

Planning Commission  
REGULAR MEETING  
CITY HALL CONFERENCE ROOM  
TUESDAY, May 10, 2011  
MINUTES

In those matters coming before the Cordova Planning Commission at 7:00 p.m.; Tuesday, May 10, 2011, 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, Lauren Padawer, Roy Srb, Greg LoForte and Tom McGann.  
Also present were City Planner Samantha Greenwood and Assistant Planner Faith Wheeler-Jeppson.  
There was 1 person in the audience.
- C. Record Absences  
None
- D. Approval of Agenda  
M/Srb S/Padawer to approve the Agenda  
Upon voice vote, motion passed unanimously
- E. Approval of Consent Calendar  
None
- F. Disclosure of Conflict of Interest  
Tom McGann declared a conflict of interest regarding the Variance request by Rob and Deb Eckley.
- G. Correspondence  
Letter from Ken Adams dated 5-08-2011 regarding the Variance request by Rob and Deb Eckley stated “I have no problem with this issue and approve the variance request.”
- H. Communication by Visitors
1. Guest Speakers  
None
  2. Audience comments regarding items in the agenda  
Skip Songer representing CWC ~ New Horizons representative Juhree Loyer asked me to come, if you guys had any questions on the collocation I could answer them for you.
  3. Chairpersons and Representatives of Boards and Commissions  
None
- I. Planners Report  
Samantha Greenwood ~ besides what's on there I just want to give you a couple updates; remember a long time ago the Trident Tideland sale and the Dolphin pilings? The survey is done; you'll probably see the Site Plan at the next meeting. Hallquist's passed City Council, it's getting signed and the it'll go back to the Title Company and once that's all done get it here and sign the Plat. And then from the Special Meeting, Camtu and Trident both have come and gotten their Building Permits. And then the Screen House as well is starting, that went through City Council last time. And when I was in Anchorage I met with the lawyers and she and the paralegal are working on Title 16 Building Codes, 17 Subdivisions and 18 Zoning and what she's doing right now is matching definitions, getting rid of some of the craziness and we're going to try to get back to a version that's a little more doable. And then it'll come back through Planning and Zoning, this is going to be a long process, but it's going to be good when it's done.  
Srb ~ Just for my own edification, on the third bullet point on Eighth Street its talking about proposals.  
Samantha Greenwood ~ Planning and Zoning recommended to City Council with some conditions, so City Council went through the water lines and addressed that stuff and Council voted to put that out for proposals. We've gotten an appraisal, so we have a minimum proposal price because we can't accept anything less than that. We got the newspaper proof done today; we're just about done with the proposal packet, so that's going to hit the newspaper on May 23<sup>rd</sup>. And currently the two South Fill lots are in the paper and should be on the radio. So, next meeting you'll be looking at those.  
Srb ~ One other item on here “Creating and working through the process of removing Performance Deed of trust documents” is that just some housekeeping?  
Samantha Greenwood ~ Ok, so when people in the past have purchased property they've had performance deeds of trust which have said “in three years you will complete your building.” It's like a lien on their property so when they complete that you have to remove it because the City basically has a lien on their property. So Roemhildt's and Paul and Linda Kelly's warehouses that they did recently are going through that process.

**McGann** ~ Will you talk about the AutoCAD layers, what you have and what you want to have.

**Samantha Greenwood** ~ In the past, I'm not sure of the time period I'd say around 2000-2006. The AutoCAD drawings provide all of the parcel layers and there's also AutoCAD drawings that have buildings placed on lots, some contours, there's just a lot of folders of AutoCAD drawings. The maps that I had up is called GIS and you can interface those two together but, AutoCAD is non-spatial you know, you just draw this line and say this is ten feet. In GIS every pixel has a lat/long attached to it and that's how it measures. So, when you figure out how to make the AutoCAD files have spatial a point then you can push it over into GIS. So, I want to learn two things, that's the first thing I want to learn how to do because I can work with GIS, but, AutoCAD is really cool because it's good to draw on. And Moe who is the new Public Works Director knows AutoCAD and is efficient. The first thing we want to do is inventory what we have. There are folders from 2002 that are just sitting there since 2006 doesn't make sense but if it is what I said then it's what I said from when the last person who had AutoCAD training was here. So there's a lot of updating, but there's a lot of good base stuff that needs to get to somebody's level of understanding.

