

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, APRIL 16, 2009
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 Kircher at 7:00 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

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

Ms. Garley introduced Commissioner Dave Bower and welcomed him to the Commission.

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

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

E. MINUTES OF PREVIOUS MEETING:

The minutes of the Regular Meeting of March 19, 2009 were approved as submitted.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING:

1. Conditional Use Permit for the Office Expansion for Alaska Family Services and, the Rezone of the parcel from P, Public Use District, to C-G, General Commercial District, Tract C, Cope RSB, located within Section 4, Township 17 North, Range 2 East, Seward Meridian, Alaska

Ms. Garley provided the staff report and explained the requests:

- original conditional use permit, issued in 2003, granted for emergency shelter and future office building;
- 4,800-square foot office building was constructed in 2005;
- new request adds 3,300-square feet of new office space;
- offered information for findings of fact; and
- provided information regarding the rezone of the property from P, Public Use District, to CG, General Commercial District

The public hearing was opened at 7:16 p.m.

Donn Bennice, President and CEO of Alaska Family Services, Inc. spoke in support of his project. He advised the commission of the current use of the property for an emergency shelter and an office building. He explained the use of the office building and the need for additional office space.

Commissioner Madar inquired about the vegetation on the east side of the property; Mr. Bennice explained the vegetative buffer was planted by the city on the adjacent lot. The trees died, and there was no requirement to replace them since they are not on the subject property.

The public hearing was closed at 7:19 p.m.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to divide the question

VOTE ON MOTION: Motion carried unanimously

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to approve the conditional use permit for the office expansion for Alaska Family Services, Inc. (Alaska Family Resource Center, Inc. as shown in the MSB tax records *duw*) on Tract C, Cope RSB, located within Section 4, Township 17 North, Range 2 East, Seward Meridian, Alaska

Commissioner Madar spoke in favor of the motion and stated the request meets the intent of the Comprehensive Plan. Commissioner Hamming agreed.

Discussion on Findings of Fact:

| Madar | Kerslake | Hamming | Bower | Silva | Kircher | |
|---|----------|---------|-------|-------|---------|--|
| 1. The conditional use will preserve the value, spirit, character and integrity of the surrounding area. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 2. The conditional use fulfills all other requirements of this title pertaining to the conditional use in question. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 3. That the conditional use will not be harmful to public health, safety, convenience and comfort. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 4. That sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 5. The proposed use or structure is located in a manner which will maximize public benefits. | | | | | | |
| N/A | A | N/A | N/A | N/A | N/A | |

Findings:

1. The request covers the additional office space for an existing use.
2. (1) Offices are not a permitted principal use in the P District; they are permitted as an accessory use. The requested rezone to C-G, General Commercial, will ensure the offices may remain as a permitted principal use.
 (2) The maximum building allowed is 50 feet; the building height is shown to be 16 feet.
 (3) The minimum lot area is 7,200 square feet; the lot is 2 acres in size.

- (4) The minimum lot width is 60 feet; the actual lot width is in excess of 355 feet.
- (5) The required setbacks in the P District are determined by the Commission. The proposed setbacks for the office building addition are: Front – 125'; Side – 81' 2"; Rear 13' 4".
- (6) The site plan indicates 29 parking spaces dedicated for the offices; 27 are required.
- (7) There is a strip of grass planted between the parking area and S. Chugach Street. The landscape buffer, provided by the City, along the eastern property line has died. The original conditional use permit required a vegetative buffer between Tract C and Parcel 17N02E04C003 along the southern property line; the buffer was removed by the adjacent property owner.
- (8) The existing signage will remain.

- 3. There has been no evidence submitted to indicate the increased office area will create harm to the public health, safety, convenience or comfort. The office building addition will be a continuation of an existing use.
- 4. Sufficient setbacks have been provided as noted in finding #2.
- 5. The office building addition is not for a public use or structure and therefore, the fact is not applicable.

VOTE ON MOTION: Motion Carried Unanimously

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to rezone Tract C, Cope RSB, from Public Use District to C-G, General Commercial District.

Discussion followed.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to amend the main motion to rezone Tract C, Code RSB to C-L, Limited Commercial District.

Commissioner Madar stated his concerns for residential use in Mountain Rose Estates to the north, and the need to preserve a buffer between the residential use and the commercial use of the properties.

