommend to City Council to dispose of the property as described in Number 1 direct negotiation including the suggested special conditions.

PART VI – SUGGESTED MOTION

“I move to recommend to City Council to dispose of a portion of ATS 220 which contains the area of encroachment only by direct negotiation with the special condition that Ocean Beauty shall incorporate the additional land purchased from the City in the required re-plat of Lot 1 Block 1 and a re-plat of ATS 220 in that area.”

Attachment A

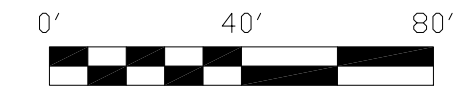




NOTES:
1. SUBJECT TO ALL CONDITIONS, SERVITUDE'S, EASEMENTS, COVENANTS, RESERVATION, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
2. SUBJECT TO ALL COPY RIGHT LAWS.
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LEGEND
= FOUND 2" ALUMINUM CAP
(R) = RECORD DIMENSION
(C) = CALCULATED DIMENSION

NOTES:
1. SUBJECT TO ALL CONDITIONS, SERVITUDE'S, EASEMENTS, COVENANTS, RESERVATION, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
2. LOCATION OF PUBLIC UTILITIES ARE PER FIELD INSPECTION AND AVAILABLE RECORDS WITH NO GUARANTEE OF THOROUGHNESS; SAID LOCATIONS ARE FOR GENERAL REFERENCE ONLY AND NOT TO BE USED FOR CONSTRUCTION OR ENGINEERING PURPOSES.



PREPARED FOR:
OCEAN BEAUTY
Cordova, Alaska 99574

OWNERSHIP AFFIDAVIT
I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON.
I HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS FOR PUBLIC UTILITIES, STREETS, ALLEYS, THOROUGH FARES, PARKS AND OTHER PUBLIC AREAS SHOWN HEREON.

CITY OF CORDOVA
DATE
OCEAN BEAUTY

NOTARY ACKNOWLEDGMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 2014
CITY OF CORDOVA
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 2014
OCEAN BEAUTY

TAX CERTIFICATE
I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY OF CORDOVA ALL TAXES ASSESSED AND DUE AGAINST SAID LAND AND IN FAVOR OF THE CITY OF CORDOVA ARE PAID IN FULL.
DATED AT CORDOVA ALASKA, THIS _____ DAY OF _____ 2014
CITY OF CORDOVA

PLAT APPROVAL
THIS PLAT CONFORMS TO THE CITY OF CORDOVA PLANNING AND ZONING COMMISSION AND IS HEREBY ACCOETED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCE AND LAW PERTAINING THERE TO.
CITY MANAGER
CHAIRMAN, PLANNING & ZONING COMMISSION
PLATTING OFFICIAL

Mark R. St.Denny
No. 10197
REGISTERED PROFESSIONAL LAND SURVEYOR

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS AND IMPROVEMENTS 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

RE-PLAT
LOTS 1A,2 & 3,BLOCK 1, OF
CORDOVA INDUSTRIAL PARK.
CREATING: LOT 3A, BLOCK 1
CORDOVA INDUSTRIAL PARK
PLAT 65-304

CORDOVA **ALASKA**

DATE 05-18-14	DRAWN M.ST.D.	CORDOVA RECORDING DISTRICT
SCALE 1' = 40'	SHEET 1 of 1	PROJECT NO.

ST.DENNY SURVEYING, INC.
P.O. BOX 388, KODIAK, ALASKA (907) 481-3500



Ms. Samantha Greenwood
City Planner
City of Cordova
P.O. Box 1210
Cordova, Alaska 99574

October 22, 2014

Dear Ms. Greenwood:

This letter is to confirm Ocean Beauty Seafood's intent to rectify the encroachment onto ATS 220. Our proposed solution is to purchase the necessary property as shown in your drawing. It's our understanding that upon consideration of this letter of intent the City of Cordova will proceed with the necessary surveying and valuation of the property in question.

Please refer to the attachment for excerpts from a 2013 Real Estate Appraisal performed by Alaska Appraisal Associates, Inc. As a basis for valuation of the tidelands, see page 86 under 'Tideland Valuation' where I have highlighted a section indicating a typical tideland valuation of 25% – 35% of the adjacent uplands. I look forward to resolving this situation to our mutual satisfaction.

Sincerely,
Michael Clutter

Ocean Beauty Seafoods, LLC
Plant Manager – Cordova, Alaska

November 2014

November 2014							December 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	7	1	2	3	4	5	6
9	10	11	12	13	14	8	14	8	9	10	11	12	13
16	17	18	19	20	21	15	21	15	16	17	18	19	20
23	24	25	26	27	28	22	28	22	23	24	25	26	27
30								29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 26	27	28	29	30	31	Nov 1
2	3	4	5 7:00pm City Council Regular (Library)	6	7	8
9	10	11 City Closed - Veterans Day	12 7:00pm Harbor Commission Regular (City Hall) 7:00pm School Board Regular (High School)	13	14	15
16	17 6:30pm Rescheduled Planning Commission Regular Meeting (Library)	18	19 7:00pm City Council Regular (Library)	20	21	22
23	24	25	26	27 City Closed - Thanksgiving	28 City Closed - Thanksgiving	29
30	Dec 1	2	3	4	5	6

December 2014

December 2014							January 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 30	Dec 1	2	3 7:00pm City Council Regular (Library)	4	5	6
7	8	9 6:30pm Planning Commission Regular (Library)	10 7:00pm Harbor Commission Regular (City Hall) 7:00pm School Board Regular (High School)	11	12	13
14	15	16	17 7:00pm City Council Regular (Library)	18	19	20
21	22	23	24	25 City Closed - Christmas	26	27
28	29	30	31	Jan 1, 15	2	3