
Call to order

The June 6, 2006 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:30 p.m. by Chair Marianna Keil.

Opening Ceremony

Commissioner Roach' led the Pledge of Allegiance to the flag.

Roll Call

There were present:

Marianna Keil presiding, and	
Margaret Anderson	Kevin Clark
Lynn Hohl	Sandie Roach'
Tom Smith	Kay Strobel

comprising a quorum of the Commission; and

Clark Corbridge, City Manager
Donna Glenz, Acting Planner
Maggie Wilkins, Assistant Planner
Christy Terry, Executive Liaison

Absent was: None

City Administration Report – **Glenz** updated the Commission on the following items:

- Introduced Maggie Wilkins, Assistant Planner and Christy Terry, Executive Liaison for Boards and Commissions.
- Copies of the 2020 Comprehensive Plan were now available to view on the City of Seward Website or the public could obtain a hard copy from Community Development for a fee of \$15.00.
- The Kenai Peninsula Borough Assembly would review the 4th of July Creek Subdivision, Polar Seafood Replat at their July 17, 2006 meeting.
- The Chamber Derby booth was being constructed in the Harbor.
- Commission lay downs included the Code violation letter sent to political candidates.

Corbridge updated the Commission on the following items:

- Introduced Eddy Athey as the new Deputy Fire Chief.
- The next Council Meeting would include Introduction of an Ordinance changing Community Development back into a department from the current designation as a division of Administration.
- There were plans to schedule a Work Session on planning and permitting after July 17th.

In response to Keil, Corbridge stated that the current Community Development did not have a department head and was not operating at a department level. In response to further questions, Corbridge noted the current proposal included five staff members in the Community Development Department, but that the Building Inspector position would remain in Engineering.

Clark noted his approval of the Administration taking action instead of conducting another 'study.'

Corbridge assured Keil that more staff would allow the Department to operate more efficiently.

Smith agreed it was important for Community Development to have full department status. He requested the Administration clarify and detail the functions of the staff in the Community Development Department.

Corbridge stated an organizational chart would be developed outlining duties and responsibilities, but reminded the Commission this was still subject to Council approval.

Hohl hoped one of the new positions was empowered with enforcement duties.

Corbridge noted that funding was also needed for enforcement.

Anderson supported this proposal because she approved of having structure in place to aid with communication.

KPB Planning Commission Report by Lynn Hohl

- Hohl directed that Commission's attention to item #1 in her written report that she would not attend the July 17th KPB Planning Commission meeting.
- Hohl directed the Commission's attention to item #2 regarding whether or not Planning Commissioners may vote in quasi-judicial matters before the Borough Planning Commission when a member had already voted on the same issue at the City level.
- Hohl noted item #8 was timely regarding the risk associated with wind downing of trees due to thinning.
- Hohl referred the Commission to item #11 where the Borough Code required the preliminary plat show the approximate location of known utilities.
- Hohl reviewed item #12 clarifying that Borough Code requires, "No permanent structure shall be placed in the utility easement."
- Lastly, Hohl reviewed item #26 - The borough has 49 days to approve a plat once a completed application & fee was submitted. If no action was taken the plat is automatically approved as submitted.

Other Reports, Announcements and Presentations

Liaison from Seward Bear Creek Flood Service Area Board- None.

Citizens' Comments on Any Subject except Those Items Scheduled For Public Hearing –

Tim McDonald, inside the City, expressed concern with speeding traffic on Fourth Avenue between 1st National Bank and Peking Restaurant. He suggested speed bumps on this section of the street.

Approval of Agenda and Consent Agenda

Motion (Anderson/Hohl)

Approve the Agenda and Consent Agenda

Hohl added to New Business an Item D: Discussion of Planning and Zoning Commission Packet Delivery.

Hohl added to New Business an Item C: Set work session topic for July 18, 2006.

Motion Passed As Amended

Unanimous

Unfinished Business Items requiring a Public Hearing -

Resolution 2006-07 recommending City Council amend Seward City Code Parking Requirements, 15.10.215 to ensure compliance with the parking requirements of the Federal Americans with Disabilities Act [postponed from the March 7, 2006, April 4, 2006 and May 4, 2006 Planning and Zoning Meetings]

Glenz reviewed the history of this resolution and its accompanying ordinance. Glenz recommended approval.