Staff advised that the current use of the property for an emergency shelter would not be an allowed principal use or conditional use in the C-L, Commercial Limited District and therefore the need to rezone to C-G, General Commercial District.

VOTE ON MOTION TO AMEND THE MAIN MOTION: Motion Failed Unanimously

Rezoning:

Discussion on Findings of Fact:

| Madar | Kerslake | Hamming | Bower | Silva | Kircher | |
|--|----------|---------|-------|-------|---------|--|
| 1. The proposed change is in accordance with the borough and city comprehensive plans. | | | | | | |
| Y | A | Y | Y | Y | Y | |

| | | | | | | |
|--|---|---|---|---|---|--|
| 2. The proposed change is compatible with the surrounding zoning districts and the established land use pattern. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 3. Public facilities such as schools, utilities and streets are adequate to support the proposed change. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change. | | | | | | |
| Y | A | Y | Y | Y | Y | |
| 5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s). | | | | | | |
| Y | A | Y | Y | Y | Y | |

Findings:

1. The requested rezone was recommended by staff in 2003 when the original Conditional Use Permit was requested. It will be in accordance with Goal 1 of the Land Use Chapter of the Comprehensive Plan. The change will continue to "guide growth to make Palmer an increasingly attractive place to live, invest, work, and visit." Further, under Objective A, it will help provide the right balance of residential and commercial uses, to ensure the City maintains its fiscal health. Chapter 6, Goal 3, Objective A, and Chapter 4, Objective E and Goal 3, Objective B also pertain to the requested rezone.
2. The properties to the west of the site are designated Industrial. In addition to industrial uses, the offices of MEA and MTA are located within that district. Immediately to the south, the property is designated General Commercial, allowing the property owner to lease the shop for commercial purposes. On the east side of the property is a 5-acre parcel of land owned by the City of Palmer; it is currently vacant. The Mat-Su Youth Facility is located to the east of the City property. The Alaska Railroad has an active spur located on the north side of the property. Mountain Rose Estates is located to the north of the railroad spur. The contiguous property to the south is also designated as C-G, General Commercial District.
3. S. Chugach Street was upgraded; all the utilities are in place.
4. As part of the Conditional Use Permit request in 2003, a rezone was recommended by staff; City Manager Tom Healy concurred with staff's recommendation. Neither the current property owner nor the City filed for a rezone.
5. Due to the continuing land use changes in the area the appropriate designation should be General Commercial.

VOTE ON MOTION: Motion Carried Unanimously

Chairman Kircher asked for scheduling dates to move the process forward to the City Council; Ms. Garley advised the rezone would be moved forward for introduction on May 12, 2009 and public hearing scheduled on May 26, 2009.

H. UNFINISHED BUSINESS:

1. Amendment of PMC Chapter 17.04, General Provisions, to add Section 17.04.045, Interpretation and Conflict

Ms. Garley advised of further discussions with Commissioner Hamming regarding applicability of the ordinance when a conflict arose.

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to approve the text amendment as presented with the removal of the word generally in two places and removal of the last sentence. The text amendment would read "Where the provisions of any local ordinance or regulation impose greater restrictions than those of this Code, the provisions of such document shall prevail. When two or more provisions of this Code are in conflict, the most restrictive shall apply."

Discussion followed with Commissioner Madar speaking in favor of the motion. Commissioner Silva agreed with Commissioner Madar's comments. Commissioner Bower inquired as to how a conflict would be handled if both provisions impose strict provisions; Ms. Garley advised a code amendment would then be written and presented to the commission if a determination could not be made due to the conflicting code sections.

VOTE ON MOTION: Motion Carried Unanimously

2. Amendment of PMC Chapter 17.08, to add definition of Winery; add Winery to Chapter 17.43, General Commercial District, as a Permitted Use; add Winery to Chapter 17.28, Limited Commercial District, as a Conditional Use.

Ms. Garley provided the staff report reminding the commission of the actions of the City Council and of Councilors Brown and Chmielewski's request for further clarification of the winery definition. Staff revised the definition and provided Councilors Brown and Chmielewski with the revisions; they had no objections to the revisions.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to adopt the definition of winery as follows: "Winery" means a facility, duly licensed as such by the State of Alaska, where annually a maximum of 50,000 gallons of wine is manufactured and bottled or barreled, and is sold by the bottle or barrel for consumption off site."

