

PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, APRIL 16, 2015
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 on April 16, 2015 at 7:06 p.m.

B. ROLL CALL:

Present and constituting a quorum were Commissioners:

William Kerslake, Sr., Chairman
Michael Kircher, Vice Chairman
David Petty
Douglas Cruthers

Excused absence(s):

Dan Lucas
Merry Maxwell

Also present were:

Sandra S. Garley, Community Development Director
Kimberly A. McClure, Planning and Code Compliance Technician

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

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the January 15, 2015 Regular Meeting were approved as presented.

F. PERSONS TO BE HEARD:

There were no persons wishing to speak on a topic not on the agenda.

G. PUBLIC HEARING(S):

1. **IM 15-008:** Request to rezone Tax Parcel C8 in Section 4, Township 17 North, Range 2 East, Seward Meridian located south of E. Cope Industrial Way and adjacent to the MTA Events Center and Palmer Job Corps from R-1, Single-family Residential to R-4, High Density Residential.

Ms. Garley reported background information on the above zoning map amendment, noting the applicant/owner is Brandon J. Blake, along with owner representatives Duaine Arthur Richards and Ardith Eleanor Richards, Co-Trustees of the Richards Family Trust, Sid A. Richards, James Donald Smith, Jr., and Pierre J. Nicolet. The owners are requesting a zone change to from R-1 to R-4 to allow for future development of this

parcel for higher density of residential use. Information and written responses provided by the applicant are contained in staff's full written report beginning at page 13 of the packet. Public notice and publishing requirements pursuant to code have been met. A total of 20 written comments (1 comment via phone) were received in response – 0 in favor, 19 opposed, and 1 no objection.

Staff would recommend approval based on the following findings *if the Commission concurs following public hearing*:

Pursuant to PMC 17.80.036.C, the Commission shall give 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 plans:

Staff finds the following facts support this finding: Goal 2 of Chapter 6, Land Use, from The 2006 Palmer Comprehensive Plan states: "Maintain high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer." Objective C under Goal 2 goes on to state "Encourage infill and higher density housing in and around downtown. Prepare new zoning standards and design guidelines to ensure higher density housing is high quality to benefit the residents and the community." The proposed zone change to R-4, High Density Residential, would allow for the option of infill of high density development on this property which is located between the MTA Events Center and Job Corps.

The 2006 Palmer Comprehensive Plan recognized one of Palmer's many assets to be water and sewer connections which would permit higher density housing. Another asset mentioned is the chance to have a residence within a short walking distance of schools.

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

Finding: The parcel's location is surrounded by a mix of public, business, high density residential and planned unit development uses. Among the surrounding districts and established uses are Palmer Job Corps, Mountain Rose Estates, MTA Events Center, Palmer Junior Middle School, and nearby are Mountain Rose East Condos and Eagle Ridge apartment building. If rezoned to R-4, High Density Residential, this parcel would be compatible with surrounding zoning districts and existing uses, and would allow for future development of this parcel for residential use at a higher density level.

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

Finding: Public facilities such as schools and utilities are adequate to support the proposed change. There are numerous existing low to high density residential and public uses in the surrounding area. An Application for a proposed secondary access to this parcel has been submitted to the Borough; the availability of water and sewer lines to accommodate high density development on this parcel has been confirmed by Public Works.

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

Finding: The surrounding neighborhoods east of South Chugach are comprised of a mix of residential, public and business uses. The proposed change to R-4, High Density Residential, for this parcel would be compatible and is supported by the variety of surrounding public uses and low to high density residential uses.

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

Finding: The proposed zone change is consistent with the public welfare and does not grant this parcel any special privilege as the requested zone change is consistent with nearby PUD and properties zoned R-2 and R-4.

Public Hearing [Resolution 15-003; Zoning Map Amendment, Tax Parcel C8, R-1 to R-4]

Chairman Kerlake opened the public hearing at 7:14 p.m.

