



City of Palmer

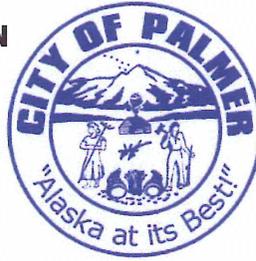
Planning and Zoning Commission Packet

July 17, 2014



*Happy
Summer*





AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- Page 5 E. Minutes of Previous Meetings
 - 1. Regular Meeting of May 15, 2014
- F. Persons to be Heard
 - 1. Lloyd Smith, Chief Appraiser for Matanuska-Susitna Borough to speak about assessments.
- Page 13 G. Public Hearings
 - 1. Resolution No. 14-004: A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Lot 3, Raven's Ridge to be rezoned from R-1E, Single-family Residential Estate to CG-General Commercial, Located in Section 5, Township 17 North, Range 2 East, Seward Meridian, Alaska
- Page 47 H. Unfinished Business
 - 1. IM 14-011 Review Expanded Boundary of Central Business District as Described in Resolution No. 12-003
 - Page 59 2. Continue discussion of the Central Business District
- Page 71 I. New Business
 - 1. IM 14-012 Review Text Amendment to Palmer Municipal Code sections 17.26.068, Fencing requirements in R-3 Medium Density Multifamily Residential District; 17.27.068, Fencing Requirements in R-4 High Density Residential District; 17.28.068, Fencing Requirements in C-L Limited Commercial District and 17.32.068, Fencing Requirements in C-G General Commercial District
 - Page 75 2. IM 14-015 Revise language to establish an appeals process to an administrative Decision
 - Page 91 3. IM 14-016 Discussion of Proposed Kennel Ordinance and Current Zoning Districts
- Page 111 J. Plat Reviews
 - 1. IM 14-010 Plat Review - To create a seven - ten acre tract at the northern end of

Tract 2, Brasil Springs Survey and create 20 one-acre lots out of the remainder, located outside Palmer city limits.

Page 123

2. IM 14-013 Preliminary Plat Review – To combine Tax Parcel A34 in Section 4, Township 17 North, Range 2 East, Seward Meridian with Lot 1, Block 1, Egtvet #2, located inside Palmer city limits.

Page 133

3. IM 14-014 Plat Review – To create a 2 phase Master Plan of 60 lots from Tract B Hidden Ranch Phase III, (Plat #2005-25), located inside Palmer city limits and to request a Variance from MSB 43.20.055(A)(3) to allow for 50' wide right-of-ways.

Page 155

4. IM 14-017 Plat Review - To divide Lot 4, Springer Crossing 2013, Plat No. 2013-51 into a 2-phase master plan of 23 lots to be known as Springer Park, located outside Palmer city limits.

Page 167

5. IM 14-018 – Plat Review - To create four lots from Tract 3, Kopperud subdivision, Plat No. 2001-71 to be known as Kopperud Commercial Park, located outside Palmer city limits.

K. Public Comments

L. Staff Report

M. Commissioner Comments

N. Adjournment



Minutes

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, MAY 15, 2014
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:

Michael W. Madar, Chairman
Michael Kircher, Vice Chairman
Dan Lucas, Commissioner
David Petty, Commissioner

Not present:

William Kerslake, Sr., Commissioner (excused)

Also present were:

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

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

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the April 17, 2014 Regular Meeting were approved as presented.

F. PERSONS TO BE HEARD: There were no persons to be heard.

G. PUBLIC HEARING(S): There were no public hearings.

H. UNFINISHED BUSINESS:

1. Continue Discussion of the Central Business District.

Ms. Garley explained the revisions/additions incorporated from the April 17 meeting, directing attention to the updated CBD May working draft provided. Brief questions of

staff included those related to dry cleaning establishments.

Commissioner Lucas moved, seconded by **Commissioner Petty**, to enter Committee of the Whole to continue work on development of the Central Business District.

VOTE ON MOTION: Carried Unanimously.

[The Commission entered Committee of the Whole at 7:15 p.m.; exited at 7:52 p.m.]

While in Committee of the Whole, discussion and general comments continued on the inner and outer cores of the CBD. BED Chairman LaMarr Anderson, who was seated in the audience, was invited to participate. The focus was completion of permitted and conditional use sections. Preliminary discussion began on setbacks for the predominant uses in the inner and outer cores, including parking.

At the next meeting, Ms. Garley will provide current sections of the code that deal with parking both in the City and the Central Business District.

Homework for next meeting: Photos of setbacks for use as examples.

I. NEW BUSINESS: There was no New Business.

J. PLAT REVIEWS:

IM 14-009 Plat Review – To divide Tract 3 and Tract 5 of Kopperud Subdivision into three lots and one tract, located outside Palmer city limits.

Ms. Garley gave a staff report, directing attention to p. 17 of the packet. Proposal has been reviewed by city staff with no objectionable comment. The lots and tract are adequate in size and would meet city zoning if they were brought into the city. There is a notation of possible DOT&PF Glenn Highway Reconstruction ROW acquisition.

There were no additional commissioner comments.

K. PUBLIC COMMENTS: There were no public comments.

L. STAFF REPORT:

Ms. Garley reported:

- Lloyd Smith, MSB Assessor's Office, will be at the June 19, 2014 meeting to address the commission and answer any questions commissioners may have on how the Borough assesses property based on zoning or land use.
- Fran Sager-Boss has been invited to the August 21, 2014 meeting to discuss her work on creating a National Heritage Area in the Borough and specifically focusing on the UAF Research Lab located across from the Kremlin Building and adjacent to the Arboretum.

M. COMMISSIONER COMMENTS:

Chairman Madar cautioned as a reminder to be extra-vigilant looking out for motorcycles on the roadways, commenting on the recent horrific accident on the Glenn Highway involving three fatalities.

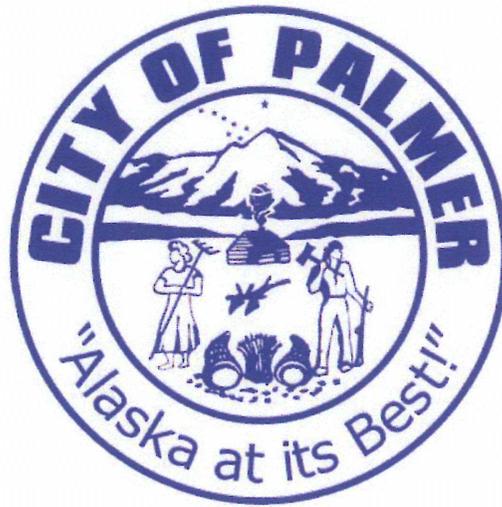
There were no additional commissioner comments.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:58 p.m.

Michael W. Madar, Chairman

Kimberly A. McClure
Planning and Code Compliance Technician

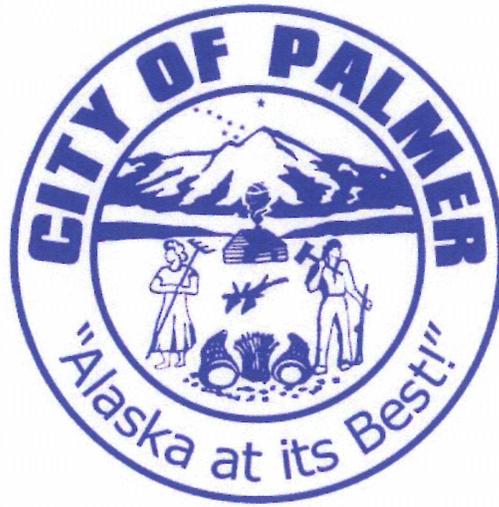


Persons to be Heard

Lloyd Smith

Chief Appraiser

Matanuska-Susitna Borough



Public Hearings



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-019**

- SUBJECT:** Request to rezone Lot 3, Raven's Ridge from R-1E, Single-family Residential Estate to CG-General Commercial
- AGENDA OF:** July 17, 2014
- ACTION:** Review request for a Zoning Map Amendment to rezone the subject parcel and if approved, send a recommendation to the City Council for adoption and subsequent revision to the Official Zoning Map for the City of Palmer
- Attachment(s):**
- 1) Staff report to the Commission
 - 2) Resolution No. 14-004
 - 3) Application
 - 4) Public Hearing Notice and Vicinity Map
 - 5) Maps (Zoning, Google and MSB)
 - 6) Copy of mailing address labels
 - 7) Responses to Notice (if any)
- Summary:** The owners of the parcel are requesting a rezone from R-1E, Single-family Residential Estate to CG-General Commercial to expand the possibilities for future development of this parcel. This parcel was annexed into the City in 2003 and zoned R-1, Single-family Residential. Raven's Ridge subdivision was platted in 2006. Lot 3 of Raven's Ridge was rezoned from R-1 to R-1E, Single-family Residential Estate on October 27, 2009. This lot is surrounded by R-1E, R-1 and CG, consisting of some residential uses and numerous commercial uses and small businesses; and this lot is adjacent to the South Glenn Highway corridor.
- Recommendation:** Community Development recommends approval of the zone change from R-1E, Single-family Residential Estate to CG-General Commercial and the forwarding of a recommendation supporting the requested change to City Council.



City of Palmer

Community Development

Zone Change Application

Staff Report to Commission

PART I. GENERAL INFORMATION

Location: **1200 S. Margaret Ct.
Lot 3, Raven’s Ridge in Section 5, Township 17 North,
Range 2 East, Seward Meridian**

Permit Request: Rezone from R-1E, Single-family Residential Estate to CG, General Commercial

Applicant & Owner: Daniel Lucas, Sam & Roberta Koppenberg

Public Hearing Date: July 17, 2014

Notification Requirements: On June 30, 2014, 116 public hearing notices were mailed to property owners with 1,200’ of the site in accordance with 17.80.030. Notification of the public hearing was published in the Frontiersman on July 11, 2014. A total of 4⁵ written comments were received in response, with 0 in favor of, 0¹ opposed, 3 no objection and 1 was received with no comment.

PART II. BACKGROUND

Site Information: Raven’s Ridge subdivision was platted in 2006. Lot 3 is accessed by South Margaret Court. It is located on the west side of the South Glenn Highway, across the highway from Glacier View Avenue. The property is currently undeveloped.

The property owners request the change to expand the possibilities for development. This property was rezoned from R-1 to R-1E on October 27, 2009 to eliminate the spot zoned lot and to match with the existing contiguous R-1E zoned surrounding lots.

Parcel Size: 2.99 gross acres
Existing Zoning: R-1E Single-family Residential Estate; property is undeveloped
Surrounding Land Uses:

	Zoning	Land Use for surrounding areas
North	R-1E	Single-family Residential Estate (house/cabin)
South	R-1E	Single-family Residential Estate (residential building)
East	CG	General Commercial across the highway (Taco Bell, Tesoro)
West	R-1E	Single-family Residential Estate

Considerations:

The intent of the R-1E district is to provide large lot residential estates comprised primarily of single-family residences. While there are neighboring R-1E lots, there are also larger neighboring parcels zoned General Commercial across the highway and to the south of this property. Because this parcel is adjacent to the Glenn Highway, the property owners would like to see commercial development of this large parcel.

Code Requirements:

The intent of the CG, General Commercial District is to provide a zoning district in which the principle use of land is for commercial enterprises to provide for commercial enterprises which serve the needs of a large population and large land area, and to provide a centralization of service by allowing heavier uses. The lot exceeds the required minimum lot width of 60 feet and the required minimum lot area of 7,200 square feet for the General Commercial District. The request to rezone this parcel to General Commercial would be compatible with the existing nearby commercial uses of Taco Bell, Tesoro and O'Reilly.

