

**PLANNING & ZONING COMMISSION  
CITY OF PALMER, ALASKA  
REGULAR MEETING  
THURSDAY, AUGUST 21, 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 Vice Chairman Kircher at 7:04 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

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

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

Chairman Brown arrived at 7:06 p.m. Vice Chairman Kircher relinquished the chair to Chairman Brown.

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of, June 19, 2008 were approved as amended.

F. PERSONS TO BE HEARD:

Joseph Hawkins discussed tall structures and wind turbines. Requested we not use other resources other than Alaskan resources when considering writing code; quoted portions of the State Constitution. Requested we not look at financial feasibility of a project; requested we not restrict, but regulate turbines.

Jerry Baker, Administrative Services Manager of the Alaska State Fair; responsible for keeping the general manager advised of anything the fair needed to do to remain in compliance with their Conditional Use Permit. She advised the Commission that she missed the deadline to present the sound monitoring information as required under Condition #4 of the permit; the information was required to be presented for review 60 days prior to the first race event. Unfortunately, the information was not provided until August 12, 2008. Ms. Baker provided a map and schedule for monitoring the events. She apologized for being late with her submittal and would like to receive input from the Commission regarding any changes that would be required to fulfill the Fair's requirements.

Dan Hemming, owner of Creative Light and Sound, stated he will be providing the sound monitoring data for the Fair during the races. Readings will be taken at four separate locations around the fairgrounds; one person will be dedicated to doing only that task. Mr.

Hemming will compile the information and present it to the fair. Readings will be done on an A scale, and they may do readings on a C scale if necessary. The information will then be provided to the Planning and Zoning Commission for review and comment.

**G. PUBLIC HEARING:**

Request for a modification to the existing Conditional Use Permit issued to the Palmer Senior Citizens' Center for Chugach Colony Estates senior housing facility. The request is for a change to the rear lot line setback requirement of 25 feet and the addition of storage units in the west parking lot for the residents.

The public hearing was opened at 7:15 p.m.

Dan Steiner, civil engineer representing Chugach Colony Estates, advised of finding bedrock on the site and the need to revise the location of the parking lot; also advised of the addition of the storage units. The information had been submitted to the Department of Public Works but, due to an oversight, was not brought forward to the Planning and Zoning Commission for approval. He explained the difference between the two site plans provided in the Commission packet. His goal during construction was to keep the contractor on time and within budget.

Ms. Garley provided the staff report:

- Public notice requirements were met; received only four responses, all were in favor of granting the modification
- Explained the setback distances in the Public district and that the Commission has the authority to revise the setback as required to meet the applicant's request
- Storage units are an accessory use
- Development to the west of the property would not be impacted by the requested revisions because the Palmer Senior Citizens' Center also owns that parcel of land

Ms. Garley advised the storage units were reviewed and accepted by the building department.

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

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to approve the changes requested to the Conditional Use Permit.

Commissioner Hamming spoke in favor of approving the requested changes and confirmed how important it is to keep the contractor working when he is on the job site. Commissioner Madar concurred with Commissioner Hamming's comments and stated that the storage units added to the use of the site; they are an asset to the community.

Discussion on Findings of Fact:

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

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

Findings:

- (1) The project meets the intent of the Comprehensive Plan:
  - (Ref. page 4-11, Goal 2, Objective B "Provide and sustain public services and facilities to serve the senior population. Keep Palmer an attractive place to live for people at all stages of life.")
  - (Ref. page 6-8, Goal 2, Objective A. "Promote a diverse range of quality housing, from attractive higher density housing in or near downtown, to outlying housing in more rural settings." The last bullet also includes senior housing.
  - (Ref. page 3-1, "Retain and strengthen Palmer's "small town America character."
- (2) The addition of the storage units is an accessory use to the principal use.
- (3) There is enough space between the storage units and any potential development to the west to ensure there will not be a safety hazard.
- (4) There are sufficient setbacks because the adjacent lot is also owned by the Palmer Senior Citizens' center.
- (5) Does not apply because this is not a public project.

