

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, MARCH 20, 2007
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 Brown at 7:00 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Brown, Commissioners Madar, Kerslake, Hamming, and Silva. Commissioner Kircher was excused. 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.

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of February 21, 2008 were approved as submitted.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING:

Request for a Conditional Use Permit to allow a Martial Arts Studio and Adult Education classrooms to occupy an existing vacant building located on Lot 7, Block 3, of Palmer Commercial Center, in the BP, Business Park District, of the City of Palmer.

Sandra Garley provided the staff report:

- the application is to permit an existing vacant building to be utilized as a new site for the karate club;
- administration recommended approval of Option 1 with two conditions relating to signage and landscaping;
- notices were mailed to 54 property owners within 1,200' of the property location; received 10 replies of no objection and 12 replies objecting to the issuance of the conditional use permit;
- building sits on a .57 acre lot and was built in 2001;
- business park district does allow commercial/wholesale and retail, and light industrial which permits vocational and technical schools;
- pointed out that the requested use is not a prohibited use; and
- reviewed options provided by staff.

The public hearing was opened at 7:11 p.m.

Becky Knowlton, Executive Director and Secretary-Treasurer of the Mat-Su Martial Arts Center, and applicant for the permit and also the karate instructor for the Shotokan Karate Club spoke first. The karate club closed when the community schools program went away; in 2004 the club was started back up at one of the school gyms but they have grown to a point where a larger facility is needed. The club's plan was to give back to the community by providing space for all the people who lost out when the community schools program closed down; the teachers and students are still out in the community and need a place to meet. Ms. Knowlton addressed the types of adult education classes that might be held such as dances, exercise classes, and community events. The building perfectly suits their needs and the landlord is willing to work with them.

Darrelle Green, Palmer resident, spoke in favor of the request; she stated she studies martial arts and both of her children are enrolled in the program. She is the acting director at Mat-Su Regional Hospital medical surgical department, and several of the nurses have found martial arts to be rewarding; they are interested in self-defense classes which will be offered at the facility as well as enrolling their children in the martial arts program. She stated the study of martial arts helps prevent children from becoming involved in gangs. She will also begin instructing some classes in health care related classes.

Scott Hamilton, Vice President, of J. D. Steel spoke in opposition to the request. Spoke to his support of martial arts but is opposed to the proposed location because its use does not fit the intent of 17.58.010. Steel is brought to his facility from the railhead for fabrication. He spoke to the traffic issues and the types of equipment that use the roads in the commercial center. The business park provides the space needed for light industrial uses and construction related fields. He does not feel adequate parking is available; has concern about the conflict between the school traffic and heavy trucks. He doesn't feel martial arts meets the vocational training criteria.

Hans Vogell, from Trivarus, opposes the use of the property for a martial arts center due to the use of his property for industrial purposes. He too expressed concern regarding traffic on S. Eklutna Street. He stated the intent of the park was to be a localization site for industrial workers in the valley. Further he stated that vocational school relates directly to the trades and not a martial arts school. He continues to feel it is an industrial area and the use proposed is not a good mix.

Ben Lyman, President of the Martial Arts Association, janitor, as well as a number of other tasks. They do accept the conditional use conditions that may be imposed if the permit is granted. He addressed the type of use proposed and how it fits within the park; explained they don't intend for the facility to become a "boys and girls club"; it will be supervised activities. He discussed the types of activities that could be held in the facility; ballroom dancing, tai chi, card tournaments, etc. He pointed out that the road is public and should not be restricted.

Jeff Goyeth, realtor from Peak Realty, spoke in favor of the proposed use. He advised of the empty buildings in the Palmer Commercial Center and the fact that there is not a lot of interest in industrial use in the center. He advised that the warehouse across the street is on the foreclosure list, and the building beside the subject location has been empty for quite

awhile. With regard to the traffic issue, he; advised that Jess Hall may be developing the lot to the south of the subject property but makes not guarantees that it will be residential. The subject property has been on the market for a year and a half.