Speaking on behalf of the applicants:

John Weaver, President and CEO of Valley Residential Services, noted a recent study revealed that the Mat-Su Borough population will increase from today's population of 98,000 to 125,000 by the year 2020 and 165,000 by the year 2030. Additional housing is needed in the Valley to accommodate this growth. Rezoning this 9.3 acre parcel to R-4 will allow a housing project to be developed to this anticipated need. VRS is teaming up with Volunteers of America for this project. He introduced Elaine McDahlgren.

Elaine McDahlgren, President and CEO of Volunteers of America Alaska, explained that VOA is a national nonprofit organization that builds homes and provides many services across the United States. They are the largest provider of affordable housing in the nonprofit world and own over 19,000 units of housing outside of Alaska, and recently built 141 units of housing in Trail Side Heights on Abbott & Lake Otis in Anchorage. They own the units they build forever and take very good care of them. They conduct screening and background checks on all residents. They know who is living in their units and who is driving through at all times. She introduced Ron Bateman.

Ron Bateman, Lumen Design, LLC, Architect on this project, explained that Lumen has been involved since 2007 in 22 housing projects ranging from 12 to 80 units. Mr. Bateman explained his background and housing projects in which he has been involved. They have four projects currently under construction with VOAAK, including three in Anchorage and one in Juneau. Of primary importance and reasons for their success in development of affordable housing is: 1) Neighborhoods must be safe – certain rules of design create safe areas for people to live; all of their townhouse units have garages – purpose is not only for cars, but to help keep the site clean; projects are pointed toward “workforce housing” – young working families who have good credit and need a decent

place to live. 2) The property must look nice having high quality material siding and curb appeal; much emphasis is put on and money invested in a landscape that can mature into a beautiful neighborhood that people would want to live in, and that over time be a real asset to the community. He would not work on a project that he, himself, would not want to live in. He invited Commission members to visit one of their developments in Anchorage. The key for projects like this is it has to be a place that people would want to live and it has to have on-site property management that takes care of and has long-term ownership in the property. This project will be a 6-star Building Energy Efficiency Standard (BEES), which is the highest energy rating attainable. All their projects utilize significant solar panels contributing to the electrical utilities of the building use as siding. The units are generally two and three bedroom, between 900 and 1200 square feet, with at least a one-car garage with parking space in front. Another emphasis is put on pedestrian paths for kids to move through the project and to schools.

Robert Nilsen, resident of Mountain Rose Estates, spoke in opposition to the requested rezone, explaining that this parcel is adjacent to MRE on the north side. The residents of MRE are all senior citizens who have purchased for their quiet retirement living. Since 2001, rezoning has changed the adjacent property from farm land to multi-purpose housing, two 10-plexes, a ball park and an ice rink. Rezoning this parcel has the potential to add an additional 10-plexes or small cluster homes which they believe will negatively impact the quiet living of MRE residents with a potential of loss to home values. They see no need for additional high density housing and requested the commission consider the impact on 67 senior families when making its decision.

Keith Morberg, resident of Mountain Rose Estates, emphasized that he is not anti-development, believes in responsible development, but spoke in opposition to this requested rezone. It is not responsible for P&Z to take the lowest density residential zoning and convert it to the highest density without the advantage of looking at a site plan. Although he's heard the testimony about the proposed development tonight, there is no guarantee it will be built accordingly. He explained the PUD process which allows both the city and the adjacent owners to review and comment on a site plan, and if approved, gives some sort of assurance that the development will be built per the approved site plan before going forward. For that reason, he asked that the commission not approve the requested rezone.

Allan Linn, resident of Mountain Rose Estates, substantially mirrored the comments of Mr. Morberg, speaking in opposition. Expanding on his written comments in the packet, he is opposed to the requested rezone for the reasons 1) R-4 permits the establishment of a trailer court next to MRE of which he would be opposed; 2) There is a 100' powerline easement which runs along the entire length of the proposed rezone area near its easterly side, within which no permanent improvement can be constructed that would interfere with the ability of the utility to maintain the facility; he has concerns as to what the impact would be on MRE; and 3) raised concerns and spoke about the surface water runoff and drainage problem in the area, including the proposed rezone location, which if not strictly controlled could increase potential hazards to residents of MRE.

