

**PLANNING & ZONING COMMISSION  
CITY OF PALMER, ALASKA  
REGULAR MEETING  
THURSDAY, November 20, 2008  
7:00 P.M. - COUNCIL CHAMBERS**

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A. CALL TO ORDER:

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

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Kircher, Commissioners Madar, Kerslake, and Cordero. Commissioners Silva, and Hamming were excused. Also present were Sandra Garley, Community Development Director, and Dawn Webster, Recording Secretary.

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

D. APPROVAL OF AGENDA: Commissioner Madar requested the order of the public hearings be reversed to allow the Alaska State Fair modification to be heard first since there was no representative present for the variance request. The agenda was approved as amended.

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of October 16, 2008 were approved as submitted.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING:

1. Request from the Alaska State Fair to remove or modify Condition B of their existing Conditional Use Permit. The Fair is eliminating oval track racing events during fair time. Motocross and Tuff Truck events will remain part of the schedule of fair events.

Ms. Garley provided the staff report and advised of the following:

- The public hearing notice requirement were met; three letters of nonobjection were received
- The elimination of the oval track events eliminates the need for sound testing during fair time
- The remaining events did not exceed sound limitation requirements
- Modifying Condition B will not have an adverse impact on the neighborhood because motorized sporting contests outside of fair time will require a new conditional use permit and sound monitoring
- Sufficient lot area, setbacks and buffers have been provided

Staff recommends approval of the requested modification with the following modifications:

- 1) Delete Condition B.4 which previously read: Off-site noise monitoring for motorized vehicle events shall be conducted monitoring shall be provided by a licensed professional sound engineer. Expenses associated with noise and frequency monitoring activities shall be apportioned equally between ASF and the City of Palmer, up to a maximum of \$4,000 for each party. The events to be monitored shall be selected jointly by the City of Palmer and ASF. Replace with:

**“Should the State Fair choose to hold motorized sporting events outside of fair time, the city will require two consecutive years of sound and frequency monitoring for those events. The sound and frequency monitoring shall be provided by a noise/sound professional with appropriate licenses to work in the city of Palmer and the State of Alaska.”**

- 2) Condition B.5.b be revised to read (addition in bold type): The Alaska State Fair shall prepare a written procedure and schedule for obtaining accurate noise monitoring during the motorized sporting contest events **held outside regular fair time** and submit it to the Planning and Zoning Commission for review and acceptance no later than 60 days prior to the first motorized sporting contest event. The written procedure shall indicate the locations (shown on a map) where sound measurement readings will be taken; times the event readings will be taken; what events will be monitored; and how often the readings will be made.
- 3) Condition B.5, B.6 and B.7 remain as conditions of the Conditional Use Permit to allow for a process to monitor noise/sound/frequency should it become necessary in the future.

Ms. Jerry Baker, Administrative Services Manager, advised of the Fair’s intent to remove the berm surrounding the oval track at a later date. She also confirmed only Tuff Trucks and Motocross will remain as motorized sporting contest events. The fair continues to develop their schedule for next year and will submit it as soon as it is firmed up. There has been an inquiry regarding the possibility of having a snow machine race in 2010.

The public hearing was opened at 7:08 p.m.; the public hearing was closed at 7:11 p.m.

COMMISSIONER MADAR moved, seconded by COMMISSIONER CORDERO to modify Condition B of the Conditional Use Permit.

Both Commissioners Madar and Cordero spoke in favor of their motion to Modify Condition B of the permit.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE to adopt the staff’s Facts and Findings.

**VOTE ON MOTION: MOTION CARRIED UNANIMOUSLY**

Findings of Fact:

Madar	Kerslake	Hamming	Cordero	Silva	Kircher	Vacant
1. The conditional use will preserve the value, spirit, character and integrity of the surrounding area.						
Y	Y	A	Y	A	Y	
2. The conditional use fulfills all other requirements of this title pertaining to the conditional use in question.						
Y	Y	A	Y	A	Y	

3. That the conditional use will not be harmful to public health, safety, convenience and comfort.						
Y	Y	A	Y	A	Y	
4. That sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions.						
Y	Y	A	Y	A	Y	
5. The proposed use or structure is located in a manner which will maximize public benefits.						
N/A	N/A	A	N/A	A	N/A	

- 1) Elimination of the oval track racing events during fair time removes the need for noise/sound/frequency testing for fair time motorized sporting contests. The condition was placed on the permit to provide a method of monitoring the noise levels created by motorized sporting contests.
- 2) The oval track racing events have been eliminated by the fair and therefore, the noise/sound impact on the surrounding area will be lessened. The remaining events, Tuff Trucks and Motocross have been proven, over the last two years, to meet the noise/sound control levels imposed by the permit.
- 3) Modifying Condition B of the permit will not have an impact on the neighborhood because motorized sporting contests occurring outside fair time will still require the issuance of a new conditional use permit. Currently the sound level limitations are a maximum of 70 dB for no more than three minutes. Noise/sound/frequency testing will be required for events held outside fair time.
- 3) The requirement for noise/sound/frequency testing will remain a condition of any new conditional use permits issued for motorized sporting contests held outside fair time.
- 4) This condition does not apply because the fair grounds are not a public use or structure; they are privately owned by the Alaska State Fair.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE, to approve the modification to Condition B of the Alaska State Fair's Conditional Use Permit.

**VOTE ON MOTION: MOTION CARRIED UNANIMOUSLY**

2. Variance Requests for Lot 2, Ben-Hur Subdivision, to reduce the front yard setback from 25 feet to 20 feet and reduce the rear yard set back from 25 feet to 10 feet.