***[Motion (Roach'/Anderson)**

Approve Resolution 2006-07 recommending City Council amend Seward City Code Parking Requirements, 15.10.215 to ensure compliance with the parking requirements of the Federal Americans with Disabilities Act]

***Note: This motion was made at the March 7, 2006 Planning and Zoning Meeting.**

Notice of public hearing being posted and published as required by law was noted and the public hearing was opened. No one requested to be heard and the public hearing was closed.

In response to Anderson, Hohl clarified that modifying the Building Code to match ADA compliance would not fall under the Planning and Zoning Commission's prerogative.

In response to Hohl, Glenz stated that staff did not currently review for ADA compliance in individual parking lots, but did refer the plan submitters to the ADA requirements for compliance. Glenz stated that once this was codified, then staff would review plans with the specified requirements as they were submitted.

Hohl pressed to understand how staff would know what requirements to review.

Glenz stated that staff would be expected to research and know what the requirements were.

In response to Anderson, Glenz noted that the City had been working with Jim Brady from the Independent Living Center regarding the City's building and parking ADA requirements. Glenz also noted that this proposed resolution brought the City Code into compliance. She clarified that bringing City buildings and parking lots into compliance with the ADA was a separate issue from what was in front of the Commission.

Anderson stressed the importance of the City complying with code requirements. She inquired as to what the grievance procedure in these cases would be.

Corbridge noted there was not a current specific grievance procedure in City Code to address ADA requirements.

Smith discussed the importance of ADA compliance.

Strobel noted her concerns with the sidewalk in front of the Senior Center.

Corbridge clarified that ADA compliance was required throughout the current DOT project, and administration would follow up on the issue.

Hohl declared that she currently volunteered for the Independent Living Center, had worked there in the past, and asked for a ruling from the Chair if she had a conflict of interest.

The Chair ruled that Hohl did not have a conflict of interest.

Clark commented that Building Code Requirements and Parking Code Requirements were two separate issues. He noted that ADA requirements superseded City Code and Administration had brought this forward to bring our City Code into compliance.

Motion (Hohl /Anderson)

Move 'requirements' to follow '(o) Accessible parking' and have the line continue as, 'All parking shall comply...'

Motion Passed

Unanimous

Motion Passed

**Yes: Anderson, Clark, Hohl, Keil, Roach',
Smith, Strobel**
No: None

New Business Items requiring a Public Hearing

Resolution 2006-17 recommending City Council and the Kenai Peninsula Borough approval of the Replat of Lot 17A, Block 9 and Lots 1 and 2, Block 4, Original Townsite of Seward, including: Vacation of the portion of Washington Street located between Fifth Avenue and the East boundary of the alley located 100 feet to the West; including any associated utility easements; and adding an additional twenty (20) feet to the East side of the alley between Washington Street and Railway Avenue

Corbridge introduced the Mary Lowell Center Partners and Bill White, Senior Planner, USKH, Inc.

White presented the Mary Lowell Center Traffic Impact Analysis Preliminary Review of the Results and Conclusions. In response to a question from Smith, White stated that there would be 180 visitors per hour that would break down to 1 walking visitor to 1 automotive visitor to 1 public transportation visitor. This was the formula they used to arrive at approximately 60 parking spots needed at the Center. White noted that turnover durations were part of the equation.

Anderson asked if White compared SeaLife Center visitor/parking numbers to their results, White answered that they had questioned the Mary Lowell Center Partners and used their judgment. White stated that the amount of parking spaces recommended in the study would accommodate the visitor parking needs for a majority of the days of the year. There would be a few 'high-tide' times where overflow parking would be needed.

In response to Hohl, White explained that a vehicle occupancy rate for facilities of this nature was 2.5 while an occupancy rate for restaurants was 1.5. He also described the peak time at the Mary Lowell Center in the morning, where there would be traffic congestion of 20 seconds at Fourth Avenue and Adams Street.

Hohl noted the numbers in the traffic study seemed flawed. She commented on the alley being dedicated one-way Northbound and the problems trucks would encounter going uphill.