Dave Rose, Mat-Su Coalition on Housing and Homelessness, informed of the Mat-Su Borough Housing Needs Assessment recently conducted in February and spoke to the need for more housing of any kind in the Mat-Su Borough and in Palmer. The Needs Assessment revealed that “in general there’s an affordable housing issue in the Mat-Su Borough affecting approximately 24-29% of the population” – almost one-third of the population is having a hard time finding housing they can afford. He applauded the Commission for addressing the issue.

Warren Keogh, resident of Mountain Rose Estates, spoke in opposition. He appreciated the comments of the applicants and Mr. Rose and agreed that there is a need for more housing in the valley and certainly a need for more affordable housing. The proposed project sounds worthy, but he opposes the location. He echoed the impacts articulated by the previous MRE residents which he felt are significant. There is also the potential for more noise and a change in the character of the neighborhood in the surrounding area. Another concern is potential devaluation of existing properties in MRE. He believes the expected growth in the valley can be accommodated without high density housing on this particular lot and urged the Commission to deny the requested rezone.

Christine Woods Sulak, current resident of Mountain Rose Estates, spoke in opposition for the reason explaining that she previously lived on property adjacent to a high density development; spoke of the many problems; that they were able to build right up to her property without leaving room for ambulances or fire trucks to get through. She agrees there is a need for more housing in the valley, but believes we already have enough high density in Palmer.

There being no other persons coming forward to speak, the public hearing was closed at 7:44 p.m.

For purposes of discussion:

Commissioner Kerlake moved, seconded by **Commissioner Petty**, to recommend that the city council approve subject zoning map amendment more particularly described in **Resolution 15-008**, Parcel C8, from R-1 to R-4, and as outlined by staff.

Commissioner Kircher spoke to and discussed the concerns raised by the residents of Mountain Rose Estates as well as the plans proposed for this property by the applicants. He questioned staff and discussion took place concerning access to the property and the potential for extension of Commercial Drive, including whether it could be vacated. He discussed the requirements and intent of R-4 zoning and conditions that could be applied such as a requirement for tree buffers and fencing. He would have liked to have seen a site plan, however, based on the applicant’s testimony, it sounds like it would be well suited for a Planned Unit Development (PUD) which are allowed in an R-1 area without having to change the zoning. He suggested that the Commission decline the change to R-4 based on the testimony given, leave it as R-1, and suggest to the applicants that they go forward with a PUD. It would give everyone a chance to look at it and comment on a guaranteed plan.

Commissioner Petty commented that he also would like to see a site plan, raising concerns about adequate access to the property in terms of fire and emergency; that he also favors a PUD, but mainly would like the fire marshal's opinion and approval of a plan first.

Commissioner Cruthers also would like to see a site plan prior to approval in order to confirm there will be at least two required accesses to the site, but also to see how large the development will be, how many structures, how they will be situated on the site, how many units in total.

Chairman Kerslake commented that since the applicant's presentation did not include a site plan, it would have been beneficial to see photos of their other developments similar to what they have in mind for this location. From the paperwork, he envisioned 20-plex apartment buildings. After listening to the presentation, however, he was encouraged and believes they are actually interested in bringing a good development to Palmer and believes it would be of value to the community. He informed the applicant that one of the goals of the Palmer Comprehensive Plan is to try to fill some of these empty lots with a mix of higher density which is closer to the downtown area in order to make it a viable area, and he thinks the area is growing in that sense. In order to guarantee a design however, he agrees with the others that a PUD would be the right process. He would be very interested in visiting some of the locations in Anchorage, but at this point there are not enough guarantees. For the stated reasons, he encouraged denial of the requested rezone at this time.

VOTE ON MOTION: Defeated Unanimously.