**McGann** ~ What does GIS stand for?

**Samantha Greenwood** ~ Geographical Information Systems

**Bailer** ~ Now in your discussions with the lawyer on the Building Codes, as far as trying to add code where we would require a Building permit with a new house and Building Inspection, we've also discussed a minimum for energy efficiency. Have you spoke to them about any kind of verbiage?

**Samantha Greenwood** ~ I put those in my notes that I first sent to her, I will ask her about that again.

**Greg LoForte** ~ I have two questions the last meeting we reviewed a building permit for Trident's Screening Plant, my question is do they put a value on the building permit of the improvements?

**Faith Wheeler-Jepsson** ~ What you guys had last time was the Site Plan Review, they haven't come in a gotten their Building Permit yet, but when they do come in and fill out the Building Permit application there is a section asking for an estimated cost of construction for the project.

**LoForte** ~ The other question I had was how far along are we with the Samson Tug and Barge property swap? Are we moving ahead there?

**Samantha Greenwood** ~ I think that we're close, but I think the whole reality of moving doesn't make sense because of the season right now, Samson is busy, and Dale Muma is busy right now with Harbor stuff. But yes we're talking; they're very interested they don't have any issues with doing that. We need to look at some permitting stuff, they will have some vans on the water side which hasn't been there before, whether that's any issue for anyone I don't know.

**Srb** ~ Can I get one point of clarification on what Greg brought up with regards to a Building Permit when they declare an estimated value. At the completion of construction is that (inaudible) for assessment purposes or are you just taking them.

**Samantha Greenwood** ~ I think that when the Assessors come or when Lila does an appraisal they look at the permit for increase value. Do the Building permits actually go into the tax lot cards?

**Faith Wheeler-Jepsson** ~ Yes, When we issue the Building permit we give one to Sue Muma for coding, and then we give one to the Clerk's Office and those get flagged so when the Assessors come in to do the assessments so they know that there is a new improvement on that property.

**Srb** ~ So they do go and double check the estimated value.

**Bailer** ~ That's one of the reasons for enforcing getting the building plans so you know what is going on in the community.

#### **Election of Officers**

**M/McGann S/Srb Nominate Tom Bailer as Chairman**

**M/LoForte S/Srb Nominate David Reggiani as Vice-Chairman**

**Upon voice vote, motion passed unanimously**

#### **J. New Business**

##### **1. Variance request by Rob and Deb Eckley from the height requirements in Low Density Residential Zone District.**

**M/LoForte S/Padawer** "I move that the Variance request by Robert ad Deborah Eckley for the construction of a home exceeding the height requirements in Low Density Residential Zone on Lot 4, Bluff Trail Subdivision be *approved* based upon the findings as contained in the staff report dated May 2, 2011."

**Tom McGann declared a conflict of interest.**

**Bailer** ~ asked that under the heading Exceptional physical circumstances or conditions apply to its intended use or development which does not apply to other properties in the same land use district, that the "*and would be costly*" be stricken and removed from the applicable criteria and suggested findings in the Staff Report.

**Srb** ~ asked that under the heading That Granting 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, that the reference to 'Oscar Delpino' also add his title as the Fire Chief.

**Upon voice vote, motion passed unanimously**

##### **2. Conditional Use Permit request by Cordova Wireless Communications to co-locate four antennas on an existing tower owned by Aircell, LLC.**

**M/Padawer S/Srb** "I move that the request by Cordova Wireless Communication for a Conditional Use Permit to co-locate two omni-single sector 850 MHz antennas, two single sector WiMax BTS antennas at the 190' elevation on a tower owned by Aircell, Limited Liability Corporation and to include a 6'x4' communications shelter to house the equipment at the Aircell LLC cellular site located in Lot 2, Block 23, Merle K. "Mudhole" Smith Airport be *approved* based on the findings and subject to the special conditions as contained within the staff report dated April 26, 2011."

**Padawer** ~ I don't have any particular concerns considering we've been through this before and I did get dizzy with the number of pages and the information provided with this application. I don't know that it's our role, I'm not sure if it's our role to determine that everything that is provided is to specifications in terms of the height and the loads. But, conceptually we've done this before and it looks like a good application.