In response to Roach', White clarified that the counts were collected in June 2004. In response to further questions, White would be taking concerns and comments from tonight's meeting and working those into the final report. White disclosed that the morning peak time was developed from counts taken from the State of Alaska study.

Roach' echoed the concerns of others that Northbound was not a good solution for this alley.

In response to Smith, White noted that historical data from the Partners was projected out from existing facilities to develop visitor numbers.

In response to Keil, White reviewed the Level of Service Summaries and noted that this information included a base level of growth for the community.

Hohl noted that these recommendations seemed to be orienting traffic towards Fifth Avenue instead of Fourth Avenue.

Keil thanked Mr. White for his presentation.

Corbridge recommend Planning and Zoning approve the resolution.

Assistant City Manager and Mary Lowell Center Partner Kirsten Vesel responded to Keil's question by reading item #3 in Section 1. Vesel clarified that the Partners were asking for a separate agreement for a ten foot allowance subject to Council reviewing an ordinance for a marginal access road.

Hohl asked Vesel if it would be better to postpone action until Council was able to decide on the proposed Marginal Access Road Ordinance, and received a negative answer.

Notice of public hearing being posted and published as required by law was noted and the public hearing was opened.

Shannon Kovac, inside the City, read the recommendations of the Mary Lowell Citizen's Advisory Committee in support of the project.

Bob Linville, inside the City, thought the traffic study was very educational. He encouraged the Commission to require a 50 foot alley on the plat. Linville encouraged the Commission to require that this street revert back to a public right of way if the project was not built. Linville suggested another 8 foot easement on the East Side of the Plat. He noted that there should be a flashing crosswalk at Fourth Avenue and Fifth Avenue to deal with the increase in pedestrians and vehicles.

Iris Darling, inside the City, concurred with Linville's statements. She expressed her concerns and would like to see the actual number of vehicles on Washington Street. Darling expressed confusion as to why this facility was being located in a street when it would be less expensive to locate on an actual lot. She noted her frustration at her business being a good neighbor for Seward since 1903, and felt the City was cutting off the visitors and creating a new visitor migration area away from downtown businesses. Darling felt downtown businesses were going to suffer when this facility was in place.

Bill Hearn, inside the City, noted he was happy to see the traffic study, but felt it was unfair to present a partial study on the night of the resolution. Hearn felt the numbers were flawed and cited that the study recognized 135 vehicles on Washington Street with no building, but only

projected a 60 vehicle increase on Railway Avenue when the building was in place and Washington Street was vacated. Hearn asked the Commission to gather data and make decisions based on analyzing that data. He noted the extreme inconvenience this rerouting of traffic would impose. He asked the Commission to postpone voting on this issue until an economic analysis and a formal traffic study could be analyzed.

Kerry Martin, inside the City, questioned if recreational vehicles and government vehicles were taken into account as part of the traffic study. Martin noted that utility easements were not located in streets; the utilities were located there, but additional easements were unnecessary. Martin stated that the Planning Commission had to follow City Code and approve a fifty foot Right Of Way. Martin felt that Seward's Subdivision Code was grossly out of whack, but to just amend this piece didn't make sense without looking at the entire Code. He felt that once the plat was signed by the Kenai Peninsula Borough, then the City would never regain ownership of this property. Martin noted his concerns that when projects were put in place other ramifications off site tend to be imposed.

Kathy Beyers, inside the City, supported the previous public hearing comments. She noted she used Washington Street on a regular basis to avoid bus traffic on Railway Avenue and had no safety concerns with Washington Street. She endorse the fifty foot alley and stated that a remote parking lot wasn't feasible in practice. Beyers concurred with Martin's comments about auxiliary ramifications after facilities were put in place.

Carol Griswold, inside the City, cautioned the Planning and Zoning Commission about accepting the Traffic Study's numbers and recalled that the data was collected in 2004 during mid-week in early June. She noted items in the Traffic Study: 1) questioned if the study examined a portion of Washington Street being closed or the whole street, 2) the direction of alley traffic would be important to vehicle and pedestrian safety, 3) study was based on a twenty foot alley instead of 50 foot right of way, 4) questioned if the parking stalls configured for compact cars or recreational vehicles, 5) street parking should not be counted, 6) overflow parking options would also be full when needed, 7) pedestrian crossing should be at Fourth Avenue and Railway Avenue to leave Fifth and Railway for heavy trucks to exit and to divert tourists downtown, 8) noted City Code must be followed and when considering vacation there had to be equal or superior access, 9) require an 8 foot easement along the East property line. Griswold supported the property reversion back to the City. She displayed her concept for a Washington Street extension.