[Kerslake, Kircher, Petty, Cruthers]

Ms. Garley advised the audience of the review process under PMC 17.80.051 upon Commission denial of a motion, stating that upon final vote of the Commission that does not recommend approval of a map or text amendment, that decision shall be final unless the initiating party or property owner, within 20 days of the decision, files a written statement with the City Clerk requesting that amendment be considered by the City Council. She also briefly explained the process should the applicant choose to appeal, in addition to explaining the process for submission of a PUD.

[Chairman Kerslake called a recess at approximately 8:05 p.m.; called the meeting back to order at 8:15 p.m.]

H. UNFINISHED BUSINESS: There was no unfinished business.

I. NEW BUSINESS:

1. **IM 15-009**: Consideration of Recommendation to Adopt Amnesty for Certain Setback Encroachments.

Staff Report: Ms. Garley summarized the reasons for the draft ordinance, explaining

that Palmer has housing stock that was built in the '50s before the city was incorporated. These houses can submit a request to be considered for a determination of legal nonconforming. However, there is a second group of long-existing homes that were built after the city adopted setback requirements that have minor setback encroachments but do not qualify for legal nonconforming. It is estimated an approximate 120-150 properties fall into this category. An example of the encroachment is contained in the packet. Letters acknowledging the discrepancies were issued that stated these properties could continue as non-conforming structures subject to restrictions of the zoning ordinance. The problem now arises with financial institutions/lenders no longer accepting this letter because of more stringent lending requirements. They are requiring documentation to show the city does not have issues with these structures that do not qualify for "legal nonconforming" status. The amnesty for these properties would give the City the opportunity to make that certification.

Commissioner Kircher moved, seconded by **Commissioner Petty**, to recommend adoption of the proposed ordinance and move it forward to the City Council.

Discussion ensued. Commissioner Cruthers suggested that because these structures were built nonconforming, that language be added to the ordinance requiring any new structure be brought into conformance with current code should it be destroyed by fire. Following further discussion, the other commissioners agreed. Ms. Garley was asked to add the appropriate language for further consideration at the next meeting.

Commissioner Cruthers moved, seconded by **Commissioner Kircher**, to postpone subject motion for further consideration at the next meeting.

VOTE ON MOTION: Carried Unanimously.

J. PLAT REVIEWS:

1. **IM 15-003:** Plat Review – The request is to combine Lots 1 & 2, Block 1, T A Smith, into one lot to be known as Lot 2A, Block 1, T A Smith, located inside Palmer city limits.

Staff Report: Ms. Garley summarized the reviews by city departments noting no changes are necessary.

Following review, there were no further comments by the Commission.

2. **IM 15-004:** Plat Review – The request is to combine Lots 7, 8 & 9, Block 13, ARRC #1, into one lot to be known as Lot 7A, Block 13, ARRC #1, located inside Palmer city limits.

Staff Report: Ms. Garley summarized the reviews by city departments indicating that no changes are necessary.

Following review, there were no further comments by the Commission.

3. **IM 15-005:** Master Plan Review – The request is to 1) Subdivide Tax Parcel A17, Section 7, Township 17 North, Range 2 East, Seward Meridian, located outside Palmer city limits, and Tax Parcel D36, Section 6, Township 17 North, Range 2 East, Seward Meridian, located inside Palmer city limits, and Lot 5, Block 1, Palmer West, located inside Palmer city limits into a 5-phase Master Plan to be known as Terra Fina, and 2) Request elimination of a 10' drainage easement on the north boundary of Lot 5, Block 1, Palmer West and those portions of two 10' utility easements lying within the future extension of Esty Drive into the proposed subdivision.

Ms. Garley summarized the reviews by city departments calling attention to written comments in the packet. Previous P&Z comments submitted to the Platting Board concerning this subdivision requested the creation of a second access point, which has been accomplished, extending N. Esty from Helen Drive to meet the as yet unnamed road access into Terra Fina Subdivision. Also, per the fire chief, the cul-de-sacs now meet the required radius. P&Z preference for curb, gutter, sidewalk were forwarded; at this time, the lots within the borough will be built to Borough standards; lots within the City must be built to City standards.

