

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, MAY 20, 2010
7:00 P.M. - COUNCIL CHAMBERS**

A. CALL TO ORDER:

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Kerslake at 7:01 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Kerslake, Commissioners Madar, Silva, and Preslar. Commissioner Bower and Kircher were excused. Also present were Sandra Garley, Community Development Director, Dawn Webster, Recording Secretary, and Kimberly McClure, Planning & Compliance Technician.

C. PLEDGE OF ALLEGIANCE: The Pledge was led by Commissioner Madar.

D. APPROVAL OF AGENDA: The agenda was approved as amended.

E. MINUTES OF PREVIOUS MEETING(S):

Ms. Garley requested the approval of the April 15, 2010 minutes be postponed to the June 17, 2010 meeting.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING:

1. Creation of a Light Industrial District ordinance; a Heavy Industrial District ordinance; elimination of the existing Chapter 17.36, Industrial District; and the addition of three new definitions related to the proposed industrial districts and revision to the definition of tall structure.

Ms. Garley provided the staff report:

- The city has only one Industrial District which allows heavy industrial uses
- there is no intermediate manufacturing district where property owners can request a zone for manufacturing and other industrial uses which may occur mostly within an enclosed building with little or no exterior storage, noise, smoke, vibrations or other characteristics of industrial uses
- previous meetings were held regarding the ordinance; recommended changes have been included in the revised ordinance.

The public hearing was opened at 7:07 p.m., as no one was present to speak the public meeting was closed at 7:07 p.m.

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to approve Ordinance PZ 10-001, Ordinance PZ 10-002 and Ordinance PZ 10-003.

Commissioner Madar questioned staff regarding permitted uses under Chapter 17.37.020. Several businesses in the business park do most of their work in an enclosed area; some businesses do part of their work outside. He inquired whether businesses operating outside a building would be included under permitted uses.

Commissioner Madar also questioned why "any use permitted in the Business Park District" (listed as item 1. under Permitted uses) was included under permitted uses.

Commissioner Madar recommended amending the phrase "generally contained within an enclosed building". Ms. Garley suggested completely removing the phrase.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE to delete language to Chapter 17.37.020 Permitted uses.

The commission took a break at 7:12 p.m. and reconvened at 7:15 p.m.

Commissioner Silva did not agree with removing the language; the intent of the ordinance is to create a light industrial district. The language helps define the district. Commissioner Madar responded by using JD Steel as an example of a business that would fall under a light industrial district but would become a nonconforming use if that language was not removed.

Commissioner Madar would like to see all businesses within the Business Park be in compliance by being able to fit into the light industrial district. Ms. Garley suggested JD Steel could be a conditional use. Commissioner Madar was still in favor of passing the amendment to remove the language so a similar business would not have the risk of not being able to obtain a conditional use permit to expand their business.

VOTE ON MOTION TO AMEND THE MAIN MOTION: Motion failed 3-1

COMMISSIONER SILVA moved, seconded by COMMISSIONER KERSLAKE to amend Chapter 17.37.022 Conditional Uses to include the phrase, "industrial uses with substantial exterior storage or assembly".

VOTE ON AMENDMENT TO MAIN MOTION: Motion carried Unanimously

Commissioner Madar moved, seconded by COMMISSIONER PRESLAR to change the language of item 18, Chapter 17.37.020 Permitted Uses, to state, "Power plants producing 50 MW or less of electricity". Discussion followed regarding the proper terminology for power; whether to use KV or KV_a. Ms. Garley stated that she would research the issue and if necessary make an editorial change in the terminology.

VOTE ON AMENDMENT TO MAIN MOTION: Motion carried unanimously

Commissioner Silva moved, seconded by COMMISSIONER PRESLAR, to move item 15. "Power plant producing more than 50 MW of electricity", Chapter 17.38.025 under Permitted Uses – Heavy Industrial, as a conditional use.