Sheryl Seese, inside the City, supported a 50 foot street. She suggested traffic on the alley be routed Southbound and only allow left turns. She stated that Mr. White's study made it clear pedestrian traffic would not be routed to the downtown businesses. She noted it was difficult parking downtown.

Scott Egger, inside the City, asked the Commission to take a closer look at the project. He stated that band-aids were the mode of planning for the City of Seward. Egger felt that traffic problems were guaranteed. He stated he was against the vacation of Washington Street and spoke in opposition to the resolution and asked Planning and Zoning to vote against it.

Tim McDonald, inside the City, felt the information for the traffic study was flawed. He noted any grade would cause problems for heavy trucks in winter conditions. He asked the Commission to consider the scene downtown without the full use of Washington Street for 4th of July. McDonald informed the Commission they would be making an error if they didn't postpone this resolution. He thought urban planners graded the buildings down to the waterfront. He urged everyone to get involved. McDonald made inappropriate comments and was gavelled out of order by the chair. He concluded by stating it was inappropriate for the City to be part of the partners working on the project.

Dale Hoogland, inside the City, originally supported vacation of Washington Street. He noted that his understanding was the developing agencies were going to provide funds to renovate downtown. He supported construction of an underground parking structure where the Arcade building was formally located. Hoogland supported a 50 foot right of way with the traffic flow going Southbound. He felt there would be less disruption using Washington Street as a bus load and unload. He supported the multi-agency concept but also supported the needs for citizens to be heard.

Jeff Mow, Superintendent Kenai Fjords National Park, thanked the Commission for their time and effort, and thanked Bill White for his traffic study focusing on one element of the project. He clarified that the public process would continue and would incorporate public comments into the project. He stressed that he wanted this project to not only be a success for the agencies involved, but also for the City of Seward.

Tanya Sandefur, inside the City, encouraged the Commission to listen to the public and look at procedures for appropriations, vacations and leases. She felt the City was not learning from their mistakes.

Darryl Schaefermeyer, Alaska SeaLife Center, clarified that the partners withdrew their request to acquire 10 feet of the Arcade property and SAAMS did not agree that 50 feet was needed there. He stated SAAMS would still be willing to provide the 10 feet without any conditions. He stated that everything done by the Alaska SeaLife center was in following with their CUP. He again offered funding to make additions available to this project, including parking for this area. Schaefermeyer concluded by offering assistance for the project.

No one else requested to be heard and the public hearing was closed.

The Commission took a ten minute recess beginning at 9:30 pm.

Motion (Smith/Roach')

Approve Resolution 2006-17

Motion (Anderson/Strobel)

Strike the word 'associated' and substitute the word 'unnecessary' in the heading and Section 1, line 5.

Anderson stated that this language would give the City more flexibility.

Motion Passed

Unanimous

Motion (Hohl/Roach')

Substitute in the heading and Section 1 lines 5 and 6: "thirty (30) feet" in place of "twenty (20) feet" and after the final Avenue add a semicolon along with "and extending North to create a curved radius in accordance with Kenai Peninsula Borough Code"

Hohl clarified her intent of replacing a 'street' with a 'street' that met the minimum City Code using this amendment. She felt this street would not qualify as a 'marginal access road' because more than three lots used this road for access. Hohl asked the Fire Chief if this would meet emergency egress, and received an answer in the affirmative.

Motion Passed

Unanimous

Motion (Anderson/Hohl)

Strike all language after the word 'Code' in Section 1, item 3.

Motion Passed

Unanimous

Motion (Hohl/Strobel)

Add a new item 4 under Section 1 (renumbering the following items) to read, "The fifty (50) foot dedication shall be required extending North to create a curved radius in accordance with Kenai Peninsula Borough Code."