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

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING to deny the Conditional Use Permit to allow a Martial Arts Studio and Adult Education classrooms to occupy an existing vacant building located on Lot 7, Block 3, of Palmer Commercial Center, in the Business Park District of the city of Palmer.

Commissioner Madar stated the thinks the requested use is a great use but the location is not the right location. The Comprehensive Plan, 6-11, Objective B, states "Support continued industrial use, consistent with other plan goals". The Intent portion of 17.58.010 does not permit this. Industrial and BP do not allow public and private schools therefore he cannot approve the conditional use permit request.

Commissioner Hamming inquired about the use not being a prohibited use. Ms. Garley advised that residential use is a prohibited use in the district, however, under 17.58.020.B.11, vocational or technical schools are an allowed use. She addressed examples of an academic school and a facility for training; as an example, the Alaska Club isn't a school although they teach you things. This is a karate club not an academic school but will have other classes that with teach you things. Since the intent is not clear, the request has been brought before the commission for their input so that we will have clear guidance on the issue.

Commissioner Madar addressed the issue of schools, both public and private. The only school listed in the BP district is a vocational or training school; not a public or private school. He read the definition of school 17.08.397 which states "school" means a public or private educational institution not including preschool.

Commissioner Kerslake inquired as to whether you have to be certified or registered with the state to be a vocational or trade school. Staff was asked to research the question and bring the answer back to the next meeting.

Commissioner Hamming inquired as to the reason for the non-profit status; Ms. Knowlton advised it is a tradition that the instructors teach for free; it is considered an honorable vocation and they are giving back to the community. They are continuing that tradition by keeping their fees the lowest in the community; all the money goes back into the facility.

Commissioner Brown inquired about whether the Mat-Su Community College had been contacted about holding the classes out there; Ms. Knowlton responded yes but that was as far as it has gone.

Commissioner Hamming inquired as to the date the business park was formed; Ms. Webster responded that it was adopted on November 28, 2000. The plat was recorded on August 5, 1999, and was annexed into the city in May of 2000.

Commissioner Brown inquired as to the number of lots and how many were vacant; staff responded there are 41 lots, 24, or 59% of which are vacant.

Commissioner Hamming stated he agreed with Commissioner Madar; the park was developed to permit industrial uses. He further stated that the lots could all be bought up for industrial purposes. Ms. Garley pointed out again that the park was not developed just for industrial use; the city has land designated as industrial for those heavy industrial uses.

Commissioner Kerslake read 17.58.010 Intent into the record "The business district is established as a district in which the specific intent is A) To provide the use of the land in the business park for employers to use for light manufacturing, processing, warehousing, wholesaling, and distribution; B) To permit large storage areas for commercial applications, as required; and C) To prohibit residency and any residential use of the land in the BP district. In the permitted uses it is broken down into Commercial and Industrial. The vocational and trade school are listed under Industrial; he felt the intent had to do with schools related to industry.

Commissioner Silva asked for an explanation of commercial use; Ms. Garley advised commercial use would be similar to a place where you sell pianos, but that most of the structure would be used to store the pianos. Ms. Garley also pointed out that the ambulance service is also located in the business park.

Chairman Brown suggested the commissioners take the opportunity to speak with Commissioner Kircher who was on the commission when the ordinance was adopted to find out the intent of the ordinance.

COMMISSIONER SILVA moved, seconded by CHAIRMAN BROWN, to postpone a decision on the permit until the next meeting to allow further research into the intent of the ordinance. Commissioner Silva spoke in favor of the postponement as did Chairman Brown.

Commissioner Madar spoke in favor of the business but not at this location; he also spoke in opposition to the motion to delay the decision. He requests staff research the minutes of the meeting where the Business Park was adopted to see what the intent was.

Commissioner Hamming spoke in favor of waiting a month to do more research.