VOTE ON AMENDMENT TO MAIN MOTION: Motion carried unanimously

VOTE ON MAIN MOTION: Motion carried unanimously

H. UNFINISHED BUSINESS:

1. Revisions to Central Business District (CBD) map and supporting text

Ms. Garley revisited the topic of expanding the CBD boundaries and advised of the following:

- reminded the commission the process started a few months ago
- areas shown on the map provided in the packet reflects the different boundaries referenced in the various comprehensive plans
- Staff would like to move the new legal description, which includes the expansion, forward to the City Council
- the only benefit of being included in the CBD is the parking
- the smaller parcels which currently surround the district, but are not included in the CBD, are either already commercial or have the potential to be commercial
- should the parcels be included in the CBD, they would not have to comply with the commercial use parking requirements stated in the code

Commissioner Madar inquired as to whether there are recommendations for other things besides parking, landscaping and PUDs (Planned Unit Development) to encourage growth in the CBD. Ms. Garley stated that she would like to find out at the next joint city council meeting if the City Council would be interested in ideas suggested by staff as to how to encourage infill development and growth in the urban core of the city.

COMMISSIONER MADAR moved, seconded by Chairman Kerslake, to exit the committee of the whole at 7:34 p.m.

Councilman Best came forward and stated he is in favor of encouraging business growth in the downtown area but has concerns about the expansion of the CBD such as:

- how many business spaces are currently vacant
- expansion may cause more businesses to purchase residential properties and increase the number of vacant business spaces
- the expansion of the CBD is too vast because it includes too many residential areas with only a few businesses
- the area of the CBD expansion could be reduced, and
- would inclusion in the CBD increase a property owner's tax assessment

Ms. Garley advised she had spoken with the tax assessor and was told "you are assessed based on what you are, not on what you are zoned". The CBD is not a zoning district and does not affect taxes; any property included in the CBD would maintain its original underlying zone status. Zoning determines the potential use of property, not whether the property is located within the CBD. The CBD is an overlay, not a zoning district; any property included within the CBD would maintain its original zone status but have the option of providing fewer parking spaces than required outside the CBD for commercially zoned areas without affecting the property owner's taxes.

Lorie Koppenburg came forward to voice her concerns regarding expansion of the CBD; the

expansion includes too much area and should be revised. The suggestion was made to take this issue to the public for their review and comment. Commissioner Silva questioned Lorie Koppenburg regarding what issue should be taken to the public other than parking since that is currently the only benefit of being included in the CBD. Ms. Koppenburg responded the lack of parking is already an issue within the CBD; since the expansion would give more businesses the option to have fewer required parking spaces, the issue with parking would continue to grow in the future.

Ronald Baird, representing Allied Pacific Development owner of Forest Apartments, stated Forest Apartments would be included in the expansion of the CBD. His clients are in favor of the expansion because an objective of the CBD should be to encourage the intermingling of residential and business areas in a "dovetail" fashion creating a relatively confined area where people can walk, which would result in a reduction in the amount of required parking spaces.

Commissioner Madar spoke in favor of the proposed new boundaries of the CBD; stated the expansion would be in line with the comprehensive plan to densify the downtown area; additionally, there are ways to encourage growth within the city and help to produce a walking community. Commissioner Madar recommended passing the CBD revisions on to City Council.

Commissioner Silva voiced her concern regarding the boundaries of the CBD without discussing the intent of the CBD. Even though the only current benefit of the CBD is parking, there could be unintended consequences in the future. Commissioner Silva suggested preparing a package which would include a plan showing the boundaries of the expansion and the benefit associated with the expansion for the community to help the community be more receptive to the expansion. Commissioner Silva commented that she is not comfortable with the expansion of the CBD until certain issues are addressed, Commissioner Preslar concurred.

The commission came out of the Committee of the Whole and returned to session at 7:52 p.m.

COMMISSIONER MADAR stated the CBD revision re-surfaced because of businesses' need for the revision to the CBD to pass; however, after little feedback was received from the downtown merchants, Commissioner Madar suggested postponing the revision indefinitely; Chairman Kerlake concurred.

COMMISSIONER MADAR, seconded by COMMISSIONER SILVA, moved to postpone revisions to the CBD indefinitely.

VOTE ON MOTION TO POSTPONE MAIN MOTION INDEFINITELY: Motion Carried Unanimously

2. Recommendations for support of certain items listed in the Farm Bureau's 2010 Resolution Platform

Ms. Garley stated after a couple of meetings asking for comments on which items should be supported from that Farm Bureau's Platform, only one comment was received. Ms. Garley

suggested inviting the Farm Bureau to have a special meeting with the Planning Commission in September or October to share some of the reasons behind the Farm Bureau's resolutions and allow the commission to have an opportunity to discuss the platform items as they are being created and also inform the commission on which items need legislative action; this would result in a better product at the end of the process. Ms. Garley stated that she would contact the Farm Bureau to schedule a meeting in September or October.

