

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA**

**REGULAR MEETING
THURSDAY, March 21, 2013
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 Madar at 7:00 p.m.

B. ROLL CALL:

Present and constituting a quorum were Chairman Madar and Commissioners Prosser, Campbell, Kircher, Lucas, and Kerlake. Also present were Kimberly McClure, Planning and Code Compliance Technician, and Pam Whitehead, Recording Secretary. Sandra Garley, Community Development Director, was not present.

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

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the February 2, 2013 Regular Meeting were approved as presented.

F. PERSONS TO BE HEARD:

1. Presentation of Glenn Highway MP 34-42 Reconstruction Project by Jim Amundsen, Highway Design Project Manager, Alaska DOT&PF, CR

Jim Amundsen, Senior Project Manager, Alaska DOT, and Dennis Linnell of Hattenburg Dille & Linnell, Design Project Manager, gave a presentation on the widening of the Glenn Highway from the Glenn/Parks interchange through Palmer to Arctic and reported on its current status. Copies of the project graphics were distributed to the commission. In summary, the existing two-lane highway will be widened on the west side from the railroad tracks and a new frontage road added on the west side from Crimson View to S. Colony – two lanes northbound, two lanes southbound, plus two-lane frontage road built to borough standards and paved. There will also be a separated trail from the park at the south end of Palmer connecting to the existing trail system on the west side of the Glenn Highway. Envision the new Trunk Road as the best description of what it will look like. There will be new traffic signals at Inner and Outer Springer Roads. Moving forward, they expect to have an agreement with the City of Palmer as to the maintenance of landscaping if it wants more than just grass.

Commission questions and discussion ensued regarding business routes of safe access. Mr. Amundsen and Mr. Linnell spoke to some of the concerns raised. There will be a

new traffic signal at S. Colony. Given the speed limit (will continue to be 45 mph), volume of traffic, and class of facility, having left-hand turns all along the corridor is inconsistent with having a "highway." The new frontage road on the west side will be providing an access route for the businesses that will otherwise lose the ability to make the left turn in and out. Further discussion continued regarding business access (with emphasis on safe access as opposed to "suicide" lanes), landscaping, and purpose of the frontage road and impacts to development and adjacent property owners.

G. PUBLIC HEARING:

1. Resolution 13-002 A Resolution recommending City Council approve a Zoning Map Amendment for Tax Parcel C10, located in Section 5, Township 17 North, Range 2 East. Seward Meridian, from R-1 Single-Family Residential to R-3 Medium Density Multifamily Residential.

Commissioner Campbell moved, seconded by **Commissioner Prosser**, to recommend approval of the requested zoning map amendment for Tax Parcel C10 from R-1 to R-3.

Ms. McClure gave a staff report. All notice and publishing requirements have been met. A total of 10 comments were received: nine opposed and one no objection. This parcel has access from East Helen Drive and is approximately 5 acres. The intent of the R-1 district is to provide a zoning district in which the principal use of the land is for single family dwellings. This parcel has been and continues to be used as multi-family residential, which is not the intended principal use of the R-1 district. The owners of the parcel are requesting a rezone from R-1 to R-3 so the current use will be in compliance with zoning. This property has previously been used for multi-family dwellings since 1980 when the structures were built. The property was automatically zoned R-1 when it was annexed into the City in 2003 as there was no Transitional district at the time, causing this property to become a legal nonconforming use. The nearby surrounding land uses include Agricultural, Industrial, and Single-family Residential Estate.

Ms. McClure presented staff-recommended Findings of Fact for the commission's consideration as to what effect the proposed change would have on public health, safety, welfare and convenience, and for a map amendment show whether:

Fact 1) The proposed change is in accordance with the borough and city comprehensive plan.

Staff finds the following facts support this finding: The proposed zone change would more accurately reflect the 33 year use of the land for multifamily residential dwelling units. This use of the land is in accordance with the 2006 Palmer Comprehensive Plan because it supports Objective A listed under Goal 2 of Chapter 6, Land Use, which states: "Promote a diverse range of quality housing, from attractive higher density housing in or near downtown, to outlying housing in more rural settings." The proposed zone change would promote and reflect the diverse range of housing offered in Palmer and encourage higher density housing in this area.

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

Finding: The R-3 district consists of a combination of Single-family dwellings, multifamily dwellings and some nonresidential uses. The parcel's location is surrounded by a mix of Single-family Residential, Single-family Residential Estate and Agricultural uses. In the R-3, Medium Density Multifamily Residential district, the minimum total lot size for 8 dwellings units is 21,600 square feet. The Matanuska-Susitna Borough tax sheet reflects this parcel to be 5.00 acres, which exceeds the minimum requirement for the R-3 district.