PART III. FINDINGS OF FACT

PMC 17.80.036.C The report of 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;
Applicant's response: Yes.

Staff finds the following facts support this finding: Goal 4 of Chapter 6, Land Use, from The 2006 Palmer Comprehensive Plan states, "Encourage new commercial development, so residents of Palmer, residents of surrounding areas, and visitors can find the goods and services they need in Palmer." Objective D under Goal 4 goes on to state "Allow for attractive commercial use along the Glenn Highway corridor." The proposed zone change to CG-General Commercial would allow for the option of future commercial development for this property located along the Glenn Highway corridor which is not a current available option in the R-1E district.

The 2006 Palmer Comprehensive Plan recognized that new commercial use would most likely occur along the Glenn Highway south of downtown with the installation of the southwest water and sewer extension. This property is located along the Glenn Highway corridor south of downtown and would be appropriate for attractive commercial uses.

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

Applicant's response: The land east, across the Glenn Highway are all zoned commercial, and the land to the south was recently re-zoned C-G. The land also fronts the Glenn Highway.

Finding: The parcel's location is surrounded by a mix of R-1E, Single-family Residential Estate and CG-General Commercial uses. Located to the east of the Glenn Highway of this parcel are Taco Bell, Tesoro and O'Reilly among other existing small businesses and General Commercial uses; and to the south of this parcel is a large tract of land recently rezoned in December 2012 from R-1 to CG-General Commercial. If rezoned to CG-General Commercial, this parcel would continue to be compatible with surrounding zoning districts, and would allow for a much wider range of uses for the future development of this parcel.

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

Applicant's response: Yes.

Finding: This parcel is adjacent to a major thoroughfare, South Glenn Highway and would be adequate to meet any increased traffic demand in this area. Public facilities such as schools and utilities are adequate to support the proposed change since there are numerous existing General Commercial uses in the surrounding area.

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

Applicant's response: Yes – the Glenn Highway corridor has become increasingly developed in the last thirty years.

Finding: There have been changed conditions affecting the surrounding neighborhoods and properties. There has been major development along the Glenn Highway corridor throughout the years and this area continues to grow in commercial activities. The 63.79 acre tract (Tax Parcel D12) located south of this parcel which was re-zoned from R-1, Single-family Residential to CG-General Commercial in December 2012 reflects the increase demand for commercially zoned property and uses in this area.

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

Applicant's response: It is consistent with public welfare and does not grant a special privilege.

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 properties zoned CG-General Commercial.

PART III. STAFF RECOMMENDATION

Based on the information provided by the applicant, staff finds this proposal to rezone Lot 3, Raven's Ridge, from R-1E, Single-family Residential Estate to CG-General Commercial is consistent with and in conformance with the Palmer Comprehensive Plan for the CG-General Commercial district.

If following the Public Hearing, Commission finds that the applicant's proposal conforms to the Palmer Comprehensive Plan and Zoning Code provisions, then staff recommends that the Commission approve this request for rezoning Lot 3, Raven's Ridge from R-1E, Single-family Residential Estate to CG-General Commercial and forward a recommendation for approval to the City Council.

PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 14-004

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION RECOMMENDING CITY COUNCIL APPROVE A ZONING MAP AMENDMENT FOR LOT 3, RAVEN'S RIDGE TO BE REZONED FROM R-1E SINGLE-FAMILY RESIDENTIAL ESTATE TO C-G GENERAL COMMERCIAL, LOCATED IN SECTION 5, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA,

WHEREAS, Daniel Lucas, Sam and Roberta Koppenberg, owners have initiated a zoning map amendment application to change the zoning designation for Lot 3, Raven's Ridge from R-1E, Single-family Residential Estate to CG-General Commercial; and

WHEREAS, a request for a zoning map amendment must be reviewed by the Planning and Zoning Commission and a recommendation reflecting the findings of the Commission must be forwarded to the City Council; and

WHEREAS, on June 30, 2014, 116 public hearing notices were mailed to property owners with 1,200' of the site in accordance with 17.80.030. Notification of the public hearing was published in the Frontiersman on July 11, 2014. A total of 4 written comments were received in response, with 0 in favor of, 0 opposed, 3 no objection and 1 was received with no comment; and

WHEREAS, Goal 4 of Chapter 6, Land Use, from The 2006 Palmer Comprehensive Plan states, "Encourage new commercial development, so residents of Palmer, residents of surrounding areas, and visitors can find the goods and services they need in Palmer." Objective D under Goal 4 goes on to state "Allow for attractive commercial use along the Glenn Highway corridor." The proposed zone change to CG-General Commercial would allow for the option of future commercial development for this property located along the Glenn Highway corridor which is not a current available option in the R-1E district.

The 2006 Palmer Comprehensive Plan recognized that new commercial use would most likely occur along the Glenn Highway south of downtown with the installation of the southwest water and sewer extension. This property is located along the Glenn Highway corridor south of downtown and would be appropriate for attractive commercial uses; and

WHEREAS, the parcel's location is surrounded by a mix of R-1E, Single-family Residential Estate and CG-General Commercial uses. Located to the east of the Glenn Highway of this parcel are Taco Bell, Tesoro and O'Reilly among other existing small businesses and General Commercial uses; and to the south of this parcel is a large tract of land recently rezoned in December 2012 from R-1 to CG-General Commercial. If rezoned to CG-General Commercial, this parcel would continue to be compatible with surrounding zoning districts, and would allow for a much wider range of uses for the future development of this parcel; and

WHEREAS, this parcel is adjacent to a major thoroughfare, South Glenn Highway and would be adequate to meet any increased traffic demand in this area. Public facilities such as schools and utilities are adequate to support the proposed change since there are numerous existing General Commercial uses in the surrounding area; and

WHEREAS, there have been changed conditions affecting the surrounding neighborhoods and properties. There has been major development along the Glenn Highway corridor throughout the years and this area continues to grow in commercial activities. The 63.79 acre tract (Tax Parcel D12) located south of this parcel which was re-zoned from R-1, Single-family Residential to CG-General Commercial in December 2012 reflects the increase demand for commercially zoned property and uses in this area; and

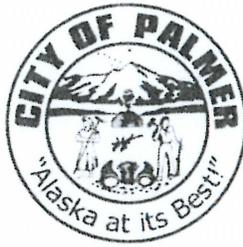
WHEREAS, the proposed zone change is consistent with the public welfare and does not grant this parcel any special privilege as the requested zone change is consistent with nearby properties zoned CG-General Commercial.

NOW, THEREFORE, BE IT RESOLVED that the Palmer Planning and Zoning Commission does hereby recommend the City Council approve the Zoning Map Amendment for Lot 3, Raven's Ridge to C-G General Commercial, located in Section 5, Township 17 North, Range 2 East, Seward Meridian.

Passed by the Planning and Zoning Commission of the City of Palmer, Alaska, this 17th day of July, 2014.

Michael W. Madar, Chairman

Kimberly A. McClure
Planning & Code Compliance Technician



Received

OCT 30 2013

City of Palmer

**City of Palmer
Department of Community Development**

645 E. Cope Industrial Way, Palmer, Alaska 99645

Telephone: (907) 745-3709 * Fax: (907) 745-5443

Zoning Map Amendment Application

Applicant: Dan Lucas, Sam + Roberta Koppenberg

Legal Description of Properties covered by this application (use additional sheets if necessary):

Lot 3, Raven's Ridge Subdivision
1200 S. Margaret's Ct
Palmer, Alaska

Requested District Change (i.e., from - to): RIE to C-G General Commercial

Reason for request: To expand possibilities for development

Please provide a written narrative explaining the following:

1. Is the proposed change in accordance with the borough and city comprehensive plan?

yes

2. How is the proposed change compatible with surrounding zoning districts and the established land use pattern?

The land east, across the Glenn Hwy. ave all zoned commercial, and the land to the south was recently rezoned C-G. The land also fronts the Glenn Hwyway!

3. Are public facilities such as schools, utilities and streets adequate to support the proposed change?

yes

4. Do changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change?

yes - the Glenn Highway corridor has become increasingly developed in the last thirty years.

5. Is the proposed change consistent with public welfare and will it grant a special privilege to the owners?

It is consistent with the public welfare and does not grant a special privilege.

Date of application: Oct. 7, 2013

\$250.00 Filing fee paid: _____

Sam & Roberta Koppenberg
Signature of owner or owner's authorized representative

Address _____

Phone/contact number _____

Dan Lucas
Box 855
Palmer, Alaska
99645

Sam & Roberta Koppenberg
PO Box 109
Cantwell, AK 99729
907. 768 2726

907-745-3444 hm
907-745-2383 wk



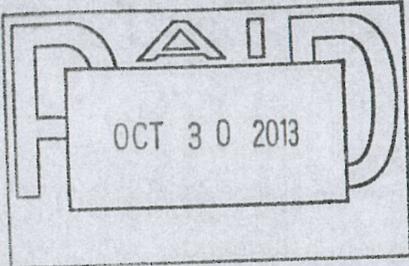
PALMER COMMUNITY DEVELOPMENT

ATTN: Joan E. Patterson
645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709 • Fax: 907-745-5443
www.cityofpalmer.org

Invoice No.: CD13-124

Invoice Date: 10/30/2013

Sold To: DAN LUCAS
P.O. BOX 855
PALMER, AK 99645

Qty	Description	Price
1	REQUEST FOR ZONING MAP AMENDMENT Raven's Ridge Subd., Lot 3 1200 S. Margaret Ct. 	\$250.00

01-00-00-3427

TOTAL
\$250.00

This invoice must be paid within 30 DAYS or further collection procedures will be taken.

File copy.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Fax: 907-745-5443
www.cityofpalmer.org

June 30, 2014

Dear Property Owner:

The Palmer Planning and Zoning Commission will consider a re-zone of Lot 3, Raven's Ridge, initiated by Dan Lucas, Sam & Roberta Koppenberg, owners. The street address for the site is 1200 South Margaret Court, Palmer, Alaska. This property is currently zoned R-1E, Single-family Residential Estate. The request is to rezone the property to C-G, General Commercial. The map on the reverse side of this notice indicates the location of the subject parcel. For additional information on the General Commercial District, please refer to Palmer Municipal Code Chapter 17.32 – General Commercial District, located online at: www.cityofpalmer.org.

The Commission will hold a Public Hearing to consider this application and to allow for public comments as well. The meeting will be held on July 17, 2014 at 7:00 p.m., in the City Council Chambers located at 231 West Evergreen Avenue, Palmer, Alaska.

If you wish to comment on this issue, you may do so by attending the public hearing or by providing written comments to the Planning and Zoning Commission by July 10, 2014. Written comments may be mailed to Department of Community Development, 645 E. Cope Industrial Way, Palmer, Alaska, faxed to 745-5443 or emailed to me at: kmclure@palmerak.org.