3. Request to amend schedule for RallyCross Events at Alaska State Fairgrounds

Ms. Webster informed the commission a copy of the permit issued covering the RallyCross events has been included in the packet.

COMMISSIONER MADAR inquired whether the commission needed to take any action; Ms. Garley advised no action needed to be taken at this time.

I. NEW BUSINESS:

1. Discussion regarding proposed Planning and Zoning Commission By-Laws

Ms. Garley reported that the commission was provided with a draft copy of the By-Laws at the April 15, 2010 meeting to review for the purpose of having a vehicle which would allow the addition of a student member to be incorporated as a non-voting member as shown under Ex Officio Member in the drafted By-Laws. After discussion with Mike Gatti, Ms. Garley was advised to draft a copy of the By-Laws, based on the Palmer Municipal Code to give structure to allow a non-voting student member without requiring City Council approval.

Ms. Garley stated other changes include adding the language of the Committee of the Whole as stated in Robert's Rules of Order. Ms. Garley spoke to a change that was made to the language under "Regular Meetings" stating, "No new agenda item will be considered after 10:00 P.M. unless agreed to by five members present; and the meetings will adjourn prior to 11:00 P.M. unless an extension is approved by five of the members present". Ms. Garley commented that extending the meeting to finish an item is logical; however, starting a new agenda item after 10:00 P.M. would not provide complete fairness to the issue being discussed. Further, Ms. Garley suggested the commission could adopt if they prefer only the part of the By-Laws that pertains to a non-voting student member and delete the remainder of the By-Laws that are stated in the code.

Commissioner Madar addressed the importance of involving young people with city government and the necessity of having By-Laws in place to accommodate a non-voting student member. Commissioner Silva agreed and commented on how much easier it is to read the By-Laws as opposed to locating the information within the Palmer Municipal Code book.

COMMISSIONER MADAR moved, seconded by COMMISSIONER PRESLAR, to adopt the Planning and Zoning Commission By-Laws.

VOTE ON MOTION: Motion Carried Unanimously

2. Introduction of draft Natural Resource Extraction Conditional Use Permit standards

Ms. Garley stated the city council asked staff to work with the Planning Commission to develop some standards to review for natural resource extraction, mostly gravel, occurring within the city limits of Palmer. The City Council did this following the introduction of a resolution at the City Council level supporting the borough's natural resource or gravel extraction ordinance. The original borough's gravel ordinance calls for the ordinance to extend into the cities of Palmer, Houston and Wasilla. The cities of Palmer, Houston and Wasilla asked the Borough Planning Commission to recommend that they be excluded from the borough- wide ordinance. The Borough Planning Commission was initially supportive; however at the December meeting, the ordinance was not changed before it was forwarded to the Assembly. The ordinance has been delayed until September. The Palmer City Council had a resolution on the agenda in support of portions of the borough's gravel extraction ordinance; however the resolution also included a request asking to be exempt. Since the City Council wants Palmer to be prepared with our own ordinance if the borough does exempt Palmer; the council is asking for recommendations regarding those standards. The Industrial District is the only zoning district that a person can apply for a conditional use permit for a gravel operation. Currently there are no specific criteria to meet if a person applies for a conditional use permit for a gravel operation within an industrial district, which allows the Planning Commission to impose any requirements that the commission deems necessary.