Fact 3) Public Facilities such as schools, utilities and streets are adequate to support the proposed change.

Finding: This parcel continues to be used and has been used for multifamily dwellings since the structures were built in 1980. The proposed zone change would not have an impact on the schools, utilities and streets since this parcel has been used for multifamily dwelling units since 1980.

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

Finding: There have been no recent changes to the subject parcel or surrounding neighborhood. The proposed rezone would update the zoning to reflect a more accurate zoning designation for the continuing current use of this parcel for multifamily dwellings.

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

Finding: The proposed zone change does not grant this parcel any special privilege; the proposed zone change would simply update the zoning to reflect the use of this parcel for multifamily dwellings and remove the parcel's present status of a legal nonconforming use.

Based on the information provided by the applicant, staff finds the subject rezone to be consistent with and substantially in conformance with the Palmer Comprehensive Plan for R-3, Medium Density Multifamily Residential district.

If, following the public hearing the Commission finds that the applicant's proposal conforms with the Palmer Comprehensive Plan and Zoning Code provisions, then staff recommends the commission approve the subject rezone and forward a recommendation for approval to the City Council.

Chairman Madar opened the public hearing:

Ross Walther, applicant, spoke in support. They have owned the property for five-plus years. He's not happy with the current status of the building. He emphasized that he has no intention of building 8-plexes, 4-plexes or other housing. He has invested a lot of money trying to fix it up and make it a better place but it hasn't worked because of the transient nature of the renters. He wants to build a charter school on the front

part of the property and turn the apartment building into either staff housing or housing for kids coming in from the bush to attend charter school or for administrative for the charter school. He reiterated he has no desire to build multi-family units. In the design of a charter school, there would be paving, landscaping, playground equipment, and brought up to standards where it's not an eyesore. He also wants to conform to what it really should be zoned for.

Garrett Piehl, homeowner on Hidden Ranch Loop, spoke in opposition, and wants it to remain R-1. He expressed appreciation for Mr. Walther speaking of what his plans are for his property, but still has concerns because everything else in the area are single-family dwellings and doesn't see multifamily as being consistent with the neighborhood. He would prefer to see it developed into single family dwellings similar to that of the surrounding area.

Dave Walker, Helen Drive, adjacent Walker Estates, since 1982, spoke in opposition. He explained a little bit of the history of the subject parcel noting before being annexed into the city, the property was a single-family residence which in the mid to late '80s was converted to a multifamily apartment building and it has been an eyesore for the surrounding neighbors ever since. He has put in fence posts to put a fence around his property and they ripped out the corner post. He has put surveyor markers out there and the manager ripped it out of the ground and threw it up on his property. If it is allowed to be rezoned it will become more than 8 units because there are 8 or more units in the house plus the house on the front of the property has people living in it (supposed to be storage only). There are a number of inconsistencies in the applicant's statements. There is no runway across the back of the property. There is a joint trespass agreement between the original four property owners for the use of landing airplanes which at this time is only being used by one of the property owners.

Gale Barnett, who lives beside the property, Fairside Estates, spoke in opposition. Her big issue with the property likened it to that of a slumlord standard. She stated there is an incredible amount of people stacked in a single-family house and it's not safe. Her issue is that their property line is 57 feet from her wellhead and that's where they chose to put their leach field. The leach field people came to her house and inquired why there was a wellhead out in the woods to which she informed it belongs to her house. They thought it was an abandoned wellhead and it is not; it is their current domestic water. She is very worried about her current domestic water while finishing tying into city water and is concerned about sewage. She's worried their sewage system is grandfathered into a single-family home sewage, not for the current 8-unit apartment. She thinks they're over-capacity because their leach field floods out and is a non-working system and it is right beside her wellhead. She has pictures of the wellhead, boundary lines, and survey showing her registered wellhead and she noted the runway is a FAA registered runway.

Brief questions of Ms. Barnett ensued with regard to her water and septic concerns.

Matt Corbett, Helen Drive, spoke in opposition as it currently stands, but said it doesn't sound that bad if an apartment building that nobody likes is replaced with a charter

school. His concern though is that the property is for sale. If it is rezoned and then promptly sold, the intentions of a future owner could not be known, may not be as admirable as Mr. Walther's, and leave it open to significant vulnerability. He also noted that to buy a building that is not in compliance is not a great investment and the zoning should not be modified to help out in that situation. He wondered if there might be some kind of compromise solution found to satisfy everyone.

