

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

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**REGULAR MEETING  
THURSDAY, APRIL 18, 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 Kerslake. Also present were Sandra Garley, Community Development Director, Kimberly McClure, Planning and Code Compliance Technician, and Pam Whitehead, Recording Secretary.

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

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the March 21, 2013 Regular Meeting were approved as amended. Commissioner Kircher amended his comment under Commissioner Comments to strike the word "facetiously" referring to his recommendation that the City provide ipads or similar electronic means in order to reduce the amount of paper generated. Also, Chairman Madar's comment (mistakenly appearing with Commissioner Kircher's) should be moved to appear with Chairman Madar's other comments.

F. PERSONS TO BE HEARD: None.

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. (Applicant has requested an amendment to change their application for rezone from R-1, Single-family Residential to R-2, Low Density Residential with Special Limitations. **Postponed from March 21, 2013 meeting.**)

Ms. Garley gave a staff report updating the report given at last meeting (see page 15 of the packet) and noted that the added information is underlined. In summary, the applicant has amended his application to move from R-1 to R-3 to R-1 to R-2, Low Density Residential with Special Limitations in order to be allowed to build a charter school through a conditional use permit. The proposed special limitations (see page 24

of the packet) would eliminate or prohibit the following otherwise permitted uses in an R-2 district: boarding and rooming houses, storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters, churches, synagogues, temples, chapels, mosques or similar places of religious worship and related structures, and prohibit utility substations.

All notice and publishing requirements for this public hearing have been met. A total of 12 written comments have been received: zero in favor, 11 opposed, and 1 non-objection. It was noted for clarification that there are currently two structures located on the parcel—an 8-plex and an additional residential unit built in 1977. According to City of Palmer building department records, a building permit was issued on 10/13/05 to move a cabin onto the property to be used for storage only which, according to the owner, was subsequently removed by the owner.

Ms. Garley spoke to the intent of the R-2 district (see page 18) which would allow no more than a total of 4 dwelling units per lot and some nonresidential uses if compatible with the residential character of the district. Subject property which was annexed in 2003 and automatically zoned R-1, is currently legal nonconforming and it would remain legal nonconforming in the R-2 district.

Staff-recommended Findings of Fact are the same as in the previous report, with minor additions for clarification. [Findings that support the proposed change are repeated here for ease of reference with the additional information underlined]:

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

*Finding:* The proposed zone change would more closely 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 low to medium 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-2 district consists of a combination of Single-family dwellings, multifamily dwellings of no more than a total of four dwelling units per lot and some nonresidential uses. Zoning with Special Limitations will help to control the specific permitted uses for this parcel to ensure compatibility with the surrounding neighborhood and zoning districts. The parcel's location is surrounded by a mix of Single-family Residential, Single-family Residential Estate and Agricultural uses. In the R-2, Low Density Multifamily Residential district, the minimum total lot size for 4 dwellings units is 15,000 square feet. The Matanuska-Susitna Borough tax sheet reflects this parcel to be 5.00 acres, which exceeds the minimum requirement for the R-2 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 annexation mandated R-1 zoning to reflect a more closely correct 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 with the option of applying for a conditional use permit for a charter school.

Based on the information provided by the applicant, staff finds the subject rezone to from R-1 to R-2, Low Density Residential with Special Limitations is consistent with and substantially in conformance with the Palmer Comprehensive Plan for R-2, Low Density 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 rezoning request and forward a recommendation for approval to the City Council.

Chairman Madar opened the public hearing at 7:09 p.m.

**Dave Walker**, Helen Drive, adjacent neighbor, again spoke strongly in opposition. He explained that he has had trouble with every owner of the property. He spoke to the constant transient nature of the renters. He has concerns for the value of his property if the rezone is allowed. That it appears to him they are trying to get it rezoned so they can sell it as commercial property to be able to break it down into smaller parcels and add additional housing.

**Garrett Piehl**, Hidden Ranch Subdivision, who also testified at the last meeting, spoke again in opposition, noting that the number of potential lots that could be allowed in R-2 is too many for area. He doesn't think he would mind a school, but his concern still remains that the property is for sale. He asked that the rezone not be approved.

**Darrin Hamming**, Natasha Road, also commented in opposition, noting there is still potential for 32 to 40 units under R-2 on the subject property if it were subdivided; that

it would be totally out of character with the surrounding neighborhood. He expected to see a restriction on future subdivision of the property and that future lots would have to become R-1. He is currently opposed and hopes a solution can be found.

There being no others wishing to speak, the public hearing was closed at 7:16 p.m.

Discussion and questions of staff ensued regarding R-2 lot area restrictions.