Sincerely,

Kimberly McClure
Planning & Code Compliance Technician

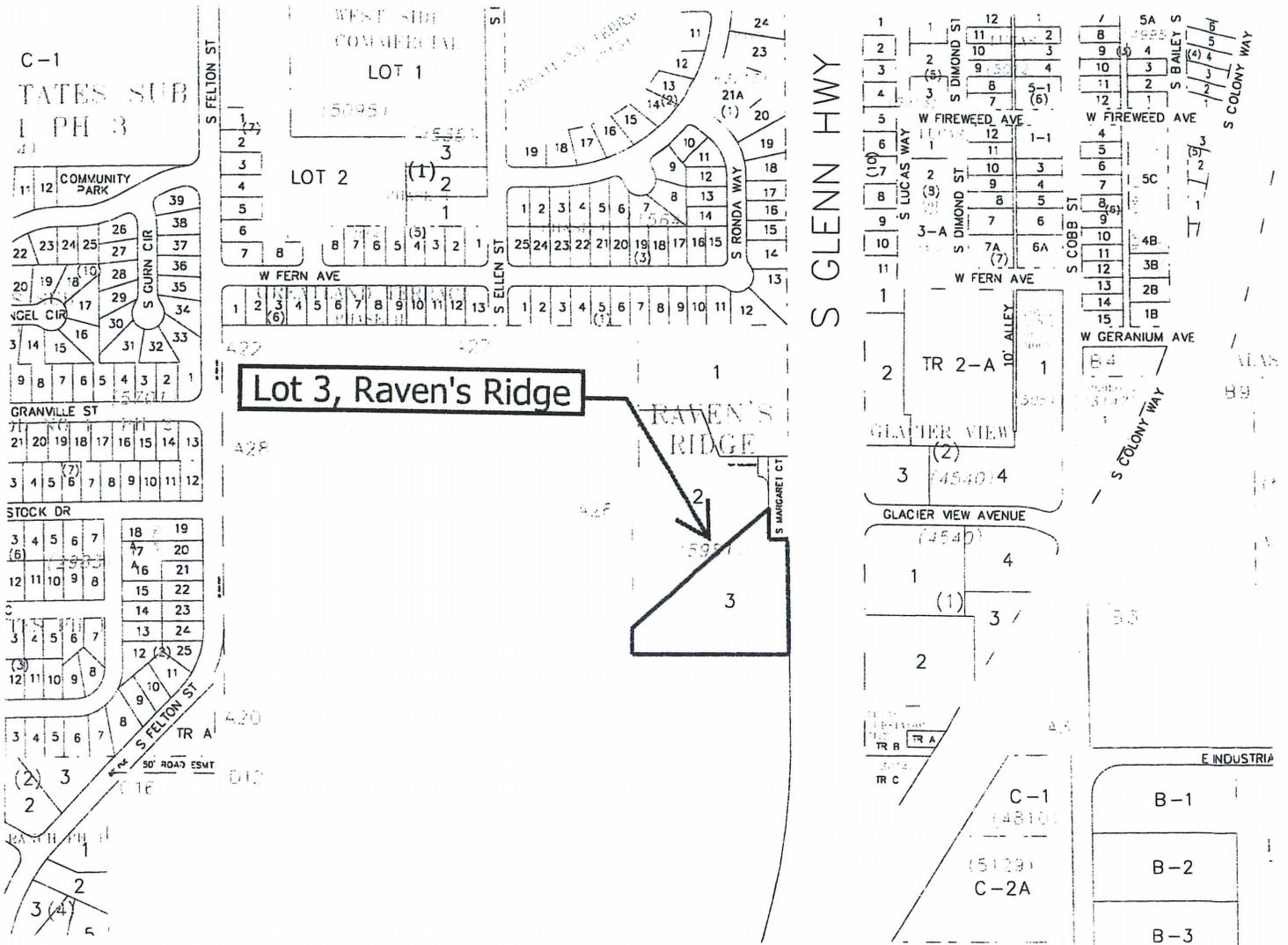


For the following reason, I am (please circle) (in favor of), (NOT in favor of),
(have no objection to) the issuance of the proposed re-zone from R-1E to CG.

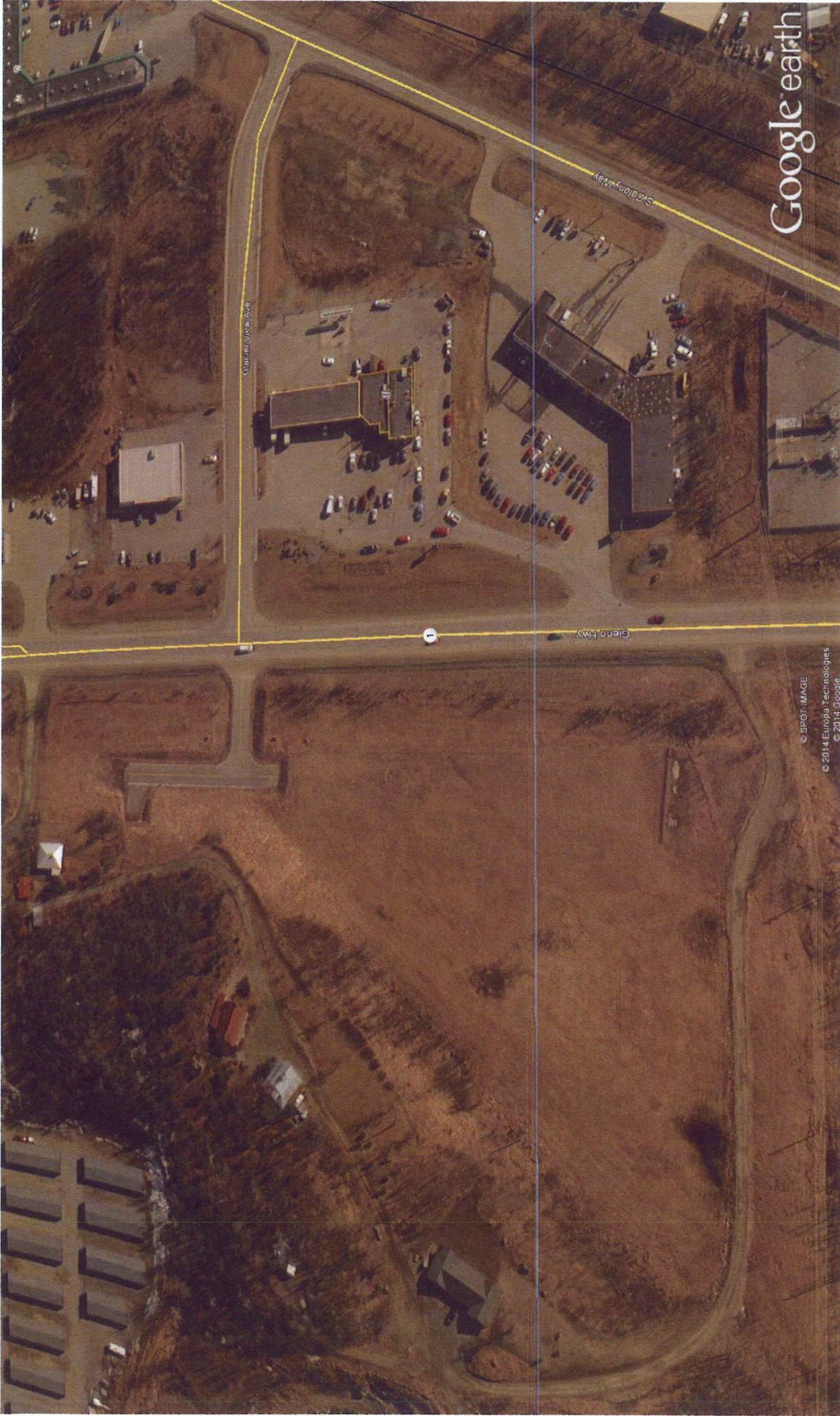
Name: _____

Address: _____

VICINITY MAP



Request for Rezone from R-1E (Single-family Residential Estate) to C-G (General Commercial) for Lot 3, Raven's Ridge, located at 1200 South Margaret Court in Palmer, Alaska.



Google earth

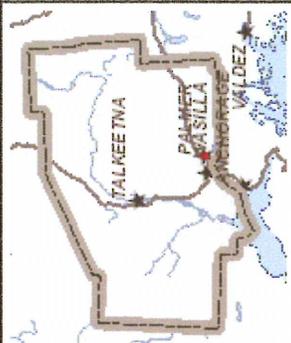
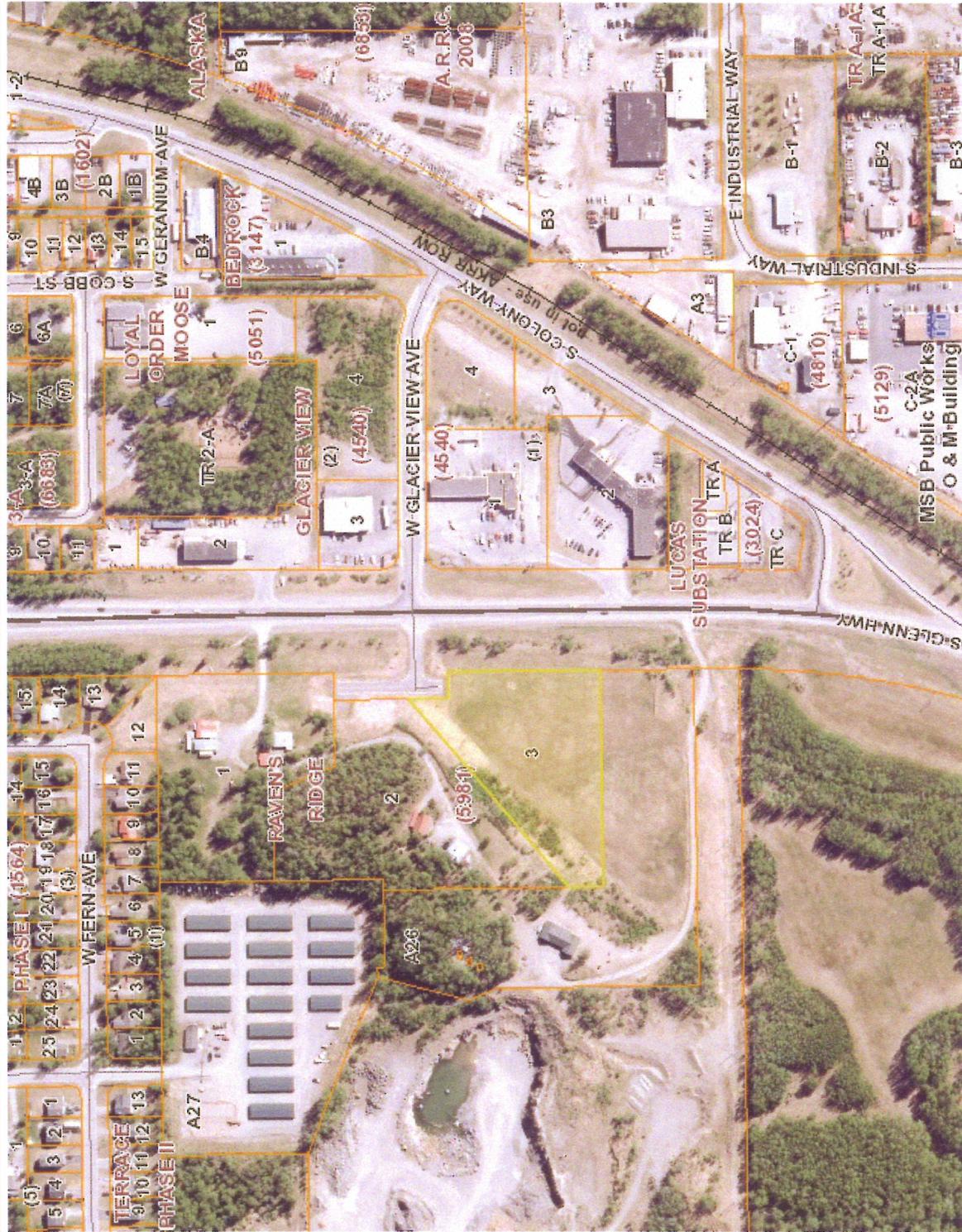
feet
meters