Commissioner Cruthers inquired as to drainage and mitigation of runoff. He was referred to the Public Works Director's written comments at page 96 of the packet. There were no further comments by the Commission.

4. **IM 15-006:** Plat Review – The request is to combine Lots 7 & 8, Block 3, M.D. Snodgrass Subdivision into one lot to be known as Lot 7A, Block 3, M.D. Snodgrass Subdivision to the Palmer Townsite, located inside Palmer city limits.

Staff Report: Ms. Garley summarized the reviews by city departments noting no changes necessary. The lots are zoned C-G and meet the requirements.

Following review, there were no further comments by the Commission.

5. **IM 15-007:** Pre-application Review – The request is to create a Public Use Easement or Right-of-Way across southern portion of Tract A-2 to create another access for Tax Parcel C8 to the east, located inside Palmer city limits.

Staff Report: This is a request from a previous rezoning request to have a secondary access to the property and which would meet fire code requirements. They have asked to create a public use right-of-way across this parcel which belongs to the City. City departments find no changes are necessary. The proposed 60' width is adequate to meet road development standards, curb, gutter, and sidewalks and the public use easement will provide a second access for future development of the surrounding area.

Following review and questions of staff, there were no further comments by the Commission.

6. **IM 15-010:** Pre-application Review – Lots 1, 2, Tract A, Alaska State Fair 2010 and

Tax Parcel D8, in Section 8, Township 17 North, Range 2 East, Seward Meridian – The request is to vacate the public interest in Rebarchek Avenue and replace with private road creating a gated subdivision, located inside Palmer city limits.

Staff Report: Ms. Garley referred to vicinity map on page 139 of the packet, showing Rebarchek Road and the portion to be vacated. A board member of the Alaska State Fair was present to answer any questions. In summary, this particular road is heavily used by the public during the year from Rebarchek through the ASF parking lot to get to the Glenn Highway. This is actually trespassing across ASF property. In order to help reduce some of this traffic, the thought is to vacate a section of Rebarchek. Alaska Demolition (parcel D8) understands this will be a gated road, but they will have access and will continue to be able to use their trucks on what will be a private road. The reviews by city departments had no changes.

Larry Longnecker, ASF Board, answered commissioner questions. During Fair traffic, the road will continue to be used as part of the DOT traffic route; it will be open and used as it always has been. Regarding Alaska Demolition, the agreement for the Conditional Use Permit through the city, if they came off the Glenn Highway, they would access through the Fairgrounds and not go around the Springer so as not to disturb the subdivisions back there. The gate would be on the Springer end. There will be a “no through traffic” sign at the beginning of the road and where the ASF property ends/Rebarchek starts, there is a “road closed” sign, a “no outlet” sign, plus a turn-around area.

There were no further comments by the Commission.

K. PUBLIC COMMENTS: There were no public comments.

L. STAFF REPORT:

Ms. Garley reported FYI for next meeting, she received today an abbreviated plat for T.A. Smith Subdivision at the corner of E. Arctic and the Alaska Railroad. The request is to combine two of the small city lots into one larger lot. The new lot would be 94' wide and have a lot area of 13,329 sf, which meets General Commercial zoning.

Commissioner Cruthers commented he would be in favor of vacating the lot line at this location. Some of the lots are just too small for the type of modern construction that we would like to see being built in Palmer, something that brings in new business. New businesses are looking for larger square footage and thinks it would be a good idea.

M. COMMISSIONER COMMENTS:

Commissioner Cruthers had no additional comments.

Commissioner Petty had no additional comments.

Commissioner Kircher welcomed new Commissioner Cruthers; commented that he

also likes to see some of these smaller lots combined.

Chairman Kerslake also welcomed Commissioner Cruthers to the Commission. In terms of the zoning action tonight, he was encouraged by the presentation and is hopeful that the applicants will come back with a site plan and PUD, that he thinks it would be the right thing to do in that area and would bring value to the city.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:00 p.m.

William Kerslake, Sr., Chairman

Kimberly A. McClure
Planning and Code Compliance Technician