**McGann** ~ I agree, consolidation of this stuff is a wonderful idea. I also think it's not in our position to review any of the technical stuff. But, I think it's a good idea.

**LoForte** ~ I did have something I thought was interesting, the package was very impressive. You do have a little disclaimer "In the absence of information contrary, we consider that all structures were constructed in accordance with the drawings and specifications and are in an un-corroded condition and have not deteriorated" so basically all of your calculations are on a new piece of machinery and I don't know how long this thing has been sitting out there.

**Skip Songer** ~ Only about six months.

**Roy Srb** ~ There was an awful lot provided here, what I did like to see was that they had an Engineer actually attest to the fact that what is planned will work. I like that we're getting feedback from the certified third party that whatever is being attached is not going to create a hazard.

**Skip Songer** ~ What the hope is with this too is that currently we have a couple of antennas on a thirty foot monopole at Airport and it's not above the tree level and we don't get very good service from it. So we're hoping that by putting them up there, there is a lot of people that go riding up into Scott Glacier and that whole area that doesn't get service from Heney because it's blocked by that mountain and the duck cabins, to provide better coverage to all of that area and hopefully remove the 6.5 mile and the airport sites.

It should aid, we're hoping to hit more out on the west side of Egg Island because right now the site ion Heney covers that area, but it only hits about half of Egg Island. So we're hoping it will hit where the tendering anchorage is, a little better coverage on the highway also out towards Sheridan on the Copper.

**Bailer** ~ Sam, I did have one thing and I need to ask you about this as far as where it gets down to "site located in Lot 2, Block 23, Merle K. "Mudhole" Smith Airport" and I'm wondering about and 'it shall be installed as per City Code'. We do have a Cell Tower Code that basically speaks to 'this needs to meet all federal regulations and so on and so forth' should that not be included in that motion?

**Samantha Greenwood** ~ This is not a Cell Tower, this is for antennas on the tower, our Code is a Cell Tower Code.

**Bailer** ~ And it doesn't address antennas?

**Samantha Greenwood** ~ I'm not going to say no, but I will look.

**Skip Songer** ~ It's all under FCC.

**Samantha Greenwood** ~ It's all federal.

**Bailer** ~ I guess I'm still kind of mulling it in my head that we do have a Cell Tower Code and in that you have to meet all federal regulations, it's our caveat.

**Faith Wheeler-Jepson** ~ Did you want to look at the Tower Code?

**Bailer** ~ Go ahead Greg

**LoForte** ~ I think the mere fact that it has an engineering stamp on it. Once the Tower is built we don't have any requirements saying you can't do this or you can't do that with it. We're assuming that an engineer is saying "do this and it's not going to fall over".

**Upon voice vote, motion passed unanimously**

K.

## OLD BUSINESS

### 1. Land Disposal Maps

**Samantha Greenwood** ~ So, I didn't update anything, we'll go ahead and do an update across the whole board. But we basically left off with Lot 4, USS 3345 (beside Clubb's old house) on the Lake the lot that Faith has a plat for. So I don't know if you guys read your definitions, we left off with available, not available and available with conditions. This one does meet the minimum square footage it's 4515 square feet.

The Commission and staff had a brief discussion about how lot 4; USS 3345 is laid out on the Plat and whether it was drawn out correctly in AutoCAD and the possibility of existing easements.

Lot 4, USS 3345 was marked as 'available' by the Planning Commission.

**Bailer** ~ What we all hoped would happen is that we'd go back to the process that we had installed; if we put any of these lots up for sale and three people want to develop it, they express interest and they bring their plan to us. One wants to build a boat garage, one want to build a one bedroom house and one wants to build a five bedroom house and we're going to look at that and say "our recommendation to Council would be to sell it to the person who wants to build a five bedroom house for \$300,000.00".

**McGann** ~ Now that's only if you list it as available with conditions.

**Bailer** ~ That's what we've done in the past and then we would recommend it to Council and Council would look at it and go "yea we concur" and the process move on. And now we don't, now with this new manager, we're changing things around so I'm not sure how we'll do things.