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Matanuska-Susitna Borough



Legend

- Public Facilities**
 - Administrative
 - Animal Control
 - City Hall or Courthouse
 - Community Center
 - Landfill or Transfer Station
 - Library
 - Medical
 - Post Office
 - Public Safety
 - School
- Streets**
 - Highway
 - Major Street
 - Medium Street
 - Minor Street
 - Primitive Road
 - Private Road
- Alaska Railroad**
- Mat-Su Borough Boundary**
- Incorporated Cities**
- Parcels**

1:3,934



Notes

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Reported on 07/09/2014 10:43 AM

THIS MAP IS NOT TO BE USED FOR NAVIGATION

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

MACHINERY SERVICES INC
11751 E PALMER-WASILLA
PALMER, AK 99645

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

U S C & G S
4230 UNIVERSITY DR
ANCHORAGE, AK 99508-4667

BRYMER PALMAGE H
PO BOX 1584
PALMER, AK 99645-1584

NOVOSAD JOHN & JEANNE
PO BOX 3894
PALMER, AK 99645-3894

SECURE STORAGE LLC
PO BOX 4496
PALMER, AK 99645-4496

WILDER CONST CO
PO BOX 50085
WATSONVILLE, CA 95077-0085

KERTTULA JALMAR M & JOYCE
8660 E EMPIRE CIR
PALMER, AK 99645

KERTTULA JALMAR M & JOYCE
8660 E EMPIRE CIR
PALMER, AK 99645

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

ALASKA STATE OF
DEPT OF PUBLIC WORKS DIV
PO BOX P
JUNEAU, AK 99811-0001

NORTHERN ENCLOSURES LLC
PO BOX 3288
PALMER, AK 99645-3288

WHITE DOROTHY E
WHITE MARK A
PO BOX 1771
PALMER, AK 99645-1771

FLAGSHIP PROPERTIES LLC
PO BOX 1895
PALMER, AK 99645-1895

MCNIVEN JANE M
3420 N MEADOW LAKES DR
WASILLA, AK 99654-9259

OTTON ESTHER L
PO BOX 3022
PALMER, AK 99645-3022

TYREE DEREK S
664 W FERN AVE
PALMER, AK 99645-6525

JONES DEBBIE K
656 W FERN AVE
PALMER, AK 99645-6525

ECHTERNACHT DONALD & MARY
646 W FERN AVE
PALMER, AK 99645-6525

MELICKIAN ELAINE
636 W FERN AVE
PALMER, AK 99645-6525

DAVIS JOSHUA L & KYLA D
626 W FERN AVE
PALMER, AK 99645-6525

LOHRENZ KRISTI S
616 W FERN AVE
PALMER, AK 99645-6525

WIEHE GENE W & GLENNA S
606 W FERN AVE
PALMER, AK 99645-6525

PALMER CITY OF
231 W EVERGREEN AVE
PALMER, AK 99645-6952

ANDERSON K A & E M TRE
ANDERSON K & E REV TR
1085 S RONDA WAY
PALMER, AK 99645-6528

KITZMAN JAMIE L
1073 S RONDA WAY
PALMER, AK 99645-6528

BOYD MARY ANN
1065 RONDA WAY
PALMER, AK 99645-6528

HALE JEFFREY W
17822 MEADOW CREEK DR
EAGLE RIVER, AK 99577-8250

SLACK NEDRA
1045 S RONDA WAY
PALMER, AK 99645-6528

MINKLER DUANE W&CAROLYN S
1035 RONDA WAY
PALMER, AK 99645

WATKINS THOS P & JOLENE
PO BOX 3521
PALMER, AK 99645-3521

~~PALMER CITY OF
231 W EVERGREEN AVE
PALMER, AK 99645-6952~~

LALIBERTE APRIL M
PO BOX 1153
PALMER, AK 99645-1153

~~PALMER CITY OF
231 W EVERGREEN AVE
PALMER, AK 99645-6952~~

SEWARD JESS A
COURTNEY BEN G
674 W DARON DR
PALMER, AK 99645-6523

HATLEY SPENCER W
18457 E MAUD RD
PALMER, AK 99645

JENSEN DENNIS G
664 W DARON DR
PALMER, AK 99645-6523

WADDELL JAS E JR & SHERRY
1150 S COLONY WAY STE 3
PALMER, AK 99645-6967

GLEASON CARL D & DEANN M
PO BOX 871007
WASILLA, AK 99687-1007

BADGER CARLIN C & Y
PO BOX 0304
PALMER, AK 99645-0304

VAN DYKE JUSTIN K& KELLIE
648 W DARON DR
PALMER, AK 99645

HERMON NEIL R & MEGAN C
646 W DARON DR
PALMER, AK 99645-6523

MASCAK JAMIE
640 W DARON DR
PALMER, AK 99645

PUSHRUK SIMON S & HELEN S
1006 S RONDA WAY
PALMER, AK 99645-6527

BANNON DAN'L W & ANGELA D
PO BOX 18
SUTTON, AK 99674-0018

FRAZIER KAREN L
1026 RONDA WAY
PALMER, AK 99645-6527

LOUCKS CLYDE & ARVETTE
1036 S RONDA WAY
PALMER, AK 99645

FARIS ROBYN N TR
FARIS BREANNA L TR FARIS
1044 S RONDA WAY
PALMER, AK 99645-6527

SMITH JOSEPH F
20509 RAVEN DR
EAGLE RIVER, AK 99577-8741

POCHATKO RICHARD & ABBY
PO BOX 134
DELTA JUNCTION, AK 99737-0134

KOENEN ROBT D & BARBARA A
PO BOX 876951
WASILLA, AK 99687-6951

PICKARD KIRSTEN
1119 AIRLINE DR
FAIRBANKS, AK 99705-5324

EVANS RUTH E
647 W FERN AVE
PALMER, AK 99645-6526

PINCKERT MATTHEW & ADINA
PO BOX 2521
PALMER, AK 99645-2521

ROZKYDAL JAMES A
665 W FERN AVE
PALMER, AK 99645

SHANKS ROBT M JR& TANYA M
675 W FERN AVE
PALMER, AK 99645-6526

LAMM PAYTON W
685 W FERN AVE
PALMER, AK 99645-6526

KORNFEIND DAVID R
693 W FERN AVE
PALMER, AK 99645-6526

CHARRON KATIE
699 W FERN AVE
PALMER, AK 99645-6526

DEHR PROPERTIES LLC
6967 TOWN AND COUNTRY PL
ANCHORAGE, AK 99502-2847

MULLIGAN PATRICIA A TRE
MULLIGAN PATRICIA A TR MU
PO BOX 2029
PALMER, AK 99645-2029

ALEUT CORP INC
4000 OLD SEWARD HWY
ANCHORAGE, AK 99503-6068

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

MATANUSKA ELECTRIC ASSN
PO BOX 2929
PALMER, AK 99645-2929

IRSIK CHRISTOPHER R&DONNA
725 W FERN AVE
PALMER, AK 99645-6550

JOHNSON JAY L & ERICA M
5045 E FETLOCK DR
WASILLA, AK 99654-8403

AL-MAQTADIR IDI Y
PO BOX 3105
PALMER, AK 99645-3105

STRAUGHN MICHAELA S
755 W FERN AVE
PALMER, AK 99645

HARRISON MARCIA L
PO BOX 4660
PALMER, AK 99645-4660

NOLL JARED M
PINNE NICHOLE J
950 W FERN AVE
PALMER, AK 99645

AVERY ALAN
AVERY MARK
940 W FERN AVE
PALMER, AK 99645

THINGSTAD CORY P
930 W FERN AVE
PALMER, AK 99645

SHERMAN ROBT M SR & D M
830 W FERN AVE
PALMER, AK 99645

BERG JERRELL T & VERONA M
820 W FERN AVE
PALMER, AK 99645

AVERRE KEITH M
810 W FERN AVE
PALMER, AK 99645

METZLER JOSEPH L & HOLLIE
760 W FERN AVE
PALMER, AK 99645-6517

BANK OF NEW YORK MELLON T
8742 LUCENT BLVD STE 300
HIGHLANDS RANCH, CO 80129-2386

DAVIS JOSHUA R & ANNE MAR
6046 THRUSH CIR
SANFORD, NC 27332-8862

WARFILED VICKI A
730 W FERN AVE
PALMER, AK 99645

SMITH PATRICK W
PO BOX 122
CRAWFORDSVILLE, OR 97336-0122

CHOI DAVE HWAN & JUNG SUK
2341 HEATHER CROOK CIR
ANCHORAGE, AK 99504

STOUT ANNE M
PO BOX 96744
LAS VEGAS, NV 89193-6744

NOLIN JOHN P
