

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, MARCH 19, 2009
7:00 P.M. - COUNCIL CHAMBERS**

A. CALL TO ORDER:

The regular meeting of the Planning & Zoning Commission was called to order by Vice Chairman Kerslake at 7:00 p.m.

B. ROLL CALL:

Present and constituting a quorum were Vice Chairman Kerslake and Commissioners Madar, Hamming, and Silva. Chairman Kircher had an excused absence. Also present were Sandra Garley, Community Development Director, and Pam Whitehead, Recording Secretary.

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

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of February 19, 2009 were approved as amended. Commissioner Madar requested it be noted under item M that he was not given an opportunity to make commissioner comments.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING(S): None.

H. UNFINISHED BUSINESS: None.

1. Revised definition of Winery for PMC 17.08.467 as requested by the City Council.

Ms. Garley updated the commission as to the Council's request for an expanded definition of winery and clarification whether or not a winery should be required to serve food. It has been reconfirmed that wineries may not sell wine by the glass without having a state-issued beverage dispensary license. If a winery were to sell samples of wine, it would need to obtain a caterer who holds a beverage dispensary license. The administration's recommendation is to approve the revised definition and forward same to the City Council for adoption.

The proposed definition is: 17.08.467 Winery. "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."

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to recommend approval of the revised definition of "winery" as requested by the City Council.

VOTE ON MOTION: CARRIED UNANIMOUSLY [4 yes; 0 no].

I. NEW BUSINESS:

1. Amend PMC 17.04, General Provisions, to add Section 17.04.045, Interpretation and Conflict.

Ms. Garley reported that occasional conflicts have arisen in the provisions between Title 15, Building Code requirements, and Title 17, Zoning Code requirements. Instructive language is lacking in the code determining which standard would prevail if such a conflict should arise. Zoning ordinances normally state that in the event of a conflict, the most restrictive provision would prevail. Staff recommends that this gap be filled by adopting language, proposed in Chapter 17.04 General Provisions, as follows:

17.04.045, Interpretation and conflict.

Where the provisions of any local ordinance or regulation impose greater restrictions than those of this Code, generally the provisions of such document shall prevail. When two or more provisions of this Code are in conflict, generally the most restrictive provision shall apply. The Zoning Administrator or the City Manager's designee shall have the authority, on a case-by-case basis, to determine which conflicting provisions of this Code and/or other local requirements shall be imposed.

Discussion and questions of staff ensued whether to strike the word "generally" and just state "the most restrictive provisions shall apply." The thinking was that when you use the word "generally," it leaves it open to interpretation and every decision becomes arguable. It was noted also that if "generally" is removed, the last sentence designating authority to decide to the zoning administrator should also be removed as it is no longer necessary. Additional questions came up concerning unintended consequences of a decision. Ms. Garley suggested she could bring back examples of different scenarios to the next meeting under which this provision would be applied.

COMMISSIONER SILVA moved, seconded by COMMISSIONER MADAR, to adopt 17.04.045, Interpretation and Conflict, as proposed by staff.

Commissioner Silva argued that there should be a provision in the code by which to settle conflicts; that when a conflict does arise in either the building code or the zoning code, however, that it be resolved so that it will not be a conflict in the future.

Primary Amendment;

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to amend the main motion, to strike the word "generally" and the last sentence: "The Zoning Administrator" as proposed by staff.

Commissioner Madar spoke in favor of the amendment, noting there are other avenues by which to appeal to the city if someone is not happy with a decision and argued in favor that the most restrictive code should prevail. Commissioner Silva was in agreement. Commissioner Hamming was not necessarily in disagreement, but needed further understanding; spoke to unintended consequences and would prefer to table the matter for further information.

Commissioner Madar withdrew the amendment; agreed by Commissioner Silva.

[Commissioner Madar requested a short break to take an emergency phone call from his son; the meeting was called back to order at 7:26 p.m.]

COMMISSIONER HAMMING moved, seconded by COMMISSIONER SILVA, to table the matter until the next meeting for further clarification.

VOTE ON MOTION: CARRIED UNANIMOUSLY [4 yes; 0 no].