**Samantha Greenwood** ~ We have not changed anything. The way it is currently is any letter of interest that comes in, comes to Planning and Zoning, you recommend whether or not you want to sell it to Council, Council (inaudible) direct negotiation, bid, proposal.

**Bailer** ~ I think that's what I said

**Samantha Greenwood** ~ No, you missed the first two steps. Then you guys look at it, then you make your recommendation, all of the proposals go to Council with your recommendation and they have the final say.

**Bailer** ~ We've had it before where they've just wanted to build a boat garage and we've said no.

**Faith Wheeler-Jepson** ~ The only difference is between what was being done before and what's going on now is everything that the Land Management Committee had come up with in the flow chart was never put into Code. So even though you guys were following the flow chart which was recommended by the Land Management Committee it wasn't in Code, so the Code wasn't being followed and Mark Lynch is 'to Code' follow the rules.

**Samantha Greenwood** ~ The only thing that at some point is going to change is that if we can get these maps done, we can skip one Planning and Zoning and move to a City Council meeting. And the only thing you're missing out on is saying that that land is for sale. Because the initial letter of interest is only that, someone is interested in the land, the proposals come after.

**Bailer** ~ So do we want to put this one as sale, sale with conditions or just simply for sale? Those are our three options? Did I summarize it correctly?

**Samantha Greenwood** ~ Not available, available or available with conditions.

**Padawer** ~ I think we should just do it as available

**McGann** ~ Available

**Srb** ~ Available with special conditions

**LoForte** ~ Available

**Bailer** ~ Available with conditions

The concurrence is 3-2 for available

**Samantha Greenwood** ~ Now, we're at the large parcel behind Lakeview Subdivision.

**Bailer** ~ I want to talk about the area behind Skaters Cabin, I put in an application for that area once. There's a recreational area, a trail and a creek. I'm just throwing this out, what if we put this as available with special conditions and if somebody wanted to come in and develop that area, put a nice little subdivision in there we could eliminate that area over there by Skater's Cabin.

A lengthy debate trying to describe what the 'special conditions' are.

**Bailer** ~ I've got about 30 hours in with Don Sjostedt designing that. It was when Scott Hahn first came on; it was right after 'Mormon Hill' got developed, there was a lot of backlash because of the way that got sold we didn't have our plan that we're *not* using now into effect. But I think if somebody came in like the Kallander/Harvill group and wanted to put lots in there accordingly and right I think we should consider it. That's why I say let's just put it as available with special conditions and lets leave the door open.

**Samantha Greenwood** ~ So, let me just ask, when you're saying you want it available with special conditions and somebody comes here and says 'OK I want to buy that', so you won't even know what they're doing so the special conditions... (statement interrupted)

**Bailer** ~ My special condition would be, bring us your plan and tell us what you want to do.

**Samantha Greenwood** ~ Then you're balking your own system which is, is it for sale, yes it goes to City Council... (statement interrupted)

**Bailer** ~ For sale with special conditions.

**Padawer** ~ Well when someone comes in and finds a property that says with special conditions, they're going to ask what are the special conditions and if you have a list of special conditions then you can provide them if you don't then it has to come ... (statement interrupted)

**Bailer** ~ OK, well this is for the lawyers and other things, we'll move on, we'll put it for sale with special conditions. When it comes to that point, we own the land, we should be able to say what are you going to do with it, show us what you're going to do with it and we'll move on from there. I mean, it's pretty simple to me.

**Padawer** ~ Is there any way for this commission thought to ..... (statement interrupted)

**Bailer** ~ Well, we'll figure that out.

**Padawer** ~ No, my point is say none of us are here in ten years, none of us are at this table and that's when this happens is there any way for those conditions or those comments to be included at this time?

**Bailer** ~ They'll look back and say why did they have this discussion, hopefully they'll come to the same conclusion that we did.

**LoForte** ~ Because of the proximity to the existing recreational and the proximity to the lake and the conditions for developing adjacent to the lake...

**Bailer** ~ When we adopt this map could we not put some explanations on it to why?

**Samantha Greenwood** ~ I'm thinking that the special conditions is just a waste of time because, you have the control with the proposals that come through. Are you saying that your special conditions are that you don't even want anybody to put in an application in who isn't going to subdivide and do it "this way and that way"?