PO BOX 3023
PALMER, AK 99645-3023

FERGUSON-KECK PATRICIA A
KECK STEVEN C
1000 ELLEN ST
PALMER, AK 99645-6530

MATANUSKA-SUSITNA BOROUGH
350 E DAHLIA AVE
PALMER, AK 99645-6488

SMITH WM W & A H REV TR
WILLIAMSON WM W TRE WILLI
13111 NORTHWEST FWY
HOUSTON, TX 77040-6321

BILIKIN PROPERTIES LLC
711 E NORTHERN LIGHTS BLV
ANCHORAGE, AK 99503-2810

BOLSHIO MISHA INC
1150 S COLONY WAY STE 3
PALMER, AK 99645-6967

BOLSHIO MISHA INC
1150 S COLONY WAY STE 3
PALMER, AK 99645-6967

ALASKA AT LAST
PO BOX 871708
WASILLA, AK 99687-1708

ALASKA AT LAST
PO BOX 871708
WASILLA, AK 99687-1708

COOL LAND HOLDINGS LLC
DAWG CREEK HOLDINGS LLC
PO BOX 06116
CHICAGO, IL 60606-6116

GREISEN RONALD E TRE
GREISEN JOY ANN BYPASS TR
1400 W BENSON BLVD
ANCHORAGE, AK 99503-3677

O E S INC
3201 C ST
ANCHORAGE, AK 99503-3934

MAT VLY MASONIC HLDG CO
PO BOX 297
PALMER, AK 99645-0297

RILEY RENEE-BETH
6730 QUEENSVIEW CIR
ANCHORAGE, AK 99504

MCDONELL WAYNE
2901 E MARIANNS PL
WASILLA, AK 99654

KASKA GARY B & CRISTY A
1015 S DIMOND ST
PALMER, AK 99645

KASKA GARY B & CRISTY A
1015 S DIMOND ST
PALMER, AK 99645

KASKA GARY B
1015 S DIMOND
PALMER, AK 99645

KASKA GARY B & CRISTY A
KASKA CHAD J
1015 S DIMOND ST
PALMER, AK 99645

MOMA BERT N & SHEILA D
3724 W MERCER LN
PHOENIX, AZ 85029-4043

AZURE STAR LLC
2128 S PADDOCK DR
WASILLA, AK 99654-8431

LOGSDON TARA
348 S DENALI ST
PALMER, AK 99645-6434

KASKA GARY B & CRISTY A
1015 S DIMOND ST
PALMER, AK 99645

KASKA GARY B & CRISTY A
1015 S DIMOND ST
PALMER, AK 99645

RICHTARCSIK JOHN E
RICHTARCSIK MALINDA L
PO BOX 3493
PALMER, AK 99645-3493

SIZEMORE GREGORY E
PO BOX 2581
PALMER, AK 99645-2581

ELLIOTT CHAS L III & J R
PO BOX 312
EUFAULA, AL 36072-0312

COPPOCK JULIANNA
PO BOX 217
PALMER, AK 99645-0217

CRUTHERS DOUGLAS E&LISA L
1006 S LUCAS WAY
PALMER, AK 99645

KITAGAWA LEON Y
1018 S LUCAS ST
PALMER, AK 99645-6974

LAFRANCE RAYMOND J& LAURA
1030 S LUCAS ST
PALMER, AK 99645-6963

DAVIS LOGAN
529 W VICTOR RD
WASILLA, AK 99623

PAULSON ZACHARY P& DAWN M
1054 S LUCAS WAY
PALMER, AK 99645

CAVYELL KASEY W
1066 S LUCAS WAY
PALMER, AK 99645-6974

MAT VLY FED CR UNION
1020 S BAILEY ST
PALMER, AK 99645

CORBIN MARK A
CAYWOOD DOROTHY B L/E
PO BOX 752
PALMER, AK 99645-0752

CORBIN MARK A
CAYWOOD DOROTHY B L/E
PO BOX 752
PALMER, AK 99645-0752

RAY KEN
1067 S COBB ST
PALMER, AK 99645

RAY KEN
1067 S COBB ST
PALMER, AK 99645

MYHRE THOMAS MORRIS
20003 N 23RD AVE
PHOENIX, AZ 85027-4162

MYHRE THOMAS MORRIS
20003 N 23RD AVE
PHOENIX, AZ 85027-4162

WHITTAKER MGMT GROUP LLC
7410 BERN ST
ANCHORAGE, AK 99507-2736

LOYAL ORDER OF THE MOOSE
PALMER LODGE #793
PO BOX 772
PALMER, AK 99645-0772

MATANUSKA-SUSITNA BOROUGH
MSB/PUBLIC WORKS BLDG
350 E DAHLIA AVE
PALMER, AK 99645-6488

LUCAS MARGARET B
PO BOX 855
PALMER, AK 99645-0855

LUCAS DAN'L T
PO BOX 855
PALMER, AK 99645-0855

LUCAS DANIEL T
KOPPENBERG SAM & ROBERTA
PO BOX 855
PALMER, AK 99645-0855

WIRTANEN CARL R
5305 N DOROTHY DR
PALMER, AK 99645

CITY OF PALMER
231 W EVERGREEN AVE
PALMER, AK 99645

DEPARTMENT OF TRANSPORTATION &
PUBLIC FACILITIES
PO BOX 112500
JUNEAU, AK 99811-2500

FARIS ERICKA D
1044 S RONDA WAY
PALMER, AK 99645-6527

SMITH ARLINE H
WILLIAMSON ARLINE H
13111 NORTHWEST FWY
HOUSTON, TX 77040-6321

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PALMER, AK 99645-1903

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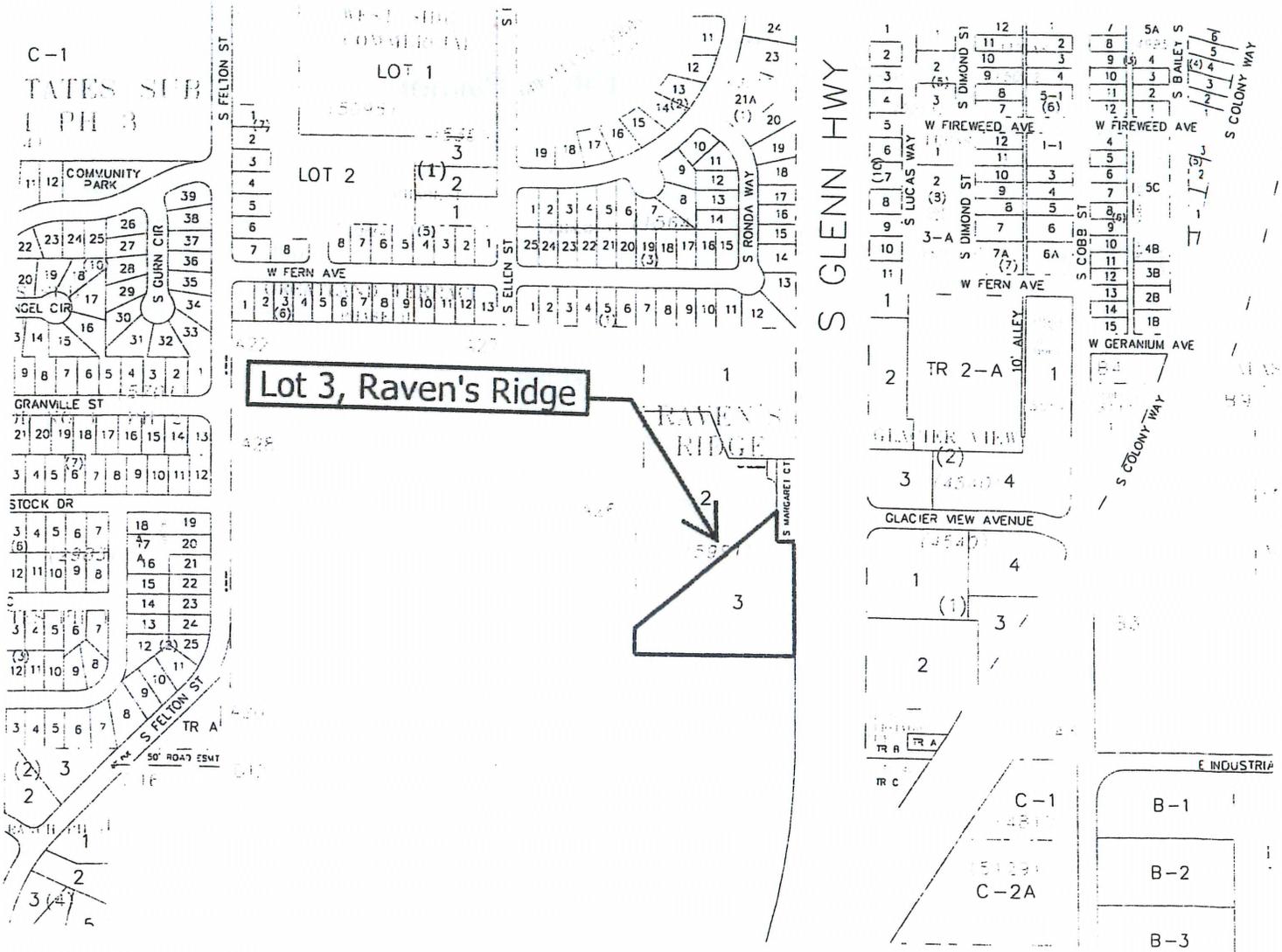
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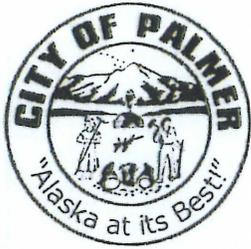
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10

VICINITY MAP



Request for Rezone from R-1E (Single-family Residential Estate) to C-G (General Commercial) for Lot 3, Raven's Ridge, located at 1200 South Margaret Court in Palmer, Alaska.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Received

JUL 07 2014

City of Palmer

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Fax: 907-745-5443
www.cityofpalmer.org

June 30, 2014

Dear Property Owner:

The Palmer Planning and Zoning Commission will consider a re-zone of Lot 3, Raven's Ridge, initiated by Dan Lucas, Sam & Roberta Koppenberg, owners. The street address for the site is 1200 South Margaret Court, Palmer, Alaska. This property is currently zoned R-1E, Single-family Residential Estate. The request is to rezone the property to C-G, General Commercial. The map on the reverse side of this notice indicates the location of the subject parcel. For additional information on the General Commercial District, please refer to Palmer Municipal Code Chapter 17.32 - General Commercial District, located online at: www.cityofpalmer.org.

The Commission will hold a Public Hearing to consider this application and to allow for public comments as well. The meeting will be held on July 17, 2014 at 7:00 p.m., in the City Council Chambers located at 231 West Evergreen Avenue, Palmer, Alaska.

If you wish to comment on this issue, you may do so by attending the public hearing or by providing written comments to the Planning and Zoning Commission by July 10, 2014. Written comments may be mailed to Department of Community Development, 645 E. Cope Industrial Way, Palmer, Alaska, faxed to 745-5443 or emailed to me at: kmclure@palmerak.org.

Sincerely,

Handwritten signature of Kimberly McClure

Kimberly McClure
Planning & Code Compliance Technician

Row of 25 stars

For the following reason, I am (please circle) (in favor of), (NOT in favor of), (have no objection to) the issuance of the proposed re-zone from R-1E to CG.

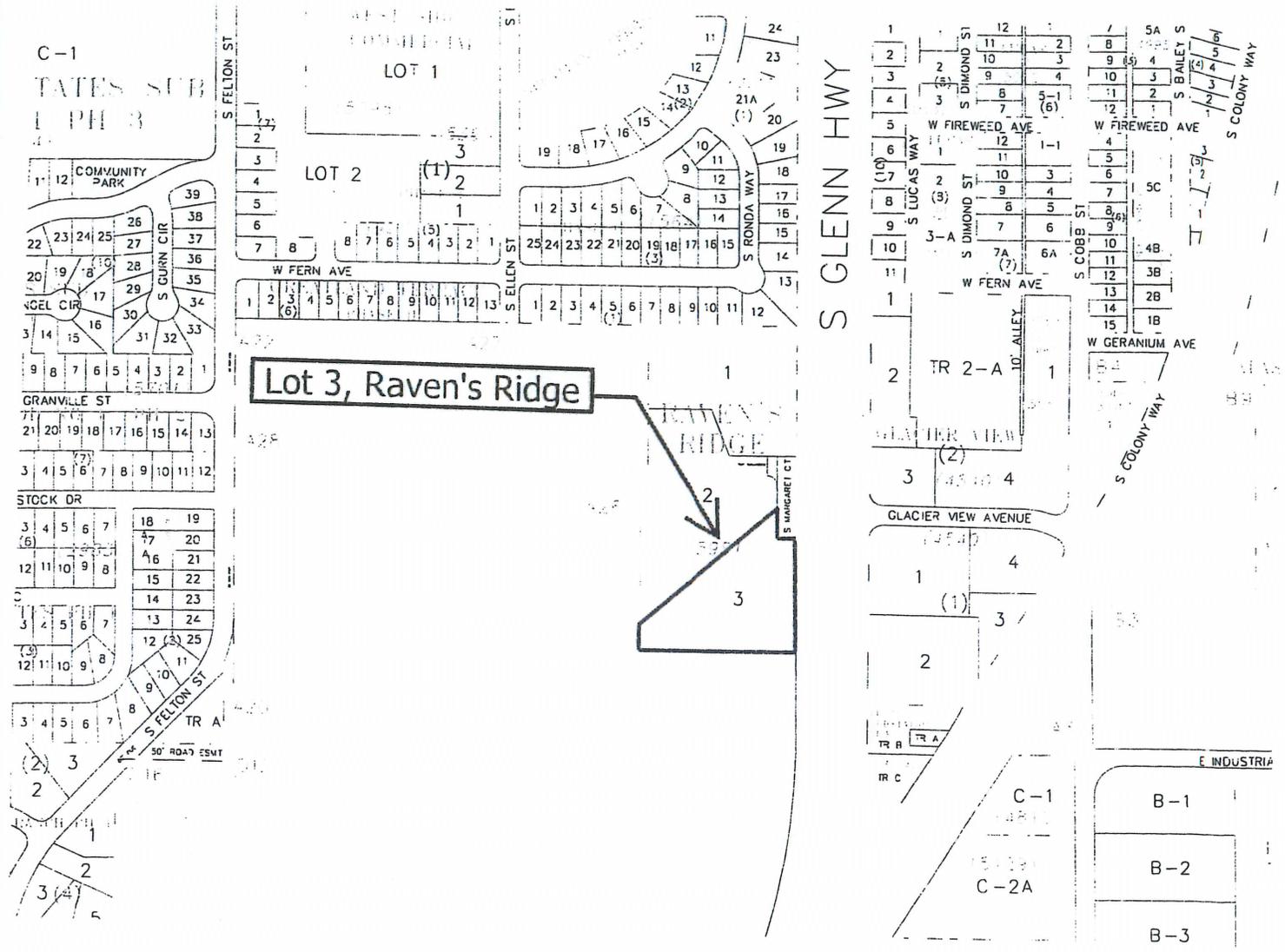
Three horizontal lines for handwritten response