Motion Passed

Unanimous

Motion (Hohl/Roach')

Add a new item 5 under Section 1 (renumbering the following items) "In accordance with Kenai Peninsula Borough Code § 20.20.170 'Pedestrian ways required when' an eight foot North-South pedestrian easement shall be provided within the western side of existing lot 17A connecting to the eight foot pedestrian easement along the Northern Boundary of the property."

Hohl demonstrated how her proposed easement would run along the alley and join the easement already noted on the plat. Hohl clarified her desire to have a pedestrian easement that the Mary Lowell Center would have to maintain.

The rules were unanimously suspended to allow Kenai Fjords National Park Superintendent Jeff Mow to speak to the Commission.

Mow clarified that the current building design allowed for a five to eight foot setback along that side of the lot for pedestrian easement, but it just wasn't presented as part of the plat. In response to Hohl, he stated he did not have an objection to the eight foot pedestrian easement. He noted that the current design still had a twenty foot wide 'vista' through the building along the trace of Washington Street. In response to a question from Roach', Mow stated that this access would be open twenty-four hours except for certain times in the winter due to windblown snow. In response to a question from Corbridge, Mow stated that the loading dock depicted on the schematic design was recessed into the building and should not interfere with the pedestrian easement.

Roach' spoke in support of the amendment to add the eight foot pedestrian easement along the alley.

Motion Passed

Unanimous

Anderson asked the Commission to discuss Section 1, item 8.

Hohl felt item 8 should be left in the Resolution, but stressed to the Administration they needed to enter into an agreement with the partners to have the property revert back to the City if the project doesn't take place.

Corbridge assured Hohl that the Administration knew an agreement was necessary.

Smith concurred with the importance of having an agreement.

Motion (Hohl/Smith)

Strike the last sentence of item 8 so that this item now ends with "at the property."

Motion Passed

Unanimous Consent

Smith noted that the Center wasn't fully designed yet and urged the public to attend the meetings regarding the Mary Lowell Center. He had witnessed how public input was incorporated into the designs. Smith noted that the parking study needed to look at the percentage of Recreational Vehicles and needed to validate visitor numbers with the Forest Service and Park Service. He felt the study done in June was a little early to get an accurate picture.

Motion (Hohl/Strobel)

In Section 1, item 1 delete "City staff" and substitute "the Planning and Zoning Commission through the Conditional Use Permit process."

Motion Passed

Unanimous Consent

Motion (Hohl/Smith)

In Section 1, item 8 delete the start of the second sentence that reads, “If this is not done, then” and the following “that” and “consider.” Add “enter into” after “City” and before “an agreement” and add “and reversion as a public property, if the project does not use the vacated parcel” after “construction begins” and before “at the property.”

Motion Passed

Unanimous Consent

A motion by Hohl to amend Section 1, item 2, to require approval of the tsunami escape route prior to final authorization of the plat failed to receive the necessary second.

In response to Hohl, Corbridge explained that item 7 was not a subdivision agreement, but did have the items necessary in this instance.

Hohl stressed the importance of the Kenai Peninsula Borough staff reading the original plat note. Hohl directed the Commissioners and Administration to the plat note requiring ownership of anything in the right-of-way (utilities, streetcars, poles, etc.) reverting back to the Ballaine family and their heirs if it was not used for the public. Hohl was concerned that this would be a future issue and wanted the record to reflect this information for the Kenai Peninsula Borough Staff for their review.

Main Motion Passed

Unanimous

Unfinished Business - None

New Business

Approval of revising the 2006 Planning and Zoning scheduled meeting calendar to include the third Tuesday of each month as a Special Scheduled Meeting for Public Hearing Items and establish the Special Scheduled Public Hearing Cutoff dates.

Glenz noted the Commission requested this amended schedule for Special Scheduled Meetings. Glenz clarified that if a Public Hearing was needed, then a Special Regular Meeting would be held, or if there were no Public Hearings on the Agenda, then a work session would be held.

Motion (Hohl/Anderson)

Approve the revised 2006 Planning and Zoning meeting schedule, changing the third Tuesday of each month work sessions to “scheduled special meetings’ if a Public Hearing item has been submitted by the

required cut-off date and establishing the three week cut-off dates for Public Hearing items.