**VOTE ON MOTION: MCU**

H. NEW BUSINESS:

1. Review of request to place an MIS Building at the School District's Administration Building Campus in the P, Public Use District (Tract 3, Sherrod Park Survey)

Ms. Garley provided the staff report:

- The request was received on July 3, 2008 and included a site plan and architectural design
- Parking requirements have been determined to be none because the building will not be occupied
- Setback requirements have been met for the P and R-2 districts
- Structure is less than 50 feet in height which is the maximum permitted
- The project supports Goal #3 of the Comprehensive Plan which states "Support the continuation of institutional appropriate industrial uses." And objective A "Provide for the continuation and expansion of Palmer's traditional role as the center for institutional and governmental users for the Mat-Su Borough and State."
- The MIS server building is essential to the function of the school district's daily operations.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to approve the placement of the MIS server building as requested.

Commissioner Madar spoke in favor of the request.

Commissioner Kircher inquired of the School District's planning process and why it happened

so quickly. Ms Garley advised of finding a funding source and the need to expend the funds by the end of the school district's year end in June. The design and construction were accomplished quickly to meet all the funding requirements.

Chairman Brown requested a five-minute break at 7:38 p.m.; the Commission resumed the meeting at 7:49 p.m.

Ms. Garley read, into the record, the title of Resolution 08-001, "A resolution of the Palmer Planning and Zoning Commission approving the placement of the Matanuska-Susitna Borough School District MIS Server Building on Tract 3, of Sherrod Park Survey, located within Section 33 of Township 17 North, Range 2 East, Seward Meridian, Alaska"

### **VOTE ON MAIN MOTION: MCU**

2. Introduction of discussion to consider adding Brewpubs and Wineries as Permitted or Conditional Uses in the C-L, Limited Commercial and the C-G, General Commercial Districts.

Commissioner Hamming requested he be recused from the discussion due to a potential conflict of interest. Chairman Brown also requested he be recused from the discussion due to a potential conflict of interest. Commissioner Kircher took over the chair at 7:42 p.m.

Ms. Garley provided the staff report:

- Introduced as a concept only
- Inquiries have been received from individuals who have expressed an interest in bringing a brewpub to Palmer
- The University of Washington study recommended looking at providing destination points that would bring people downtown; one of the concepts addressed was brewpubs
- Stated the City is not interested in making another way to get another bar in town

COMMISSIONER KERSLAKE moved, seconded by COMMISSIONER MADAR to enter a Committee of the Whole to discuss the brewpub concept. Motion unanimously approved.

Entered Committee of the Whole at 8:00 p.m. COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE to exit the Committee of the Whole at 8:08 p.m.

Staff received direction to:

- Pursue the addition of brewpubs and wineries to Title 17
- Brewpubs and wineries should be required to serve food
- Brewpubs and wineries should be a permitted use in the C-G, General Commercial district and a conditional use in the C-L, Commercial Limited district
- Bring a copy of the State of Alaska, Alcohol Beverage Control Board regulations to the next discussion
- Allow a distillery in CG for making vodka
- Research how other parts of the country regulate brewpubs and wineries

Commissioner Hamming and Chairman Brown rejoined the Commission at 8:08 p.m.

Commissioner Kircher relinquished the chair to Chairman Brown.

I. OLD BUSINESS:

1. Continuation of proposed revisions to Chapter 17.58 BP, Business Park District.

Commissioner Hamming requested to be recused from the discussion due to a potential conflict of interest.