Ms. Garley stated she has reviewed other ordinances and has developed some standards and criteria which would be applicable for a natural resource extraction operation for a community of our size. A Conditional Use Permit would not be required for:

- excavation of a foundation, cellar or basement;
- excavation for a specific project by the state, city or borough to construct a road, highway or install utility lines;
- if a private property owner removed less than 400 cubic yards of material per year; or
- excavation and grading for agricultural purposes regardless of the amount

If an application was submitted, certain items would need to be reviewed by the Commission. Ms. Garley advised the Commission of the proposed specific requirements:

- General Requirements
- Standards
- Reports
- Termination
- Pre-existing Mineral and Natural Resource Extraction Operations
- Abbreviated process – Interim Use Permit review of uses in the P-Public District
- Application
- Procedures
- Definitions

Ms. Garley pointed out several areas needing Commission guidance and whether a traffic impact analysis would be necessary for smaller operations; whether a traffic description would be sufficient or if a traffic engineer's report is needed depending upon the size of the operation. Ms. Garley also questioned what type of process is necessary if the operation is temporary lasting for only one season. An interim permit could be an abbreviated process

used for a small scale, one season type operation. This type of permit would only need to be reviewed by the commission before making a determination. Ms. Garley stated she would be interested in any alternative methods that could be used.

Commissioner Madar asked Ms. Garley under what circumstances an interim process would be useful; Ms. Garley replied by using the example of a property owner who is excavating a few hundred cubic yards of material each year for use on the owner's property, a permit would not be necessary. Ms. Garley asked the commission to think about how to regulate a small scale temporary operation and to consider whether the commission would want to utilize the interim permit with an abbreviated process for those types of operations. Ms. Garley requested feedback before the next Planning and Zoning meeting regarding the draft of the Conditional Use Standards for Natural Resource Extraction so at the next meeting the commission can begin to revise these standards. The City Council has given a deadline of sixty days or in time for their August meeting to come forward.

Commissioner Madar questioned whether other cities allowed gravel pits in other districts besides industrial; Ms. Garley stated she found in other communities that the agricultural and industrial areas to be the most common zones where gravel pits were found. Ms. Garley also discovered ordinances from other communities that a conditional use permit was used wherever the mineral deposit was located. The standards for a conditional use permit were much less rigorous if the area was next to an industrial or agricultural district as opposed to being next to a commercial or residential district. Ms. Garley urged the commission to consider if they want to recommend to the council that gravel pits be permitted in other districts; she recommended the agricultural and transitional districts.

Commissioner Madar questioned if this type of conditional use permit could be allowed in a residential area. Ms. Garley stated that she found that other ordinances did not state that you could not go into any district, but if you go in certain districts the standards for a conditional use permit were higher.

Chairman Kerslake asked how, with the deletion of Chapter 17.36 Industrial District, this fits into the current discussion regarding the standards for Natural Resource Extraction; Ms. Garley replied that all areas which are currently zoned industrial would become heavy industrial since that is more reflective of the current industrial district and the light industrial district would be created.

Commissioner Madar made some comments regarding environmental concerns and suggested incorporating some language addressing these concerns into this document.

Ms. Garley mentioned that both Tom Healy and Kathy Wells were aware the draft of the Natural Resource Extraction was being introduced at this meeting and should be attending the next meeting.

- J. PLAT REVIEWS: None.
- K. PUBLIC COMMENTS: None.
- L. BOARD OF ECONOMIC DEVELOPMENT

Ms. Garley stated the Board of Economic Development reported on their progress in putting together an economic development strategy plan utilizing the five goals found in the Comprehensive Plan under the Economic Vitality chapter. Ms. Garley recommended the commission designate another member to attend the economic development board. Commissioner Madar suggested rotating members on the commission to attend the economic development board meetings; Ms. Garley will pass on the suggestion to the board at the next meeting.

M. STAFF REPORT:

The City Council has accepted Darrin Hamming's resignation as commissioner. Mary Weir is the new applicant whose name is being moved forward to the City Council for appointment to the Planning and Zoning Commission.

N. COMMISSIONER COMMENTS:

Commissioner Silva commented on Dawn Webster's retirement.

Commissioner Preslar had no comments.

Commissioner Madar stated he received a letter of approval for a grant in the amount of \$47,795 from Sharon Scott, at the Mat-Su Health Foundation for the handicap accessible doors for the Palmer ice arena. He also commented on Dawn Webster's retirement and congratulated Commissioner Silva on her son's scholarship.

Commissioner Silva stated her appreciation for her son's scholarship received from the Palmer Police Department in the amount of \$1,000.

Chairman Kerslake commented on Dawn Webster's retirement.

Ms. Garley invited everyone to the BBQ for Dawn Webster's retirement.

O. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:33 p.m.

William B. Kerslake, Sr., Chairman

Dawn U. Webster, Recording Secretary