VOTE ON MOTION: Motion Carried Unanimously

3. Continuation of discussion on the City of Palmer Official Streets and Highways Plan

Ms. Garley provided updated information on some DOT (State of Alaska, Department of Transportation) projects and some projects not specifically transportation-related projects but which do relate to downtown. The discussions have been held with the Chamber and the downtown merchants and will be formalized in a meeting on April 28, 2009 from 5:00 to 6:30 p.m. at the Depot, co-hosted by the Chamber and by the city. The Dogwood couplet has been proposed by DOT as a one-way in and one-way out system with Evergreen coming into the city and Dogwood going out of the city. Ms. Garley provided three drawings for the commission's review and explained the process used to write the Official Streets and Highway Plan. Ms. Garley provided information on the four plans developed by DOT and explained how they might impact the city; she requested the community review the options

and develop comprehensive, community-based decisions that will help DOT understand the city's vision for its future goals. The north-south grids work well, however, the east-west grids do not because of the location of railroad tracks. The city needs to make sure that the road projects do not move the people from the employment centers north, to Arctic, and out of town or south, to the Springer system, and out of town. There will be competition for business when the new roads are developed due to the availability of large parcels and limited zoning restrictions out of the city limits. Land is cheaper to develop as you move away from the downtown business district. The community needs to work to provide "good ways" to keep the people in town. The city needs to make sure that DOT understands that it is most important to provide a very pedestrian-friendly road design for downtown Palmer by using amenities such as wide sidewalks which provide opportunities for people to walk from shop to shop; develop convenient small-scale parking areas; provide good drainage of the parking lots to ensure that in the winter months, the parking lots do not become skating rinks; and work together to think about landscaping to make the parking lots and walking areas very attractive. The city needs to create a feeling that downtown Palmer is a better environment for the public.

The city must remember that the DOT design is based on what the city said they wanted and that this should not be an opportunity to "throw stones" at anyone; the city is looking for a positive outcome. The DOT design/engineering phase of the project is normally 12 to 18 months long. The DOT open house meeting will be held in May.

Commissioner Hamming requested comments be added to the Official Streets and Highways Plan concerning some of the negative impacts of roundabouts (page 60); consideration be given to adding stub-outs for utilities on individual parcels prior to installing curb and gutter (see page 61); Hemmer Road extension is shown to be too far to the east; and requested to add Goal 7 of the Land Use section of the Comprehensive Plan (i.e. access roads to run perpendicular to the Highway (see sketch in Comp Plan page 6-25) (page 64).

Commissioner Silva addressed the need to read the Palmer Urban Traffic Study which is on line and inquired of other collateral the commission should be aware of; Ms. Garley advised she will attempt to get a copy of the Borough's long-range traffic plan for the commission's review.

- I. NEW BUSINESS: None
- J. PLAT REVIEWS: None
- K. PUBLIC COMMENTS: None
- L. STAFF REPORT:

Commissioner Madar inquired of the status of Alaska Demolition's DEC permit and advised he had seen trucks entering the site. Ms. Webster requested she be advised when the trucks are seen so that DEC may be advised because the permit is void at this time.

M. COMMISSIONER COMMENTS:

Commissioner Silva: no comments

Commissioner Bower: no comments

Commissioner Hamming: Requested the commission take action to accept the University of Washington Study as an official planning tool. He requested it be added to the agenda as an action item at a later date.

Commissioner Madar: Inquired of the status of the Agricultural District; Ms. Garley addressed the draft document. She will meet with members of the farm committee on Friday, April 17, 2009. Staff was requested to send a draft copy of the ordinance to the commissioners by e-mail.

Chairman Kircher: Requested Commissioner Madar be the commission's informal representative to advise the commission on City Council meetings and actions. The report will be given under commissioner comments. Inquired of the Landscape Advisory meeting and when it will be scheduled; Ms. Garley expects the meeting to occur in May. Chairman Kircher also discussed national attitudes about roadways and wait times at intersections. Advised that local farmers appear to be up in arms again about annexation and we need to prepare ourselves for the next process and get people to buy-in to the next annexation.

Commissioner Silva suggested that a report from the Board of Economic Development be added to the agenda as an item for discussion.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:10 p.m.

Michael A. Kircher, Chairman

Dawn U. Webster, Recording Secretary