

**PLANNING & ZONING COMMISSION  
CITY OF PALMER, ALASKA  
REGULAR MEETING  
THURSDAY, APRIL 15, 2010  
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 Kerslake at 7:00 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Kerslake, Commissioners Madar, Hamming, Silva, and Kircher. Commissioner Bower was excused. Commissioner Preslar was not in attendance. 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: The agenda was approved as amended. Ms. Garley requested Item H.3 under Unfinished Business be moved to the May meeting; and Item I.2 under New Business also be moved to the May meeting.

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of March 19, 2010 were approved as revised.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING:

1. Revisions to Title 17, Chapter 17.84, Planned Unit Development including references to the Downtown Redevelopment Area.

Ms. Garley provided the staff report.

The revisions to the ordinance include the following:

Section 17.84.030 Site area.

Deleted "downtown redevelopment area, as described in the city's comprehensive development plan" and inserted "Central Business District as depicted on the most recently adopted Zoning District Map."

Section 17.84.040 Permitted uses.

Deleted "in furtherance of" and inserted "and further"

Section 17.84.050 Standards and criteria.

Paragraph D.: Deleted. Moved requirements to paragraph E.

New paragraph D: Removed reference to "1984 City of Palmer Traffic Study and inserted

"most recently adopted city traffic study"

New paragraph E: Inserted reference to PMC 17.64 for the landscaping requirements; inserted requirement for surety bond (taken from paragraph D)

Section 17.84.060 Informal review.

Removed reference to borough planning department in two locations.

Section 17.84.080 Contents of application.

Paragraph A: removed reference to borough platting code and revised language for clarity.

Subparagraph 1: Added "including lot corners."

Section 17.84.090 Action on preliminary plan application.

Paragraph B: Removed reference to borough planning department.

Paragraph D: Removed reference to borough.

Section 17.84.100 Action on final PUD plan.

Paragraph B: removed "mylar" inserted "reproducible copies".

Section 17.84.110 Permissive variations.

Added "and the department of public works."

Section 17.84.120 Minor adjustments.

Deleted "development" and inserted "developer" for clarity.

Section 17.84.130 Density bonus and parking reduction.

Paragraph B: removed reference to "downtown redevelopment area" and inserted "Central Business District as depicted on the most recently adopted Zoning District Map"

Section 17.84.140 Common open space and facilities.

Paragraph B.4: Removed reference to Alaska Statutes and replaced with "Alaska State Law".

The public hearing was opened at 7:12 p.m.

Mr. Ron Baird, attorney for Allied Pacific Development, spoke in support of the proposed revisions to the ordinance and the issue of retaining low-income housing in Palmer. He requested the commission consider a reduction in the minimum lot size requirement for a PUD located outside the downtown revitalization area; he requested the commission consider expanding the boundaries of the Downtown Business District; addressed the issue of the Forest Apartments; and legal nonconforming structure standards.

Commissioner Preslar joined the Commission at 7:17 p.m.

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

COMMISSIONER KIRCHER moved, seconded by COMMISSIONER MADAR to approve the modifications to Chapter 17.84, Planned Unit Development, as proposed by staff.

Commissioner Silva addressed the map of the different boundaries shown in the various Comprehensive Plans; urged more consideration of the district boundaries. Ms. Garley addressed Commissioner Silva's concerns and advised of other locations within the city which would be impacted by the different district descriptions.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to amend the main motion to reduce the minimum area for a PUD from 80,000 square feet to 60,000 square feet.

Commissioner Hamming stated there are so many "mays", and "coulds", etc., in the ordinance which ensure the commission will retain the authority to approve or disapprove the proposed PUD. The developer must come up with a plan with many amenities in order to request approval of a PUD; the amenities might include items not required in an R-1 District such as community parks, tennis courts, and swimming pools. The Commission may still choose not to approve the application if they do not believe it meets the intent of the ordinance. Making more land available for a PUD is a plus for the city, not a detriment. A PUD offers the developers a chance to produce a nicer product.

Ms. Garley advised of the need to address well planned growth; the proposed change will be another tool in the tool box for good planning.

**VOTE ON MOTION TO AMEND THE MAIN MOTION: Motion Carried Unanimously.**

Commissioner Silva stated her concerns for expanding the boundaries of the Central Business District (CBD). Commissioner Madar offered that PUDs address the densification of land and provide for mixed use development and will help businesses prosper and make it more attractive for businesses outside Palmer to want to come into the city. Commissioner Kircher agreed and stated that the change in boundaries would be beneficial for revitalization of the downtown area.

Ms. Garley offered clarification regarding the relevance of the CBD boundaries and Chapter 17.84, Planned Unit Development; explained only the parcels located within the CBD boundaries would be available for a waiver of lot size. The amendment to reduce the lot area minimum impacts the entire city; the waiver would allow reduction below the 60,000 square feet only for properties located within the boundaries of the CBD. The commission will retain the power to approve or disapprove an application for a PUD.