Name: Carl and Claire Wirtanen
5305 N Dorothy Dr
Palmer, AK 99645

Address:

Two horizontal lines for handwritten address

VICINITY MAP

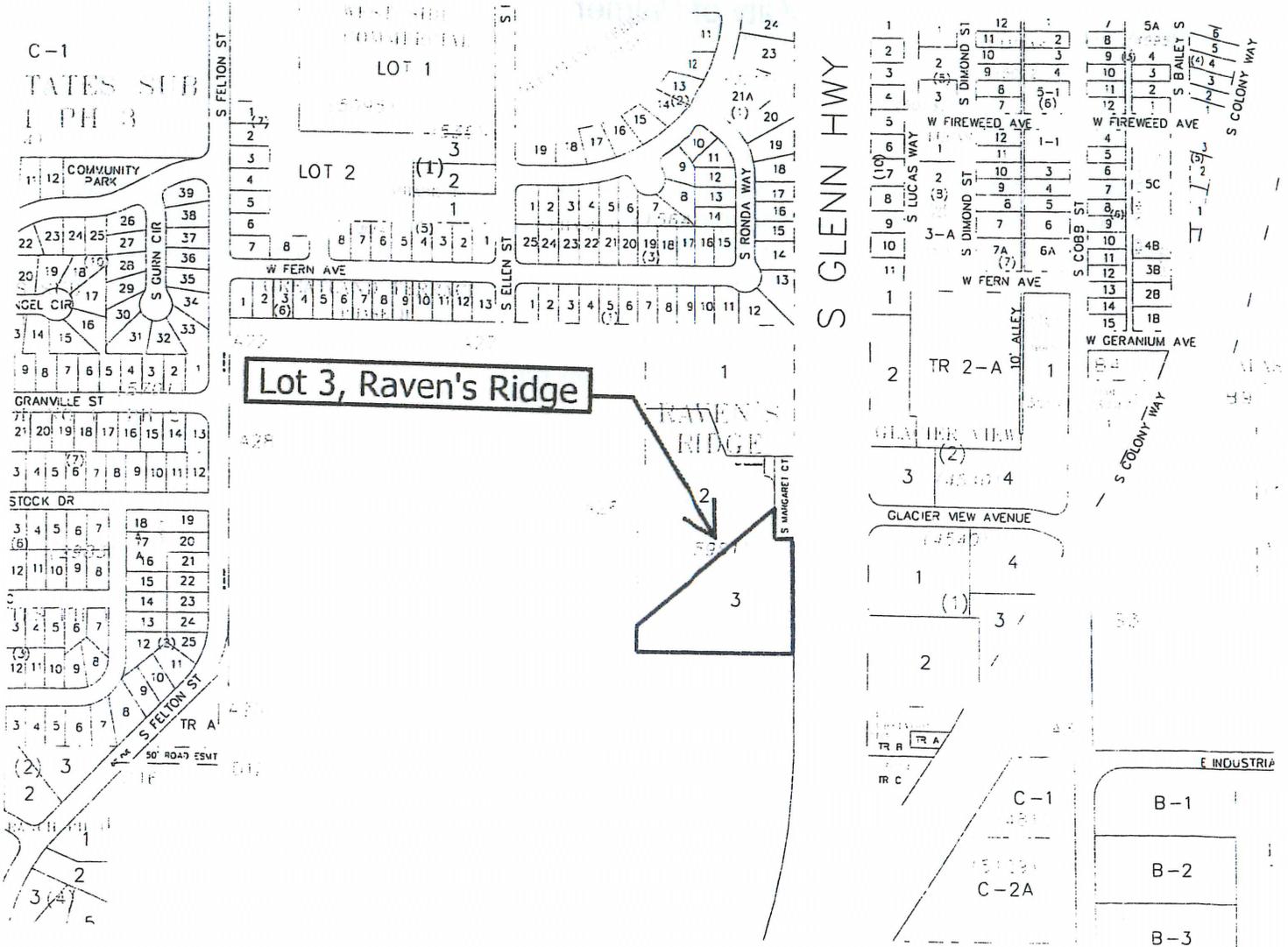


Lot 3, Raven's Ridge



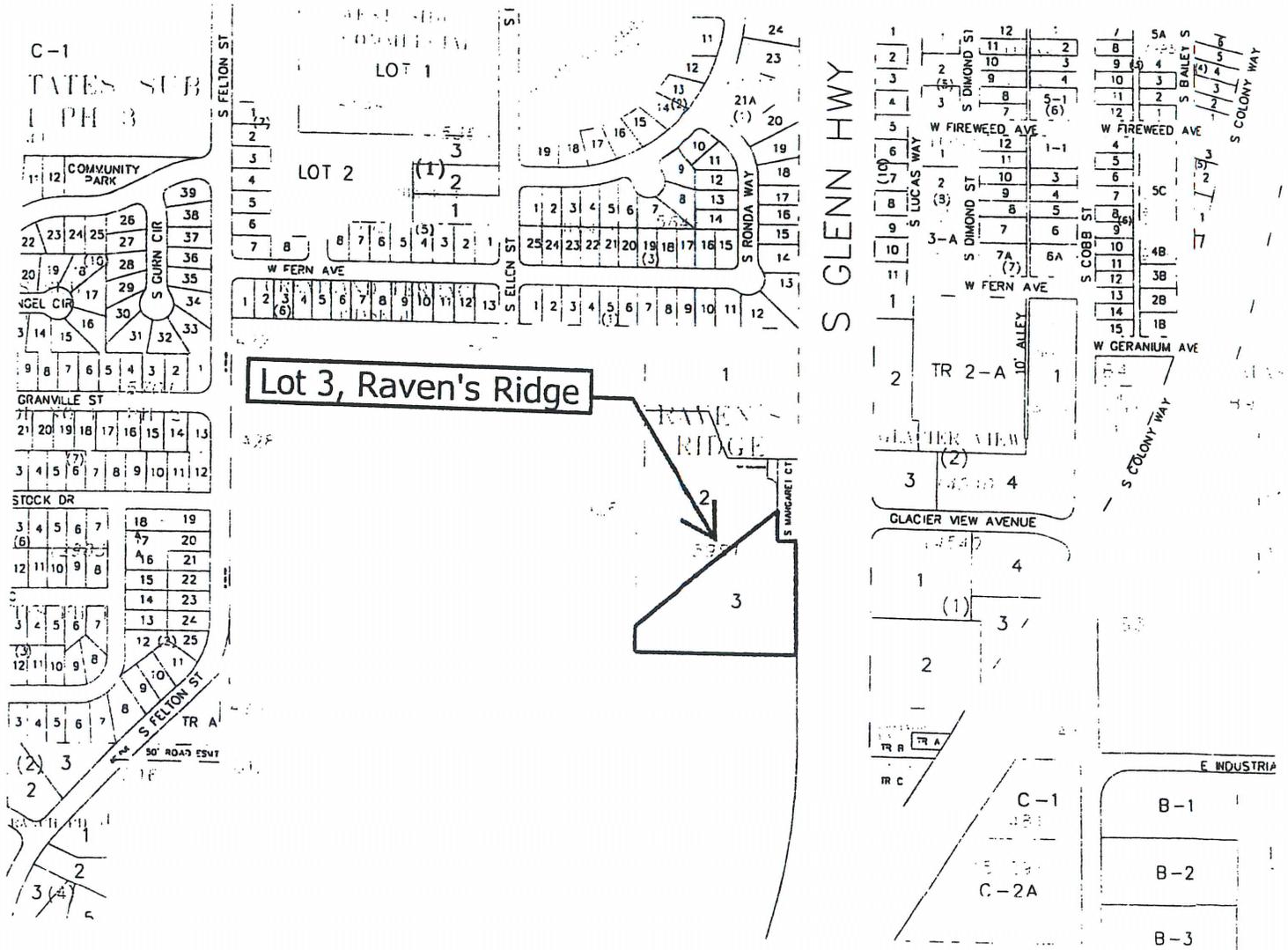
Request for Rezone from R-1E (Single-family Residential Estate) to C-G (General Commercial) for Lot 3, Raven's Ridge, located at 1200 South Margaret Court in Palmer, Alaska.

VICINITY MAP



Request for Rezone from R-1E (Single-family Residential Estate) to C-G (General Commercial) for Lot 3, Raven's Ridge, located at 1200 South Margaret Court in Palmer, Alaska.

VICINITY MAP



Request for Rezone from R-1E (Single-family Residential Estate) to C-G (General Commercial) for Lot 3, Raven's Ridge, located at 1200 South Margaret Court in Palmer, Alaska.



Unfinished Business



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-011**

SUBJECT: Review expanded boundary of Central Business District as described in Resolution No. 12-003.

AGENDA OF: July 17, 2014

ACTION: Review and approve Resolution 12-003 and move forward to City Council.

Attachment(s): Resolution 12-003
April 19, 2012 P & Z Minutes
October 17, 2013 P & Z Minutes

Summary: The last lengthy discussion by the P & Z Commission about the expanded boundary of the Central Business District was on April 19, 2012. Resolution No. 12-003 was presented for review at that meeting reflecting the proposed expanded boundary of the Central Business District. No action was taken at that time and Resolution No. 12-003 was not approved. The topic and draft Resolution No. 12-003 were re-visited at the October 17, 2013 P & Z meeting. No action was taken.

Recommendation: Review draft Resolution No. 12-003 and if approved, move forward to City Council with recommendation for adoption.

PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 12-003

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN EXPANDED BOUNDARY OF THE CENTRAL BUSINESS DISTRICT

WHEREAS, following the City of Palmer's incorporation in 1951, small lot subdivisions were lawfully created, many of which have existing buildings currently in need of remodel or renovation work; and

WHEREAS, over the years many of the lots have been rezoned to permit commercial, limited commercial, and multi-family uses; and

WHEREAS, within the 1982 Comprehensive Development Plan the stated objective of the Central Business District (CBD) was to address ways to resolve the parking problem and recommend techniques to develop and enhance the downtown area described as bounded by West Cedar, West Fireweed, South Colony Way, and Cobb Streets; and

WHEREAS, the 1986 Comprehensive Development Plan identified the CBD as the "Downtown Redevelopment Area" and described an expanded CBD as extending from the commercially zoned area at the western edge of town along the Palmer-Wasilla Highway to Felton Street, north along the Glenn Highway to the north side of Arctic Avenue, south to the intersection of Cobb Street and Colony Way, and east to be integrated with the Town Square and campus area later described across the Alaska Railroad right-of-way; and

WHEREAS, the 1986 Comprehensive Development Plan recommended the Planned Unit Development (PUD) District ordinance language provide for a smaller threshold lot size when located within the Downtown Redevelopment Area; and

WHEREAS, PMC 17.84, Planned Unit Development, adopted in 1992, implemented the 1986 Comprehensive Development Plan recommendation that established a "minimum area for a PUD of 80,000 square feet unless the planned unit development is used to facilitate redevelopment in the downtown redevelopment area as described in the city's comprehensive plan"; and

WHEREAS, a majority of the lots in the proposed expansion area for the Downtown Business District are less than 20,000 square feet in size and therefore not eligible to apply for Planned Unit Development status; and

WHEREAS, the Central Business District, described in PMC 17.64.050 and adopted in 2006, did not include all areas described in the previously adopted Comprehensive Plans; and

WHEREAS, insufficient parking area continues to remain a barrier to redevelopment or renovation of existing properties; and

WHEREAS, the Palmer Municipal Code, Chapter 17.64, Parking and Loading permits a reduction in the number of required parking spaces in the Central Business District; and

WHEREAS, expanding the Downtown Redevelopment Area to include the areas referenced in previously adopted Comprehensive Development Plans will bring the district into compliance with requirements of the Planned Unit Development code; and

WHEREAS, an expanded Central Business District boundary will help promote the city's economic growth and the preservation of its existing structures and support efforts to help ensure Palmer's traditional downtown is lively, attractive and inviting for residents and visitors thereby remaining in harmony with the 2006 adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Palmer Planning and Zoning Commission does hereby recommend the City Council approve a revised Central Business District described as follows:

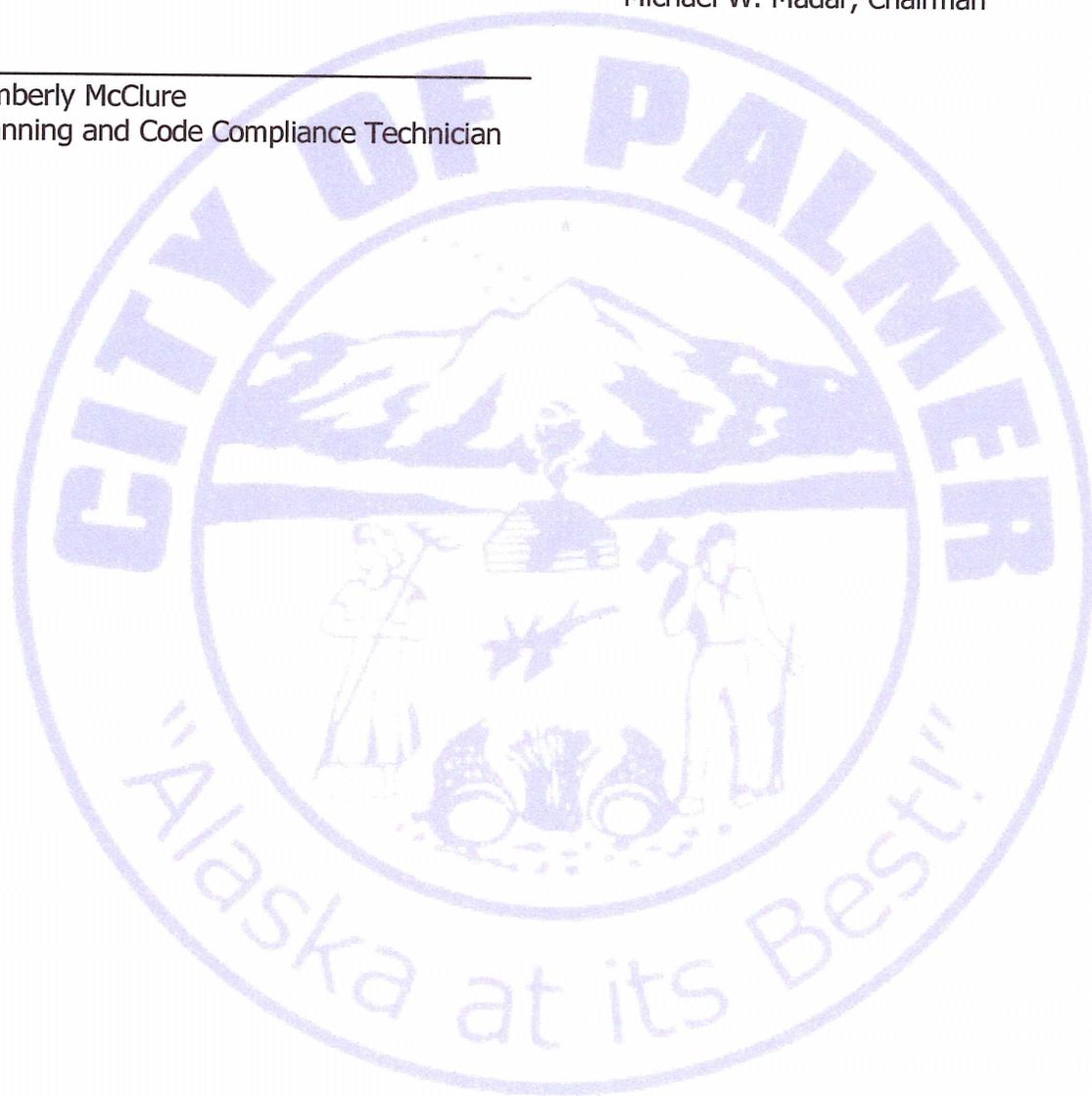
Beginning at the intersection of the Palmer/Wasilla Highway and the Glenn Highway centerlines, then north along the centerline of the Glenn Highway to the centerline of W. Auklet Avenue, then east along the centerline of W. Auklet to the east side of parcel 18N02E33 Tract 1-A, then south along the east side of said parcel until the southern boundary of 18N02E33 Block 3, Lot 8, T.A. Smith then east along the boundary of parcel 18N02E33 Tract 1-A to its terminus, then south along the east side of 18N02E33 Tract 1-A to the centerline of the alleyway, then east along the centerline of the alleyway to the centerline of N. Bonanza Street, then south along centerline of N. Bonanza Street to the centerline of E. Arctic Avenue, then east along the centerline of E. Arctic Avenue to the centerline of S. Denali Street, then south along the centerline of S. Denali Street to the centerline of E. Cottonwood, then east to the centerline of S. Gulkana Street, then south along the centerline of S. Gulkana to the southeast corner of Tract A, Arbor Estates, then west along the south property line of Tract A to Lot 4, Block 2, Arbor Estates, then south to the southeast corner of Lot 4, Block 2, Arbor Estates, then west along the south property lines of Lots 4, 3, 2, and 1, Block 2, Arbor Estates to the centerline of S. Eklutna Street, then north along the centerline of S. Eklutna Street to the centerline of E. Fireweed Avenue, then west along the centerline of E. Fireweed to the centerline of S. Colony Way, then south along the centerline of S. Colony Way to the junction of S. Colony Way and the Glenn Highway centerlines, then north along the centerline of the Glenn Highway to the point of beginning.

BE IT FURTHER RESOLVED, all references in the Palmer Municipal Code to the Downtown Redevelopment Area shall mean the Central Business District.

Passed by the Planning and Zoning Commission of the City of Palmer, Alaska, this _____ day of _____, 2014.

Michael W. Madar, Chairman

Kimberly McClure
Planning and Code Compliance Technician



17.72.100 (B) by inserting "one of the following" to the last sentence. The motion was seconded by **Commissioner Kircher**.

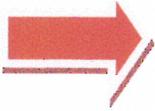
VOTE ON MOTION: the amendment passed unanimously.

ROLL CALL VOTE ON MAIN MOTION:

Campbell	Kerslake	Kircher	Madar	Prosser	Weir	Vacant
Y	Y	Y	Y	Y	Y	--

VOTE ON MOTION: the motion passed unanimously.

H. NEW BUSINESS:



1. Discussion of boundaries of the Central Business District.

Chairman Madar asked for a staff report.

Ms. Garley provided a staff report as to status.

Commissioner Kerslake moved, seconded by **Commissioner Kircher**, to suspend the rules temporarily to allow an audience member to speak to the issue. There were no objections.

Kevin Brown, former Commissioner and member of the Palmer Economic Development Authority (PEDA), commented on the need for infill and an increased opportunity for new small businesses to find a home in downtown. He suggested that any discussion on boundaries should also include adoption of design standards including lighting and landscaping.

Teresa Roy, chairman of the Palmer Economic Development Authority (PEDA), commented that the Commission consider reviewing the sign code within the central business district boundaries as well as incentives to beautify the community.

Commissioner Weir moved, seconded by **Commissioner Kerslake** to re-establish formal rules. There were no objections.

Commissioner Kerslake moved, seconded by **Commissioner Kircher**, to enter the Committee of the Whole. There were no objections.

The Commission entered into the Committee of the Whole at 7:15 pm.

Chairman Madar spoke about his desire to tackle the central business district as a zoning district. By creating a new district with commercial and residential uses, we could create the downtown that we all want. It might be a new zoning district or an overlay zone for the downtown area.

The current boundary is too small and it only impacts, to a minor degree the number of parking spaces a business must provide in the downtown area. It is not flexible and has not really created an incentive for infilling.

A general discussion followed of how to encourage a cohesive look to new construction in the downtown area in order to keep the "Palmer feel" as the community continues to grow. In addition to landscaping and permitted uses, setbacks and building height were discussed.

Commissioner Weir moved, seconded by **Commissioner Kircher**, to exit Committee of the Whole at 8:15 pm. There were no objections.

Chairman Madar directed staff to research other community overlay zones and/or zoning districts for their central business districts and return with a report to the Commission on her recommendations.

I. UNFINISHED BUSINESS:

1. Discussion of City Council Goals for Community Development.

Chairman Madar asked for a staff report.

Ms. Garley explained the process the Council had used to come up with their goals and objectives and the desire of Council to have the Commission review and comment on the items with the Council's highest priority. She directed Commission's attention to the items on page 16 of the packet.

Commissioner Kircher made the motion, seconded by **Commissioner Prosser** to enter into the Committee of the Whole.

The Commission entered into the Committee of the Whole at 8:18 pm.

While in committee of the whole, the Commission continued review of the goals and objectives relating to the Council's Objective of increasing outdoor use of the MTA Events Center complex which included sending flyers listing Event Center activities out to Palmer schools, using the City's Robo calling system to highlight the Events Center once a quarter, and getting posters up at local stores.

Discussion regarding the Council Action Plan for using the paved parking area for basketball to provide teens with active play area which highlighted the need to provide lights in the parking area for safety.

Other items of discussion included using a message board to advertize community events. Placing a digital message board on the Glenn Highway by the gas station or by the electric substation was suggested.

Commissioner Kerlake moved, seconded by **Commissioner Weir**, to exit the

Commissioner Kircher moved, seconded by **Commissioner Prosser** to postpone action on the conditional use permit until after City Council has made a decision on the rezone request on the parcel from R-1 to R-1E.

Vote on Motion: Carried Unanimously.

H. UNFINISHED BUSINESS: There was no unfinished business.

I. NEW BUSINESS:

1. Annual Review of Conditional Use Permits.

Ms. Garley directed attention to the packet, beginning at page 47, listing Active Conditional Use Permits as of October 17, 2013 and the status of each as to compliance.

Commissioner Kircher inquired of staff as to procedure for removal from the active list if the conditions of the permit have been met.

Commissioner Kerlake moved, seconded by **Commissioner Prosser**, to enter into committee of the whole. There were no objections.