Commissioner Madar requested we contact the city attorney to find out if we can legally approve the permit.

Commissioner Kerslake requested staff research the state's criteria and certification for vocational and technical schools.

VOTE ON MOTION: MCU

H. UNFINISHED BUSINESS:

Review of PMC 17.64.050 Central Business District parking requirements.

The commission took a break from 8:03 to 8:12 p.m.

Ms. Garley requested a postponement on this item; she stated that the City Council recently granted two waivers on the parking requirements in the Downtown Business District. The council is not comfortable with the language in the ordinance and she has been requested to contact various engineering firms to find out what it would cost to do an actual downtown parking plan rather than granting waivers to the parking requirements. The plan should also gather information on the actual number of parking spaces available based on our current zoning. City staff needs to find out whether there is a deficit and how to resolve the deficit if there is one. The study would be part of a true healthy, economic growth plan and would help retain the businesses we currently have. She is gathering the information for the scope of work. Commissioner Madar inquired as to how long it would take to perform the study; Ms. Garley advised approximately five months.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to delay reviewing PMC 17.64.050 Central Business District parking requirements until a later date when staff has information to bring back to the commission.

Chairman Brown requested copies of the minutes and a recording of the minutes from the city council meeting where the parking study was addressed. Ms. Garley advised she would obtain those from the city clerk and make copies for all the commissioners.

VOTE ON MAIN MOTION: MCU

I. NEW BUSINESS:

Resignation of Commissioner Guy ALee and issuance of a Certificate of Appreciation for Commissioner Guy ALee for service on the Palmer Planning and Zoning Commission.

Chairman Brown read the text of the Certificate of Appreciation into the record and presented the Certificate to Commissioner ALee. Commissioner ALee thanked the commission for their help and guidance during his years of service.

J. PLAT REVIEWS:

Abbreviated plat – French Haven Subdivision. Request to divide existing Lot 1 into Lot 1 and Lot 3.

Ms. Garley provided a brief staff report explaining the request and that both lots would have frontage on Scott Road.

Commissioner Hamming inquired as to why a surveyor was not hired; staff advised we were told by the applicant that the Borough said it wasn't necessary. Also questioned the length to width ratio and did not feel it met the requirements of code.

Commissioner Madar inquired as to the access points on Scott Road.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

Ms. Garley advised of the City Council's desire to have the commission get involved this year and put together a good map of the existing trails system and identify links that are missing connections to existing trails making useable across town. She anticipates a few open house meetings where the general public may come and provide their comments to the commission.

M. COMMISSIONER COMMENTS:

Commissioner Silva had no comments.

Commissioner Madar inquired about the status of the Agricultural District; Ms. Garley advised that her work program includes revisions to the Agricultural District by December 31, 2008. The Palmer Amateur Hockey Association has two winning teams from the state championships; the Bantam D's and the Pee Wee's. There are two other playoff games this weekend; he urged everyone to come and cheer the teams on.

Commissioner Kerlake again acknowledged Commissioner ALee's service on the commission. He also thanked Commissioner Silva and Chairman Brown for coming to the meeting in spite of their sicknesses.

Commissioner Hamming discussed the trails issue and would like staff to identify the best links for the trails. He would like to see a more complete idea of the trails plan. Ms. Garley will provide a list of questions for the commission to review and provide additional ideas. He would like to be in the position to review and approve a plan, after the staff prepared it. He believes the outlying undeveloped areas are the most crucial.

Commissioner Brown reiterated the councils desire to have the Planning Commission prepare the trails plan. He would also like the commission to bring forward two or three ideas that they would like to see happen in the city to make it a better place to live. He requested everyone make themselves aware of the supplemental budget and the specific funding requests for Palmer projects and other local projects of interest that will be before the Governor tomorrow.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:33 p.m.

Kevin Brown, Chairman

Sandra Garley, Community Development Director