Motion Passed

Unanimous

Work session municipal land plan on July 18th work session.

After Commission discussion, **Review and Update of Municipal Lands Management Plan** was chosen as the work session topic for July 18, 2006 at 6:30 pm.

Discussion of Planning and Zoning Commission Packet Delivery.

Hohl stated she would like her packets mailed.

The other Commissioners stated they would prefer to pick up their packets at Police Dispatch.

Informational Items and Reports- *(No action required)*

“Garbage Can Grants Save Kenai Bears” written by Russell Freeman Stigall Anchorage Daily News, Seward Phoenix Log, published: May 31, 2006.

Anderson stated she would like to see the City participate.

Roach’ stated she supported the program and wanted to present the information to the community during the September community values meeting.

Hohl stated she remembered this being part of the Comprehensive Plan.

Anderson stated she would like to see a resolution supporting this.

Glenz stated she had been working with Larry Lewis to bring this program before the Planning and Zoning Commission and City Council with the ultimate goal of implementing this program in Seward.

Commission Comments

Anderson expressed her gratitude for those citizens attending the meeting. She expressed her support for the multi-agency facility in this location and expressed her displeasure at being personally attacked.

Hohl stated she did support this location at one time until the other realized their other property choice was larger. She noted she would excuse herself from voting at the Borough level.

Smith noted that in a Democracy not every person gets their way 100% of the time.

Clark stressed that the City was a partner in this project.

Strobel supported the vacation of Washington Street, but also supported individuals being allowed to vote on a referendum. She noted that it was unfortunate that this was not able to be arranged. Strobel then stressed the need to move forward.

Roach concurred with Strobel. She stated that tonight's vote was not on the vacation, but on issues regarding the plat.

Keil commented that that this Commission did not have authority over appropriations, calling a vote, or private property under discussion. She didn't believe it was fair for the public to call any Commissioner's integrity into question.

Citizens' Comments –

Kerry Martin was encouraged by the participation. He congratulated Tom Smith on his retirement. Martin thanked Corbridge for changing Community Development back to a Department. He stressed the need for the City to follow its own Code. Martin clarified that a CUP should be required prior to a building permit application.

Scott Egger appreciated Commissioner comments. He supported citizens being able to vote and have their say. Egger understood that not everyone could get their way, but wanted Boards, Commissions and Council foster an atmosphere where people are welcome to express their opinions.

Tim McDonald apologized for his inflammatory comments. He clarified that Washington's Army's intentions were for the citizens of Seward to have a vote on the issue. McDonald stated that this issue would continue to be examined. He stated the project had to be discarded for the citizens to have an actual vote. He commended the Planning and Zoning Commission on work they did on the job they were tasked. McDonald concluded by saying this whole issue was not a democratic process.

Tanya Sandefur wondered if the City Manger could give an update on the procedures for leases. She noted appropriations should be adopted into a procedure where a referendum could be utilized.

Polly Egger thanked the Commission for all their work. She clarified that Council and the City Manager were the individuals who retaliated when citizens shared their opinions.

Commissions and Administration Response to Citizens' Comments –

Corbridge noted the lease procedures were on a list submitted to Council that Council had discussed, but not prioritized. He needed to return to Council to ask them to prioritize.

Roach' responded to citizen complaints by referring them to the new Comprehensive Plan that contained an organizational chart with citizens on the top.

Anderson noted the opportunities for citizens to speak during the Agenda. She clarified that if a vote was required for every citizen disagreement, it would be impossible to get anything done because the City would be voting on everything.

Hohl noted that the City did not follow the Sign Code with their reader board sign posted as a banner on the boardwalk. She suggested Parks and Recreation apply for a variance. Hohl suggested Corbridge approach Council with a pre-prioritized list. She felt Council should allow comments on each Agenda Item at the time they are being discussed.

Smith seconded Hohl's suggestion to approach Council with a list of priorities already ranked.

Keil noted that she had been approached by individuals who supported the vacation of Washington Street, but they did not want to testify for fear of attack from the public. She appreciated public involvement in the meetings.

Adjournment

Meeting adjourned at 10:50 pm.

Christy Terry
Executive Liaison

Marianna Keil
Chair

(City Seal)