2. Installation of an above ground 6,000 gallon jet fuel storage tank for Hageland Aviation, on Lot 2, Palmer Municipal Airport, Public Use District.

Ms. Garley provided a staff report, informing that Hageland Aviation has applied for a building permit to install a 6,000 gallon, above ground, jet fuel storage tank on Lot 2 of the Palmer Municipal Airport. The subject property is zoned P, Public Use District. Ms. Garley reported findings that compliance standards per the code have been met. Staff recommends approval.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to recommend approval of the installation of an above-ground, 6,000 gallon jet fuel storage tank for Hageland Aviation on Lot 2, Palmer Municipal Airport, Public Use District, with the following condition, as recommended by staff: (1) The installation of the above ground jet fuel storage tank on Lot 2, Palmer Municipal Airport, must continue to comply with all federal, state, and city ordinances.

VOTE ON MOTION: CARRIED UNANIMOUSLY [4 yes; 0 no].

3. Review Palmer's Official Streets and Highway Plan.

Mr. Garley directed attention to the draft City of Palmer Official Streets & Highway Plan (March 2009) provided in the packet, asking the commission to review and comment over the next couple of months. Once the text of the document is in place, a transportation map will be prepared to go with it, mapping out the short-range as well as the long-range transportation system. As it moves from the planning commission to the city council, it will be an official document of the city to which all future development will have to comply.

Discussion and questions ensued. Commissioner Madar asked about the highway landscaping as it relates to this plan. Ms. Garley informed that on the next agenda, April 16, the consultants for the Highway Corridor Landscaping Project will meet with the commission regarding that project. General discussion concerning the draft plan continued.

Commissioner Hamming suggested that the Board of Economic Development receive copies of the draft document to also weigh-in with comments.

J. PLAT REVIEWS: None.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

Ms. Garley, using drawings, gave the same presentation as she recently gave to the city council regarding comprehensive plan goals and downtown opportunities, including development a conference/community center on the Mat-Maid property; informed that the Conference/Community Center Focus Group is working on an RFP for a feasibility study to see whether or not this community has need of and can support a conference center. Other items discussed in the comp plan were the DOT Dogwood couplet, updating the quadrangle, revitalizing the Visitors Center and Garden, including new restroom facilities (expected by June of this year), the downtown core and landscaping.

Ms. Garley further reported:

- she has begun working with the consultants, putting together documents in preparation for meeting with not only the commission, but members of the public, the chamber of commerce, Downtown Merchants Assn., Rotary Club, and others to invite public comment and dialog; expected to begin as soon as visual renderings are prepared.
- gave an explanation why the Dogwood couplet is an important connection;
- noted the consultants will be meeting with the P&Z Commission for input at a near future meeting;
- discussed options being talked about concerning the railroad tracks in Downtown Palmer.

General discussion and questions of staff ensued, including Palmer annexations and agriculture.

M. COMMISSION MEMBER COMMENTS:

COMMISSIONER HAMMING inquired about the grading system for projects; suggested it also be submitted to the Board of Economic Development for comment before it comes up for a vote. There were no objections. Ms. Garley stated she would see that they got copies.

COMMISSIONER MADAR apologized and expressed appreciation for the commission's forbearance concerning his emergency phone interruptions.

COMMISSIONER KERSLAKE inquired as to any candidates to take Erick Cordero's seat on the commission. Ms. Garley said not yet; requested the commissioners' help in spreading the word that the seat was available.

COMMISSIONER SILVA shared comments from a couple of Palmer business owners this past week about a meeting of the Downtown Merchants Association where representatives from

the City of Palmer attended to talk about working together regarding a downtown walking map, the new visitors center, coordinating a website, getting information out with a calendar; that these ladies were very excited and upbeat about the City working with the businesses. Ms. Silva thought it was uplifting to hear such positive comments.

COMMISSIONER HAMMING commented that he has heard similar positive comments; that there are changes taking place that people have noticed.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:36 p.m.

William Kerslake, Sr., Vice Chairman

Sandra Garley, Community Development Director