Ms. Garley provided the staff report stating the draft revisions are for consideration only and are based upon staff's understanding of the Commission and property owners' direction regarding requested revisions to the BP District. The revisions addressed include possibility of allowing a residence for a caretaker (not rental property); fence height restrictions; deleting some landscaping requirements (for interior lot lines between businesses). Staff would like to meet with the property owners for some refinement issues and then meet with the Commission in October to continue the discussion.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE to enter into a Committee of the Whole. Motion unanimously approved by the Commission. The Commission entered the Committee of the Whole at 8:18. COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE to leave the Committee of the Whole. The Commission returned to session at 8:26 p.m.

Commissioner Hamming rejoined the Commission at 8:26 p.m.

Direction received by staff included:

- Consider removing fence requirement for enclosing stored items on lots (between the lots)
- Prepare a handout sheet with landscaping suggestions
- Possibly extend the landscaping bed to an 8' width
- Would like to see road between Palmer Commercial Center and Mountain Ranch Estates closed
- Would like to see noise requirements waived during the summer months to allow continued construction

2. Continuation of discussion on residential wind generators.

Ms. Garley advised that research is ongoing regarding residential wind generators. Wind generators in nonresidential districts may be permitted as long as they are less than 50 feet tall or subject to a conditional use permit with a public hearing if it exceeds the 50 foot height limitation. In the residential district there is nothing that would allow a property owner to erect a tall structure. Ms. Garley inquired as to whether staff should continue to investigate the issue or whether we should put it "on the back burner". If continued research is requested, staff would like to address specific concerns such as the fall radius being entirely on the applicant's property; the fall radius should not cross the property line or a public use easement. The lot sizes of some lots in Palmer are small enough that notice should be sent to adjacent property owners for their comments.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE to enter into a Committee of the Whole. Motion unanimously approved by the Commission. The Commission entered the Committee of the Whole at 8:29 p.m. COMMISSIONER HAMMING moved, COMMISSIONER MADAR seconded to leave the Committee of the Whole. The Commission returned to session at 8:54 p.m.

Direction for further research received by staff included:

- Allow experimentation as long as it doesn't cause a problem with noise or safety
- Restrict usage to larger parcels of land
- Address health and safety issues
- Address removal of inoperable units
- Consider a Conditional Use Permit process including a public hearing
- Ordinance should address an overall tall tower ordinance in concert with the Borough's regulations
- Consider noise levels, sound with the generator on versus sound with the generator off; how many dB's above the background noise will be allowed
- Consider what silt may do to wind generators
- Sound measurement should include frequency
- Obtain a copy of the Borough's Tall Towers ordinance and find out when the new ordinance is expected to be ready for review and adoption
- Put ordinance on the back burner

J. PLAT REVIEWS: None.

K. PUBLIC COMMENTS:

Mike Chmielewski, speaking as a private citizen, advised there are two Kestral wind generators set up at the Alaska State Fair (next to the Recycling Center booth). Neither one is very tall, nor are they noisy. He also complimented the Planning and Zoning Commission on reviewing possible code revisions before they become an issue in the community, specifically possibly adding brewpubs and wineries as allowed uses in downtown Palmer.

L. STAFF REPORT:

Ms. Garley discussed the joint meeting with the City Council and stated it was very successful.

M. COMMISSIONER COMMENTS:

Commissioner Kircher: No comments.

Commissioner Silva: Apologized for missing the joint meeting with the City Council; encouraged everyone to come to the football game Friday night to watch Dustin Silva, Palmer's quarterback, play.

Commissioner Cordero: Absent due to work commitments

Commissioner Hamming: No comments

Commissioner Kerslake: Was interested in hearing the information regarding sound levels at the fair and looks forward to reading the results. He expressed concern for Sara Jansen and stated the family's prayers are with her.

Commissioner Madar: Requested that the Alaska State Fair be put on the next agenda. He also expressed concern for Sara Jansen.

Chairman Brown: Encouraged everyone to get out and vote on August 26, 2008 and again in October. He advised he is running for a City Council seat and may be elected to the position and expressed how much he has enjoyed working with the current Commission.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:04 p.m.

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Kevin Brown, Chairman

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Dawn U. Webster, Recording Secretary