

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, SEPTEMBER 17, 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 Kerslake at 7:00 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Kerslake, Commissioners Madar, Kircher, and Silva. Commissioner Hamming was excused. Commissioner Bower was absent. 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: Ms. Garley requested Item H., Unfinished Business, be postponed until the meeting of October 15, 2009. The agenda was approved as amended.

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of August 20, 2009, were approved as submitted.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING:

1. Conditional Use Permit for Sherrod Elementary School Wind Generator

Ms. Garley provided the staff report:

- 45-foot tall wind generator will be used as a teaching tool; will provide supplemental power for the school
- a conditional use permit is required because it is a tall structure
- Commission approval also required because the wind generator will be located in the Public Use District
- a building permit has been submitted as well as an application for review by the State Fire Marshall and the FAA
- 113 public hearing notifications were mailed to residents within 1,200' feet of the property; advertised in the Anchorage Daily News on September 9, 2009; notice posted at city hall; notices appeared in two locations on the city website
- received 11 letters in support of the project, no letters of objection were received
- the site is 20 acres in size

- described adjacent land use and zoning designations
- will be part of the Wind for Schools program
- Rotary Club is donating the foundation; MEA is donating the labor to trench and erect the tower
- complies with intent of the Comprehensive Plan
- addressed findings of fact and recommended conditions for the permit

Mark Hoffman, Principal of Sherrod Elementary School spoke to the support provided by the community for this project and to the use of the wind generator as a teaching tool. He also discussed the national program called Wind for America; the Wind for Schools program is part of the national program. The installation of the wind generator at Sherrod Elementary school will be the first installation in the state.

John Harris, Project Manager for the Matanuska-Susitna Borough, informed the commission, he was available to answer questions and provided a brief recap of the project's history and wind generator considerations.

Sean Williams, teacher at Sherrod Elementary School, addressed the use of the wind generator as a teaching tool for the staff and students.

The public hearing was opened at 7:24 p.m.

Angela Perryman, from Gulkana Court, addressed concerns regarding why the wind generator could be permitted to be on the school site versus not being able to get permission to put one on their single-family residential property.

The public hearing was closed at 7:29 p.m.

COMMISSIONER KIRCHER moved, seconded by COMMISSIONER SILVA, to approve the request for a conditional use permit for the installation of a 45-foot tall wind generator at Sherrod Elementary School with the five conditions recommended by staff.

Commissioner Kircher stated the wind generator is a very good project and an experiment with viable energy conditions; expressed some concerns regarding silt conditions and the potential damage to the generator but noted the unit was a sealed and has a five-year warranty.

COMMISSIONER KIRCHER moved, seconded by COMMISSIONER SILVA, to amend condition #5 to read "No person may operate a wind generator that has been determined to be in an unsafe or inoperable condition, or not in compliance with applicable codes until the unsafe, inoperable condition or noncompliance has been corrected. If corrective action is not taken within six months of notice of noncompliance or unsafe or inoperable condition, the wind generator shall be immediately removed."

Commissioner Madar stated he liked the idea of being able to get data off the system and see the results; addressed the cost per kilowatt hour and how it relates to the costs associated with the system.

Commissioner Silva related that she is happy to see the project; it provides a great opportunity to teach the students about energy conservation and renewable energy; thinks Palmer is right on the cutting edge.

Commissioner Kerslake also spoke in support of the project.

Discussion of Findings of Facts:

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

Findings:

Fact: The conditional use will preserve the value, spirit, character and integrity of the surrounding area;

Finding: Sherrod Elementary School is the site of ongoing educational and learning experiences. The addition of a relatively small wind generator will assist them in their goal of becoming a "Green School" and add a teaching element not found in any other school in Palmer. By observing how wind generates energy and how the energy can be used in a productive manner, the students and teachers will be forwarding one their stated goals by harvesting renewable energy.

Fact: The conditional use fulfills all other requirements of this title pertaining to the conditional use in question;

Finding: Appropriate safeguards in the form of setbacks from the school building and playground areas, as well as the 51-foot protective drop zone, will help ensure the compatibility of the wind generator's function and the safety of the students and staff. Additional safety considerations have been recommended as conditions for granting the permit.

Fact: Granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort;

Finding: The Borough has carefully studied the site to ensure proper placement of the wind generator to achieve the greatest efficiency from the wind and still provide a protective radius for the students and staff.