**Bailer** ~ Yes

**Samantha Greenwood** ~ But you don't know what "this way and that way" is until you see the... (statement interrupted)

**Bailer** ~ What I'm saying is, I'm not willing to sell that whole lot to put one or two houses up. They might not be the highest and best use of the property.

**Samantha Greenwood** ~ Ok, then I would say we need to go parcel by parcel and define the special conditions.

**McGann** ~ I don't think we need to be really specific but just some general conditions.

**Samantha Greenwood** ~ Ok, then let's do it.

**McGann** ~ A recreation area, proximity to the lake... (statement interrupted)

**Bailer** ~ I think more of a general statement is just explaining the lot. This is used recreational and it's got watershed issues, I'm not sure where we go on from there. I think the bottom line Sam is we don't want to sell it and have what's happened on Whitshed. We own the land, if somebody wants to come in here and this is my opinion, you guys can say what you want, we don't want to sell the land and have somebody come in here and flat line it, we want to look at a subdivision plan. Maybe the next commission will want to set those lots off for a park because they overlook Skater's Cabin. Which would be a cool thing, maybe we don't want houses there, like I said it's our land we can put any condition on it that we want.

**Bailer** ~ If you guys don't mind, let's put it as for sale with special conditions and let's take up the special conditions with a full board.

**City Planner Samantha Greenwood is showing the Commissioners the parcel of land behind Lakeview Subdivision**

**Srb** ~ They (State of Alaska) had us as property owners over here (Lakeview Subdivision) sign easements for noise.

**Bailer** ~ You said you had to sign it for noise?

**Srb** ~ Yea, saying we wouldn't sue the State.

**Bailer** ~ Well I guess this tract to me isn't as sensitive as the other one, I mean there's some development here all ready.

**Padawer** ~ I think it's sensitive for drainage.

**Bailer** ~ Well again, let's just put it for sale with special conditions and lets have a whole group for the conditions.

**Padawer** ~ I'm just going to speak for me here, I don't know I'm running out of steam, it's almost nine and I don't know if we want to talk about it.

**Bailer** ~ Unless somebody doesn't think we should have it for sale with special conditions let's just leave it and revisit it.

Does everybody concur with that? I think that's a whole different subject with the special conditions.

**Padawer** ~ I think these are great decisions we make, I'm just not prepared to do that right now.

**Samantha Greenwood** ~ OK, so next time I'll try to have it all updated.

2. **South Fill Sidewalks**  
Put on the Agenda for the next meeting
3. **Site Plan Review Discussion**  
Put on the Agenda for the next meeting
4. **Zoning Code review**  
Put on the Agenda for the next meeting

**L. MISCELLANEOUS BUSINESS**  
None

**M. PENDING CALENDAR**  
Lauren Padawer ~ Won't be here for the June 14<sup>th</sup> 2011 meeting but will download the packet and call in.  
Roy Srb ~ I only ask that, In July I will be gone the first week can I have my packet left at the Police Department?  
Samantha Greenwood ~ You can come and pick it up, the door is always open.

**N. AUDIENCE PARTICIPATION**  
None

**O. COMMISSION COMMENTS**

Roy Srb ~ None

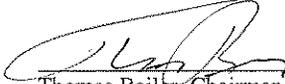
Greg LoForte ~ None

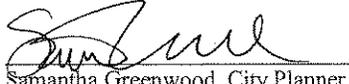
Lauren Padawer ~ I just wanted to say to Faith and Sam in regards to the three items we didn't get through, I know this goes without saying I know you guys have been working so hard. I just want you to know that I appreciate it even though I personally am exhausted.

Tom McGann ~ None

Tom Bailer ~ Welcome aboard, glad you're here, Faith I guess my request would be to have numbers on these pages and corresponding number on the Agenda. A lot of times especially when people are here I like to read off a motion and page number and it helps everybody stay on track. Other than that, it was good thanks for your time.

**P. ADJOURNMENT**  
M/Srb S/Padawer  
Motion to adjourn at 9:04 pm

  
Thomas Bailer, Chairman      12/13/11  
Date

  
Samantha Greenwood, City Planner      12/13/11  
Date