Commissioner Madar spoke to the findings and encouraged the Commission to vote in opposition to the proposed rezone, retaining its R-1 legal nonconforming status, for the following reasons:

FF#1) The change is not in accord with the city and borough comprehensive plans in that it opposes the purpose of strength in zoning to protect against incompatible uses. The surrounding neighborhood is mostly high-end housing and the potential number of 4-plexes that could be allowed would diminish the character of the area;

FF#2) The proposed change is not compatible with the established land use pattern which is surrounded on all four sides by R-1, R-1E, and Agricultural;

FF#3) Public facilities are not adequate to support the change because 4-plexes would necessitate a road upgrade and possibly other utility services.

FF#5) The proposed change *does* grant special privilege to the owner for the reason that the owner purchased the property as a legal nonconforming use, that changing the zoning will bring the property into conformance and of substantial more value to the owner to the detriment of the surrounding neighborhood.

[Postponed motion restated for ease of reference:

**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.]

Amendment to Main Motion:

**Commissioner Kircher** moved, seconded by **Commissioner Kerslake**, to amend the main motion to state R-1 to R-2.

Commissioner Kircher felt it was important to consider the applicant's request for R-2 tonight. Commissioner Kerslake concurred in order to open the matter for discussion on R-2.

**VOTE on Amendment:** CARRIED UNANIMOUSLY.

Commissioner Kerslake commented in opposition to the proposed change noting that in his opinion it would be considered spot zoning; pointed out the neighboring lots continue to get larger.

**VOTE ON MAIN MOTION AS AMENDED [R-1 to R-2]:** DEFEATED UNANIMOUSLY.

<b>Madar</b>	<b>Kerslake</b>	<b>Campbell</b>	<b>Kircher</b>	<b>Prosser</b>	<b>Lucas</b>	<b>Vacant</b>
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No	No	No	No	No	No	
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Ms. Garley recommended that as a result of the rezone denial, that staff be requested to revise proposed Resolution 13-002 to reflect the comprehensive plan/findings comments made by Chairman Madar and spot zoning comment by Commissioner Kerlake, supporting the Commission's recommendation that the zoning not be approved.

**Commissioner Kerlake** moved, seconded by **Commissioner Prosser**, to make the changes to Resolution No. 13-002, as stated by staff.

**VOTE ON MOTION:** CARRIED UNANIMOUSLY.

H. UNFINISHED BUSINESS:

1. **Resolution 13-003** A Resolution of the Palmer Planning and Zoning Commission recommending the Palmer City Council establish a time line to begin future annexation.

**Commissioner Kerlake** moved, seconded by **Commissioner Prosser**, recommending that City Council adopt Resolution 13-003 establishing a timeline for future annexation.

Commissioner Kerlake stated the proposed resolution summarizes what was discussed at the last meeting as to the Commission's concerns and interest in moving forward with annexation. Commissioner Prosser concurred.

Chairman Madar commented that a lot of work has been accomplished establishing districts that would make the annexation process less painful and believes it is time to get the ball rolling; that there are properties wanting to come into the city that would bring in substantial revenue.

**VOTE ON MOTION:** CARRIED UNANIMOUSLY.

Commissioner Kircher inquired as to a joint meeting with the City Council on the topic. Ms. Garley reported that the City Clerk was asked to find a date for a joint meeting.

I. NEW BUSINESS:

1. **IM 13-0013** Request to review placement of warehouse building for Hageland Aviation located on Lot 2, Palmer Municipal Airport in the P-Public Use District.

Ms. Garley gave a staff report summarizing the 4800 sf warehouse building which will be used as a storage facility for bits and pieces of aircraft salvage currently being stored in connex containers. The Commission is to review the site plan and other considerations as far as impact on adjoining properties. Staff recommends approval of the placement of the warehouse building.

Chairman Madar inquired as to the request from ERA Aviation (on behalf of Hageland) for a waiver from the landscaping requirement (provided as an addition on the table). Ms. Garley explained the commission is required to look at the off-street parking when reviewing the site plan. The code requires a 5-foot landscaping strip along your property line if adjacent to the street and a parking lot with more than five spaces. In this case, it's on the airport where none of the other buildings are landscaped and there is 300 feet between the street property line and where this building is being located. It is appropriate for the commission to authorize such waiver since it has final approval of the site plan.

**Commissioner Kerslake** moved, seconded by **Commissioner Lucas**, to approve the placement of a 4800 sf warehouse storage building for Hageland Aviation located in the P-Public Use District at 801 E. Code Industrial Way, on Lot 2, Palmer Municipal Airport.