Ms. Garley provided the staff report:

- Seventy public hearing notices were mailed out on November 3, 2008; the meeting date was advertised in the Anchorage Daily News on November 12, 2008
- Four letter of response were received, two in favor, two opposed
- The lot was platted in 1979
- The city did not have the opportunity to review the plat prior to approval and therefore did not provide comments regarding the city's setback requirements
- The lot is unusual because it is 66' deep and 165 feet wide
- City setback regulations in place in 1979 required a 25' front and rear setback leaving a 16' wide strip on which to build

Staff recommends approval of the variance request because the requested variances will still provide circulation of air, and light, and space remains available for normal activities generally

associated with residential development. The objection submitted by the property owners directly to the south of the subject property stated the variance would impede their view of the mountains; however there is sufficient space to develop the lot and not impede the view of the mountains. Staff further believes there was a governmental error in 1979 because the City of Palmer was not afforded the opportunity to review the plat.

Chairman Kircher requested confirmation that none of the Commissioners had ex parte contact regarding the requested variance; the Commissioners confirmed they did not.

The public hearing was opened at 7:30 p.m. and closed at 7:30 p.m. There was no one present to speak for the variance.

COMMISSIONER MADAR moved, seconded by COMMISSIONER CORDERO to approve the request for variances from the requirements of 17.70.040.C to reduce the front yard setback from 25 feet to 20 feet, and reduce the rear yard setback from 25 feet to 10 feet on Lot 2, Ben-Hur Subdivision.

Commissioner Madar spoke in favor of his motion as did Commissioners Cordero and Kerslake.

Fact: 1. There are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action.

Finding: The plat was recorded in 1979 and was not reviewed by the City of Palmer therefore the City's setback requirements were unknown to the platting board. The current owner did not own the property at the time the plat was approved.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
Y	Y	A	Y	A	Y	

Fact: 2. The strict interpretation of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title.

Finding: The remaining buildable area of the lot would result in a strip of land 16 feet deep by 154 feet wide. Development of the property for residential purposes similar to the surrounding residential uses would not be possible.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
Y	Y	A	Y	A	Y	

Fact: 3. The authorization of the variance will not be injurious to nearby property nor harmful to the public welfare.

Finding: The objection to losing a view is not injurious to nearby property owners, additionally all the adjacent properties are developed with residential uses some of which have minimal setbacks. The requested variance for Lot 2 would provide a greater setback from E. Evergreen than the residence on Lot 1.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
Y	Y	A	Y	A	Y	

Fact: 4. The granting of the variance will be in harmony with the objectives of this title and of the comprehensive plan.

Finding: The Comprehensive Plan, 6-8, Goal 2 states "Maintain high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer, and Objective C to encourage infill and higher density housing in and around downtown. Prepare new zoning standards and design guidelines to ensure higher density housing is high quality, to benefit the residents and the community.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
Y	Y	A	Y	A	Y	

Fact: 5. The application is due to unusual lot shape, topographic conditions or governmental action or regulations which render the property unusual.

Finding: The variance is sought due to the unusual lot shape and governmental action which rendered the property unusual.

Madar	Kerslake	Hamming/absent	Cordero	Silva/Absent	Kircher	Vacant
Y	Y	A	Y	A	Y	

The variance may not be granted if any of the following conditions apply:

Fact: 1. The special conditions that require the variance are caused by the person seeking the variance.

Finding: The applicant was not the owner of the property when the lot was created.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
N	N	A	N	A	N	

Fact: 2. The variance will permit a land use in a district in which that use is prohibited.

Finding: Residential use is a permitted use in the R-1 District.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
N	N	A	N	A	N	

Fact: 3. The variance is sought solely to relieve pecuniary hardship or inconvenience.

Finding: The variance is sought due to the lot size and configuration.

Madar	Kerslake	Hamming/Absent	Cordero	Silva/Absent	Kircher	Vacant
N	N	A	N	A	N	

**VOTE ON MOTION: MOTION CARRIED UNANIMOUSLY**

H. NEW BUSINESS: None.

I. UNFINISHED BUSINESS:

1. Ranking process for projects in a Capital Improvement Plan (CIP)

Ms. Garley reflected on the various Capital Improvement Plan (CIP) ranking processes in different communities previously given to the Commission. The Commission discussed the basic criteria and possible ranking order. Ms. Garley advised she would prepare a final list for ranking possibilities and will present the list at the December meeting. Commissioner Madar wanted to make sure Representative Gatto received a copy of the CIP list. Commissioner Madar also requested the general public, including nonresidents, be invited to a meeting to discuss and provide input on the CIP list.

I. NEW BUSINESS: None.

J. PLAT REVIEWS:

1. A.R.R.C. #1, Block 8, Lots 10, 11, and 12. Combine three lots to create one new lot for the Mouse Trap Day Care Facility.

There were no comments or objections noted by the Commission.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

Ms. Garley advised:

- A bid was awarded to Agnew::Beck for consulting services to assist in the preparation of an annexation strategy process
- A bid was awarded to URS, an engineering and consulting firm, to assist in the preparation of a landscape ordinance for codification of a highway boulevard plan for ADOT's use when upgrading the Glenn Highway

M. COMMISSIONER COMMENTS:

Commissioner Madar stated he was happy to hear about the landscape ordinance; also reminded the Commissioners of the hockey team steak feed fund raiser (\$15 per ticket) to be held on December 14, 2008. He inquired of Mayor Comb's reaction to our letter regarding public input on public projects.

Commissioner Kerslake: No comments

Commissioner Cordero:

Chairman Kircher: Pleased to hear about the landscaping award and the Agnew::Beck contract; he has enjoyed working with Agnew::Beck in the past.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:22 p.m.

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Michael A. Kircher, Chairman

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Dawn U. Webster, Recording Secretary