Commissioner Hamming addressed Section 17.84.130 Density bonus and parking reduction; inquired whether the commission had ever addressed dwelling units per net acre. Ms. Garley stated the basic residential density equals the dwelling units based on the minimum lot size permitted in the underlying zone. Commissioner Hamming inquired whether the 1.3 bonus was actually 30% and stated he could not construct a 1.3 house. Ms. Garley suggested deleting the first sentence in paragraph A.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to strike the first sentence in paragraph A which reads "The basic residential density is the maximum number of units per net acre permitted within the underlying zone."

**VOTE ON AMENDMENT TO MAIN MOTION: Motion Carried Unanimously.**

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to strike the last sentence in paragraph A which reads "The term "net acre" means the site area minus the areas proposed for rights-of-way, private streets and utility easements."

**VOTE ON AMENDMENT TO MAIN MOTION: Motion Carried Unanimously.**

COMMISSIONER HAMMING moved, seconded by COMMISSIONER Madar, to revise 17.84.140.3, second sentence to read "Covenants establishing the association must be approved as to form by the city attorney and reviewed by the commission to ensure that covenants provide for maintenance of the common open space in a manner which assures its continuing use for its intended purpose;"

Commissioner Hamming stated the commission does not have the legal expertise to approve covenants; Commissioner Madar concurred.

**VOTE ON AMENDMENT TO MAIN MOTION: Motion Carried Unanimously.**

**VOTE ON MAIN MOTION: Motion Carried Unanimously.**

H. UNFINISHED BUSINESS:

1. Continuation of discussion on revisions to Title 17, to delete Chapter 17.36, Industrial District and create two new Chapters; 17.37 Light Industrial District and 17.38 Heavy Industrial District; add power plants as a permitted use

Ms. Garley advised the comments made at the March 18, 2010 meeting have been incorporated into the proposed ordinances. After the final revisions have been received from the commission, the drafts of the ordinance will be forwarded to the property owners in Palmer Commercial Center for their review and consideration. Chapter 17.08 Definitions will also require modification to add definitions for Power Plant; Tall Structure; Light Industrial Use; and Heavy Industrial Use as follows:

Power plant: means a facility used for generating electricity; an industrial complex where power, especially electricity, is generated from another source of energy such as gas, burning coal, nuclear reactions, flowing water, wind, solar, or other natural resource.

Tall structure: means an uninhabitable structure, which is taller than it is wide, and inconsistent with the height limitations of the district in which the structure is to be placed.

Light industrial use: means an operation mostly conducted within an enclosed facility, providing assembly, fabrication, manufacturing, and processing of items and includes the warehousing, wholesaling, distribution centers, and business support services which generally do not have the potential for creating excessive noise, odor, glare, vibration, smoke or dust.

Heavy industrial use: means medium or heavy manufacturing, assembly, fabrication, processing, distribution centers, warehousing, and other industrial activities which have the potential for creating excessive noise, odor, glare, light, vibration, smoke, or dust.

Ms. Garley requested the commission provide additional comments for the draft ordinances.

Commissioners Madar and Hamming requested a revision to the definition of light industrial by deleting "which generally do not have the potential for creating excessive noise, odor, glare, vibration, smoke or dust." Commissioner Madar felt it would be counterproductive to attracting new commercial growth in Palmer. The commission agreed the Intent section of the ordinance covers the issue. Chairman Kerslake asked if there was a specific measure for excessive; Ms. Garley advised that most communities do not define excessive; it would be "a reasonable person's definition".

- 1) Under 17.37.020 Permitted uses, item 18, delete "Radio or TV transmitter"; add light industrial PUD; add wind generators; add equipment storage used on conduct of the business.
- 2) Under 17.37.022 Conditional uses: add coal-fired power plants; add structures taller than 50 feet in height.
- 3) Under 17.37.040 Building and structure height limits: Change title to read "Building height limits". Revise text to read "The maximum building height shall be 50 feet above grade."
- 4) Under 17.37.050.1 Lot area: Revise to read "Minimum lot area: 20,000 square feet"
- 5) Under 17.37.060 Parking and landscaping: Add "In the case of a new Light Industrial District, this regulation will be made part of the development agreement between the city and the developer and be made part of the warranty and maintenance agreement."

The Commission voted to take a break at 9:00 p.m. and returned to session at 9:10 p.m.

#### Chapter 17.38 Heavy Industrial District

- 1) Under 17.38.010 Intent: Delete term "massive" and substitute with "extensive".
- 2) Under 17.38.025 Permitted uses: Delete Item 5, Coal yard. Move Coal yard to 17.38.030 Conditional uses.
- 3) Under 17.38.030 Conditional uses: Add Coal yards; add structures taller than 50 feet in height.
- 4) Under 17.38.040 Building or structure height limit: Change title to read "Building height limits". Revise text to read "The maximum building height shall be 50 feet above grade."
- 5) Under 17.38.050.1 Lot area: Revise to read "Minimum lot area: 20,000 square feet"
- 6) Under 17.38.060.D Parking, loading and landscaping: Add "In the case of a new Heavy Industrial District, this regulation will be made part of the development agreement between the city and the developer and be made part of the warranty and maintenance agreement."