Commissioner Kerslake, following review of the details and documents, sees no reason why the request shouldn't be approved. Commissioner Lucas concurred.

Amendment to Main Motion:

**Commissioner Campbell** moved, seconded by **Commissioner Prosser**, to amend the main motion to include approval of a waiver of the landscape requirement per PMC 17.64.080.

Commissioner Campbell commented in favor of the waiver, that given the location he doesn't see the request being an issue. Commissioner Prosser concurred. Chairman Madar agreed, adding that landscaping might even be a hazard to airplanes.

**VOTE on Amendment:** CARRIED UNANIMOUSLY.

**VOTE ON MAIN MOTION AS AMENDED:** CARRIED UNANIMOUSLY.

J. PLAT REVIEWS:

1. **IM 13-011** To vacate section line easement between Sections 10 and 11, located within Lot 2, Mat-Su College East Subdivision (plat #2011-77) and within the E1/2 NE1/4 and E1/2 SW1/4, Section 10, Township 17 North, Range 1 East, a remnant of Parcel 2, MSB Waiver Resolution No. 87-5-PWm, recorded as 87-13W (tax parcel A016) located outside Palmer city limits.

Ms. Garley gave a staff report directing attention to the vicinity map, page 91 of the packet. The request is to vacate the section line easement as above-described. Vacation of the easement will not only eliminate encroachment of structures into the section line easement but it will also allow the campus more control over public access of the campus. City staff did not have any negative or additional comments.

The commission had no additional comments.

2. **IM 13-012** To subdivide Parcel #2, MSB Waiver Resolution Serial No. 2008-120-

PWm, (tax parcel C030) recorded November 26, 2008 at Serial No. 2008-026885-0, into four new lots to be known as Springer Crossing 2013, Section 9, Township 17 North, Range 2 East, Seward Meridian, located outside Palmer city limits.

Ms. Garley gave a staff report directing attention to the vicinity map, page 105, and memo by Ms. McClure, page 101, of the packet. The request is to subdivide Parcel #2 into four new lots as above-described. City staff comments included: Lot 4 should provide an apparatus turn-around as the driveway is over 400' long; parcel is not zoned as it outside city limits, however, it is large enough to be divided into four lots. It was noted this is the commission's second review.

The commission had no additional comments.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT: Ms. Garley reported:

Reminded of the City Project Fair next week on April 25, 2013, 4-7 p.m.; that a table is being set up for the P&Z Commission.

There was brief discussion and questions of staff.

M. COMMISSIONER COMMENTS:

**Commissioners Prosser, Lucas, and Campbell** had no comments this evening.

**Commissioner Kerslake** inquired regarding the joint meeting with City Council regarding annexation. Ms. Garley explained that at the time Chairman Madar addressed the City Council giving them a year-end report, the Council directed the Clerk to schedule a joint meeting with the Commission at which annexation would be one of the items on the agenda. She will advise of the date when it is known.

**Commissioner Kircher** commented with regard to high density housing that it does make for a better city if there is high density housing that people can afford. The problems arise when such housing is poorly managed. If we take a look at what is happening in other parts of the country and the world, there are some very well architecturally designed structures that actually beautify a community as opposed to some of the elongated boxes that we see. Although it costs more to build something of quality and style, often builders can obtain government grants for this kind of thing and have high-quality low-income housing where management is very strict as to the care that must be maintained by the tenants. The point is that this can be done. You can beautify a community with good landscaping and good tenants. Mixed housing is called for in the comprehensive plan and as the city expands, it is something to keep in mind. He spoke to setting up architectural standards or requirements for regulating the management of high density housing units. It is something to think about in the future.

Commissioner Kircher also remarked that he was serious when he commented at the

last meeting about the city supplying ipads or tablets as opposed to the ton of wasted paper each month. He would like to see someone in the city do a cost analysis on the expense of high capacity copy machines and a ton of paper versus providing an electronic means such as ipads or tablets by which to supply the information. It just might turn out to be more economical.

**Chairman Madar** commented in agreement with Commissioner Kircher's comments for the most part, noting the comprehensive plan states it is appropriate for high density in the downtown area. He doesn't necessarily agree with low income housing; would like to see more townhouses or similar for people who like to live downtown. He spoke to creating a central business district which would give developers an opportunity to buy some of the small housing and to buy bigger lots. He also advocates architectural design standards in order to avoid strip mall type box apartment buildings.

Brief further discussion ensued concerning quality higher-density housing. Mountain Rose Estates and Mountain Rose East are good examples. Kudos was given to Mr. Hamming for his restoration project and quality housing developments.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:52 p.m.

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Michael W. Madar, Chairman

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Sandra Garley, Community Development Director