Fact: Sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions;

Finding: Sherrod School building is the closest structure to the wind generator; it is located 99 feet from the wind generator. The aerial view, submitted with the application indicates the proximity of other structures in the area. A 51-foot protective drop zone (45' mast with 6' propeller blade = 51-foot protective drop zone required) has been provided to ensure the safety of the students and staff. The protective drop zone will be field adjusted to ensure the zone is equal to the total height of the structure. The protective drop zone is located entirely on school district property.

Fact: If the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner which will maximize public benefits.

Finding: The wind generator will be located where it will achieve the maximum benefits of the winds, both from the Matanuska and the Knik Rivers, and provide an example to the students and staff of how a renewable resource may be harvested.

VOTE ON AMENDMENT TO MAIN MOTION: MOTION UNANIMOUSLY APPROVED

VOTE ON MAIN MOTION: MOTION UNANIMOUSLY APPROVED

2. Zoning Map Amendment Request for five lots within the Runway Protection Zone of Palmer Municipal Airport.

Ms. Garley offered the following:

- the parcels are all owned by the city and all located within the Runway Protection Zone (RPZ)
- FAA prohibits development within the RPZ
- rezone will ensure the city's oversight of development on the property
- staff recommends approval of the request
- 61 public hearing notices were mailed to residents within 1,200' of the subject properties and the notice was advertised in the Anchorage Daily News on September 9, 2009, posted at city hall, and posted in two locations on the city website
- discussed existing land use of surrounding properties and associated zoning
- rezone is in compliance with the city and borough's comprehensive plans

COMMISSIONER MADAR moved, seconded by COMMISSIONER KIRCHER, to rezone Lot 2, Willow Pointe from C-L to P; and Lots 9, 10, 11, and 12, Block 1, Rempel Subdivision from R-1 to P, Public Use District.

The public hearing was opened at 7:47 p.m. and closed at 7:47 p.m. as there was no one present to speak on the issue.

Commissioner Madar stated the request is a housekeeping measure and recommended approval.

Commission Kircher stated the rezone was required based upon FAA regulations which prohibit development of the property.

Discussion of Findings of Fact:

Madar	Kerslake	Hamming	Bower	Silva	Kircher	
1. The proposed change is in accordance with the borough and city comprehensive plans.						
Y	Y	A	A	Y	Y	
2. The proposed change is compatible with the surrounding zoning districts and the established land use pattern.						
Y	Y	A	A	Y	Y	
3. Public facilities such as schools, utilities and streets are adequate to support the proposed change.						
Y	Y	A	A	Y	Y	
4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change.						
Y	Y	A	A	Y	Y	
5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).						
Y	Y	A	A	Y	Y	

Fact: 1) The proposed change is in accordance with the borough and city comprehensive plans;

Finding: Chapter 4, Public Services, Facilities & Infrastructure, Objective F. Palmer City Airport, states "Continue to improve the infrastructure and status of the City airport to foster and support development as an important regional airport facility." The runway protection zone is a required and necessary element for airport safety. Chapter 6, Land Use, Goal 3, Objective B addresses the issue of the airport location and the fact that it is an important resource for the city.

Fact: 2) The proposed change is compatible with surrounding zoning districts and the established land use pattern;

Finding: Land use in the surrounding zoning districts is primarily single-family residential, limited commercial and public use. The land for the airport and runway protection zone is designated P, therefore, the change is compatible with the area.

Fact: 3) Public facilities such as schools, utilities and streets are adequate to support the proposed change;

Finding: It is not anticipated there will be any need for upgrades in public facilities due to the requested change because development of the properties is not permitted by the FAA.

Fact: 4) Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change;

Finding: The changed condition affecting these lots is the inclusion of these lots in the airport's Runway Protection Zone.

Fact: 5) The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).

Finding: The welfare of the public is impacted by the zoning change in a positive way because it will preserve the Runway Protection Zone and improves the safety of the residents in the area. No special privilege will be realized by the City as a result of the change. The property will be protected from development as required by the FAA.

VOTE ON MOTION: Motion Carried Unanimously

3. Expansion of the Boundaries of the Central Business District

Ms. Garley provided the staff report and addressed the following:

- previous discussions have been held regarding the Central Business District and its expansion
- referred to the code where it states the downtown business district/downtown redevelopment area is as described in the city's comprehensive plan
- district offers more flexibility in the redevelopment of the properties and parking requirements
- supports revitalization of the older buildings
- referenced map indicating existing district boundaries and proposed expansion reflecting areas referenced in adopted comprehensive plans
- referenced previous conversations with planning commission regarding properties in the older part of town
- map in the packet reflects staff's understanding of direction received at last meeting

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to approve the expansion of the Downtown Revitalization District/Central Business District to include the recommended expansion area.

The public hearing was opened at 7:55 p.m.