Commissioner Hamming inquired as to whether 17.62, General district regulations, pertains to lots in an industrial district; his comments related to the permitted width of driveways. Ms. Garley advised that staff will research this further and will check with the Department of Public Works regarding their requirements for driveway permits and widths.

#### 2. Discussion regarding expansion of the Central Business District.

Ms. Garley reminded the commission the process of revising the CBD boundaries started several months ago; the process was put on hold after the comments received from the

public at the August 20, 2009 meeting. The areas shown on the map provided in the handout reflects the different boundaries referenced in the various comprehensive plans.

The commission addressed the different boundaries and agreed properties along the west side of the Glenn Highway be excluded from the proposed CBD expansion. Commissioner Madar recommended the boundary be extended north along the Glenn Highway to W. Auklet Avenue, then east to Valley Way, then south to E. Arctic, and then east to Denali Street, then south along the previously proposed boundary; the commission agreed.

The commission requested a new map be prepared showing the proposed boundary of the CBD and text be prepared to cover the proposed revisions to be reviewed at the May 20, 2010 meeting.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR, to move the recommendations forward to the City Council for their review.

**VOTE ON MOTION: Motion Carried Unanimously**

COMMISSIONER SILVA moved, seconded by COMMISSIONER MADAR, to add an intent section to the revisions before moving the document forward to the City Council.

**VOTE ON MOTION: Motion Carried Unanimously**

I. NEW BUSINESS:

1. Request to reschedule third RallyCross event at the Alaska State Fairgrounds from January 2010 to November 6<sup>th</sup> or 13<sup>th</sup>, 2010.

Ms. Garley advised the letter, from the Alaska State Fair, authorizing SCCA to apply for substitution dates for the previously approved RallyCross events. The commission approved Conditional Use Permit 08-002, dated February 21, 2008, to hold RallyCross events at the Fairgrounds, with a term limit of five years.

Staff was requested to bring a copy of the Conditional Use Permit to the May 20, 2010 meeting.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to approve the request to change the dates of the RallyCross events.

**VOTE ON MOTION: Motion Carried Unanimously**

2. Postponed until May 20, 2010 meeting
3. Discussion regarding Title 17, Chapter 17.68, Nonconforming Uses and Structures

Ms. Garley provided an overview of the Nonconforming Uses and Structures chapter and discussed the limitations covered by the ordinance. Discussion was held regarding the potential for requiring the submittal of a conditional use permit request for reconstruction of

a legal nonconforming residential structure in a nonresidential district following its destruction. Currently the code only permits reconstruction of a legal nonconforming residential structure when it is located in a residential district.

Commissioner Silva stated she was in agreement; Commissioner Kircher also supported the recommendation.

Further discussion was held by the commission; direction was given to prepare a code amendment to reflect the requirement for a conditional use permit for reconstruction of a legal nonconforming residential structure located in a nonresidential district.

J. PLAT REVIEWS:

1. Cope Subdivision, Divide Lot 3A into two equal pieces.

Commissioner Hamming recused himself as he is the petitioner for the plat request.

Ms. Garley stated the proposed plat meets the intent of Title 17.

The commission had no comments or objections. Staff advised a letter to that effect would be sent to the petitioner with a copy sent to the Borough's Platting Division.

Commissioner Hamming rejoined the commission.

2. Palmer Industrial Park, Combine three tracts to create one new tract.

Ms. Garley advised that the plat had been previously reviewed by the Commission.

The commission did not have any comments or objections. Staff advised a letter to that effect would be sent to the Borough's Platting Division.

K. PUBLIC COMMENTS: None.

L. BOARD OF ECONOMIC DEVELOPMENT: Commissioner Hamming stated the board is now going to be able to take action on economic development within the city.

M. STAFF REPORT:

Ms. Garley advised of:

- Public Meeting, held by Carrs/Safeway on April 14, 2010 to introduce their new plans for a replacement store proposed to be located on Tract B-3 of Greatland Terrace;
- Announced City Council voted down the commission's request to add up to two commissioner members who are not residents of the city.
- Advised of the Open House Annexation Strategy meeting to be held in the Community Room, on Monday, April 18, 2010, at the AT&T Center; and
- Has been requested to prepare a gravel extraction ordinance for the City Manager.

N. COMMISSIONER COMMENTS:

Commissioners Kircher, Silva, Hamming, Preslar had no comments.  
Commissioner Madar stated he attended the Carrs/Safeway meeting.  
Chairman Kircher had no comments.

O. ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:05 p.m.

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William B. Kerlake, Sr., Chairman

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Dawn U. Webster, Recording Secretary