Darin Hamming, Natasha Road, echoed the comments of the previous speakers in opposition. He is opposed to the development of more multi-family in a single-family residential area, however, there is already a 9-plex on this five acres. To rezone it, with restrictions, might help the property owner and give the single-family homes in the area the satisfaction that there won't be 8 half-acre lots with 8 units on each one, where there would be the potential of 60-plus units. He noted it is complicated to bring a property such as this into compliance and at the same time impose limitations in order to save the neighborhood; that he believes it is the only one like it in Palmer.

There being no one else wishing to speak, the public hearing was closed at 7:55 p.m.

Lengthy discussion followed.

Commissioner Prosser spoke to the issues raised in the public testimony, specifically, the hazmat issue, nonconforming uses and people living in the building supposed to be used for storage only. He recommended tabling the matter for staff to bring back additional information as to the issues raised before voting. He believes there is good intent by the applicant, but there are still conditional uses that they will have to go through.

Commissioner Kerslake commented in agreement as regards the concerns raised on the septic issue and also it needs to be clarified whether there are people living in the old house used for storage. He doesn't see why it can't be kept as is as a nonconforming use.

Commissioner Lucas spoke in agreement with the concerns of the local residents if the property were to be zoned R-3, it could be turned into an additional nine more lots, each of which could then have an 8-plex, which would dramatically alter the nature of the community.

Commissioner Kircher agreed that once zoned R-3, the owner can do anything allowed in an R-3 district. He does not think concentrated housing on that parcel would be too desirable. He further commented that a charter school would require a conditional use permit on which the applicant would have to come before this commission for review to set whatever conditions would be appropriate at that time. An option would be to rezone with special restrictions on the property, as was mentioned, but it would require tabling until the next meeting for further consideration. Although it has already been said, he reiterated that the ADEC be contacted to take a look at the septic system; that this is the first he's heard about any sewage or water problem in the subject area; that Public Works should also take a look at it, and that he would like to see a report from ADEC and Public Works before proceeding. He spoke in favor of tabling or postponing

to the next meeting; that he didn't think an intelligent decision can be made tonight.

Chairman Madar agreed entirely, voicing concern that the property can be sold and that 64 potential units would not be consistent with the neighborhood; likes the charter school idea but questioned the need to rezone it if a conditional use permit can be had in either R-1 or R-3; spoke in favor of tabling or postponing until staff can bring back answers to the issues raised.

Commissioner Kircher moved, seconded by **Commissioner Prosser** to postpone the matter until the next regular meeting on April 18, 2013.

VOTE ON MOTION: Passed unanimously.

Brief discussion ensued. Commissioner Kircher encouraged the members of the public to submit any documentation they might have to the Commission concerning the issues raised in advance of the next meeting so there is time to review. Commissioner Prosser in addition encouraged the public to go on the City of Palmer's very informative website noting a plethora of information regarding zoning and property development. And to certainly ask staff any questions they may have.

Mr. Walther commented that he wasn't aware that he could do a charter school under his current zoning or he wouldn't have gone through this rezoning process. He absolutely has no intention of building multi-unit places. And also he never heard about the septic problem or he would have dealt with it right away.

Upon a brief check, it was confirmed that a charter school would not be allowed under R-1, but would be under R-2. Mr. Walther made mention they would be looking into modifying their application to R-2 instead of R-3.

H. UNFINISHED BUSINESS: There was no Unfinished Business.

I. NEW BUSINESS: There was no New Business.

J. PLAT REVIEWS:

1. IM 13-010 To create 4 lots from tax parcel C30 in Section 9, Township 17 North, Range 2 East, Seward Meridian, located outside Palmer city limits.

Upon review, the Commission had no objections or additional comments.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

There was no staff report.

M. COMMISSIONER COMMENTS:

Commissioner Lucas had no comments.

Commissioner Campbell was glad the rezone was postponed to allow further information.

Commissioner Kircher recommended that the City of Palmer buy iPads for every commissioner so that we can have everything electronic instead of all the paper. As regards the issues raised regarding the subject rezone, a code compliance technician should also probably take a look at the property.

Commissioner Prosser inquired if there was a special procedure for asking staff to act on information and concerns as was presented at tonight's meeting. Ms. McClure said she would pass on the information to Public Works and ADEC.

Commissioner Kerslake had no comments.

Chairman Madar commented that he was glad the rezone was tabled. Chairman Madar would like to know if there's anyone living in the house that was supposed to be used for storage only. Staff will check it out and report back. Brief further discussion followed concerning special limitations.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:20 p.m.

Michael W. Madar, Chairman

Kimberly McClure, Planning and Code
Compliance Technician