Gregory Gussie, member of the Downtown Merchants Association, stated he just happened to find the notice of the public hearing on the website; did not receive a written notification. He requested the discussion be tabled until the Association has a chance to review the proposed expansion. He felt the group and the Chamber of Commerce would approve it except for the area on the west side, on Evergreen, that doesn't fit the description. He questioned the way stakeholders find out about projects especially since very few of the association members are landholders; they would like to be included in the planning process. He requested we find a different way of doing business that would be more inclusive of the community. He stated his membership was very small, only 55 people. He stated he thought the expansion issue was only just addressed on August 20, 2009 and that to have a public hearing on it now, doesn't give them much time for input.

Commissioner Madar stated the expansion has come up several times in the last several years. He stated he attends a lot of the City Council meetings and has noticed that the Chamber and different organizations come to the meetings right at the last minute, after there has been three or four public hearings, and say "we didn't hear about it". Commissioner Madar asked how the city is supposed to inform these organizations when they don't want to take the time to attend the meetings; they should send a representative to the City Council and Planning and Zoning Commission meetings so they would know exactly what was going on and then inform the rest of their members.

Ms. Garley suggested that a Downtown Merchants Association member might wish to become a member of the Planning and Zoning Commission or perhaps knows someone who they could recommend as a commission member. It would be helpful to have that liaison.

Mr. Gussie advised that he would bring it up at the next meeting but only one member of the association lives in Palmer.

Commissioner Silva addressed the communication issue and stated the city has improved its efforts to provide public notice with the Chamber of Commerce by 1,000 percent; information is available in e-newsletters, and e-mail. She would like to see the city notify the Downtown Merchants by e-mail too. Commissioner Silva stated she would not object to delaying the discussion until next month, however, the effect of this expansion is very minimal and actually only impacts parking requirements.

The public hearing was closed at 8:17 p.m.

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to postpone further discussion on the expansion of the Downtown Business District until October 13, 2009.

VOTE ON AMENDMENT TO THE MAIN MOTION: MOTION FAILED 0-4

VOTE ON THE MAIN MOTION: MOTION FAILED 0-4

H. UNFINISHED BUSINESS:

Continuation of discussion on revisions to the Mobile Home Court Ordinance, PMC 5.16 (Postponed until meeting of October 15, 2009)

I. NEW BUSINESS:

Installation of a TDT Dome sphere-shaped storage structure at the new soccer fields, Tract A-2, Patterson Subdivision

Ms Garley provided the staff report:

- described the current location of the dome
- dome will be moved to the soccer fields if approved, will be a temporary placement
- dome to be painted to look like a soccer ball
- final location will be reviewed by Planning and Zoning Commission as required

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA, to approve the installation of a TDT Dome sphere-shaped storage structure at the new soccer fields, Tract A-2, Patterson Subdivision.

Commissioner Madar spoke in favor of the installation and stated it would be a good utilization of an existing structure and a great addition to the fields.

Commissioners Silva, Kircher and Kerlake all spoke in favor of the installation of the dome.

VOTE ON MOTION: MOTION CARRIED UNANIMOUSLY

J. PLAT REVIEWS:

Alaska State Fair Preliminary Plat

The commission reviewed the proposed plat to combine all lots into one parcel and then divide the lot into two lots and one tract. There were no comments or objections noted.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

Ms. Garley advised the commission of the second annual Transportation Fair to be held on Thursday, October 8, 2009, from 4:00 p.m. to 8:00 p.m. at Raven Hall. The participants will be ADOT/PF, Mat-Su Borough, the cities of Palmer and Wasilla, and the Trails Committee.

The Alaska Municipal League (AML) will be meeting in Anchorage this fall and will be having a training session for planning commissioners. Further information will be forthcoming.

M. BOARD OF ECONOMIC DEVELOPMENT: No report

N. COMMISSIONER COMMENTS:

Commissioner Silva asked whether the city would consider social networking by using Facebook as a way to communicate with interested people in the community; many of the members of the Downtown Merchants Association use Facebook.

Commissioner Kircher addressed personal responsibility regarding obtaining information about city actions impacting the community; also suggested using Radio Free Palmer as a way to communicate.

Commissioner Madar also addressed personal responsibility for looking into what happens in the city. He also stated Palmer hockey season is quickly approaching; watch for the steak feed tickets.

Chairman Kerslake expressed appreciation for everyone's patience.

Commissioner Silva requested a new item be added to an upcoming agenda, communication of meeting information to the public, as a discussion item for discussion.

O. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:45 p.m.

William B. Kerslake, Sr., Chairman

Dawn U. Webster, Recording Secretary