[The commission entered committee of the whole at 7:10 p.m.; exited at 7:22 p.m.]

While in committee of the whole the commission reviewed and had questions on several of the CUPs discussing status and compliance.

2. IM 13-027 Review site plan for proposed courthouse expansion for JS Trooper office space and sallyport located on Lot 1A, Deneke Park.

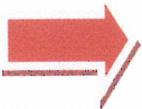
Ms. Garley reported that the courthouse is located in the P-Public District and the proposed expansion will allow additional Judicial Services Trooper office space, additional holding cells and a larger Sallyport. The proposed parking will be sufficient to meet the minimum parking requirements and the lot area and width both exceed the minimum requirements. Staff recommends approval of the proposed courthouse expansion.

Upon review of the submitted documents, the commission had no additional comment or questions.

Commissioner Kerlake moved, seconded by **Commissioner Prosser**, for approval the proposed courthouse expansion.

Vote on Motion: Carried Unanimously.

3. Discussion of Central Business District.



Ms. Garley gave a staff report directing attention to the packet containing information and minutes of previous meetings when discussion of a CBD first began in 2010, including a draft ordinance recommending an expanded boundary. The purpose of discussion tonight is to renew discussions and determine what the commission needs to do differently to encourage more high quality growth in the Central Business District and develop ideas that would engage the city council moving forward, including adding it to the agenda of the next joint meeting in January, 2014.

Commissioner Madar moved, seconded by **Commissioner Prosser**, to enter into Committee of the Whole for open discussion on the matter. There were no objections.

[The commission entered Committee of the Whole at 7:26 p.m.; exited at 8:00 p.m.]

While in committee of the whole, the commission discussed what other communities have done to revive downtown business districts, parking solutions, city/business partnerships, among others, including status of the Mat-Maid properties. Commissioners should think about ideas for the next meeting.

J. PLAT REVIEWS:

1. IM 13-026 To divide Parcel C-2 of MSB Waiver 96-38-PWm into three lots and one tract to be known as Zastrow Acres, also known as Tax Parcel D20 in Section 17, Township 18 North, Range 2 East, Seward Meridian, located outside Palmer city limits.

Ms. Garley gave a staff report. The request is to divide the parcel into three lots and one tract, to be known as Zastrow Acres, containing 10.57 acres more or less. The Alaska Department of Transportation claims prescriptive rights for the Farm Loop right-of-way extending to the back of the existing ditch, which is shown on the plat. See vicinity map on page 144 of the packet. City staff had no recommended changes.

Following review, the commission had no additional comments.

K. PUBLIC COMMENTS: There were no public comments.

L. STAFF REPORT: Ms. Garley reported:

- Status of Mat-maid (reported during CBD discussion);
- Status of Pioneer Square on the market for sale; DOT is moving forward with upgrades on Dogwood to Felton which should be appealing to potential buyers.

M. COMMISSIONER COMMENTS:

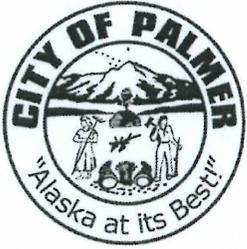
Commissioner Lucas had no comment.

Commissioner Kircher:

- Reiterated his previous complaints about the voluminous amount of paper in the monthly packets plus the costs of mailing; noted preference for the "paperless



**Continue Discussion of the
Central Business District**



DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

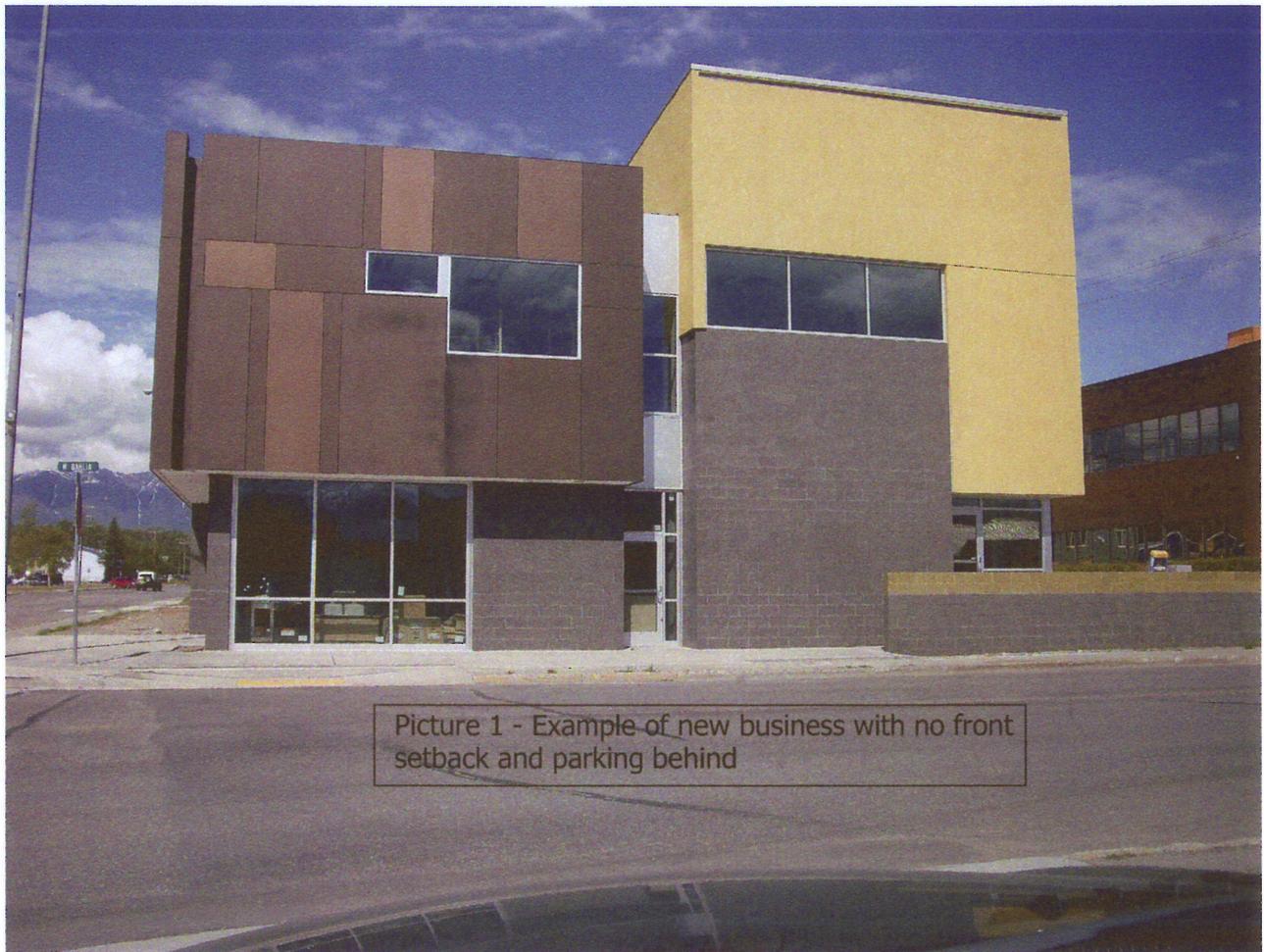
David Meneses
Building Inspector

Beth Skow
Library Director

MEMORANDUM

TO: P & Z Commission
FROM: Staff
DATE: June 10, 2014
SUBJECT: Pictures of setbacks within the Central Business District

On June 5, staff conducted site visits of several businesses and mixed use structures to take pictures showing the various setbacks from the right of way.



Picture 1 - Example of new business with no front setback and parking behind



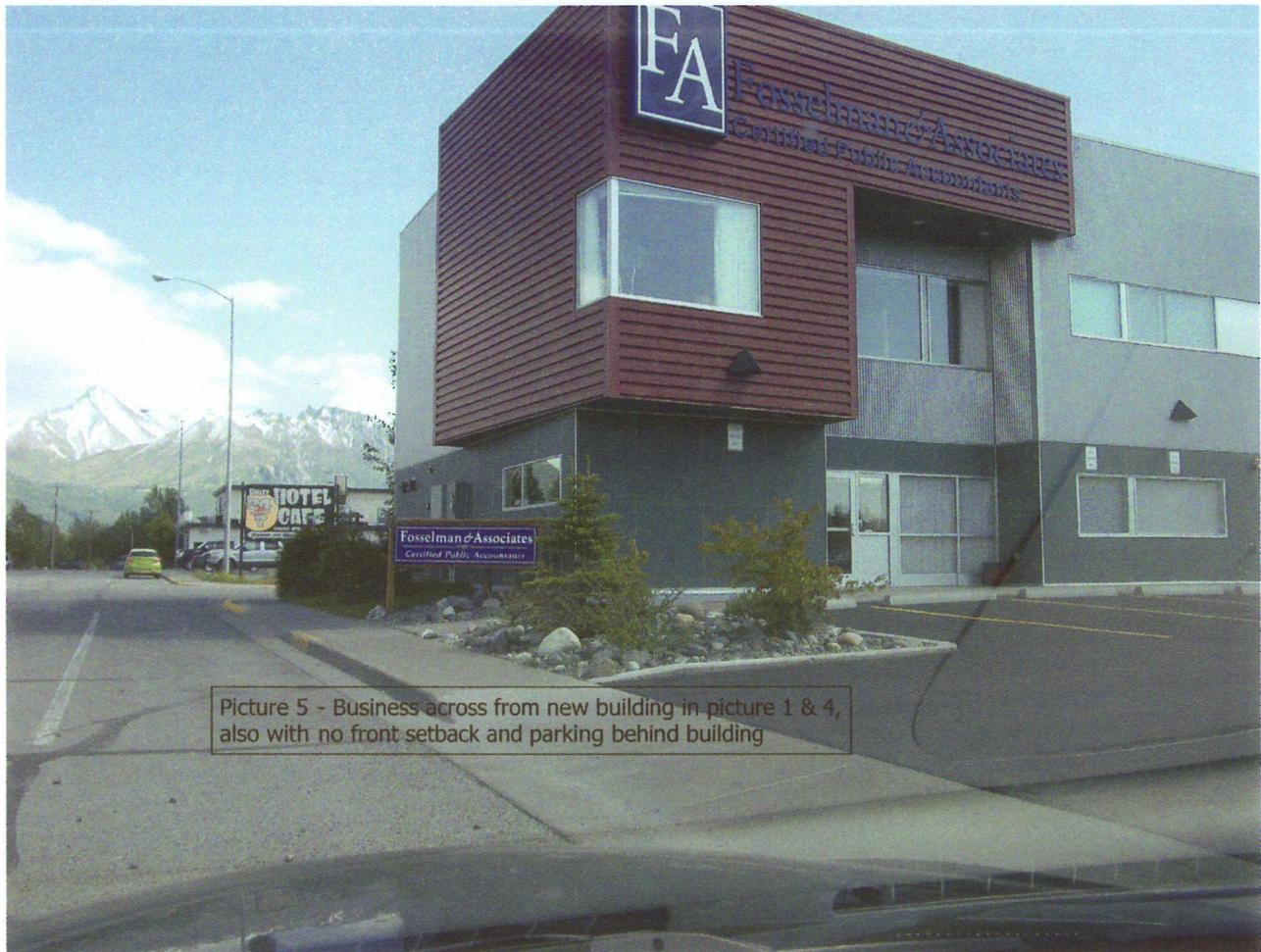
Picture 2



Picture 3



Picture #4 - Older business beside of new building in picture #1 with parking in front of building





Picture 7 - Another business with no front setback

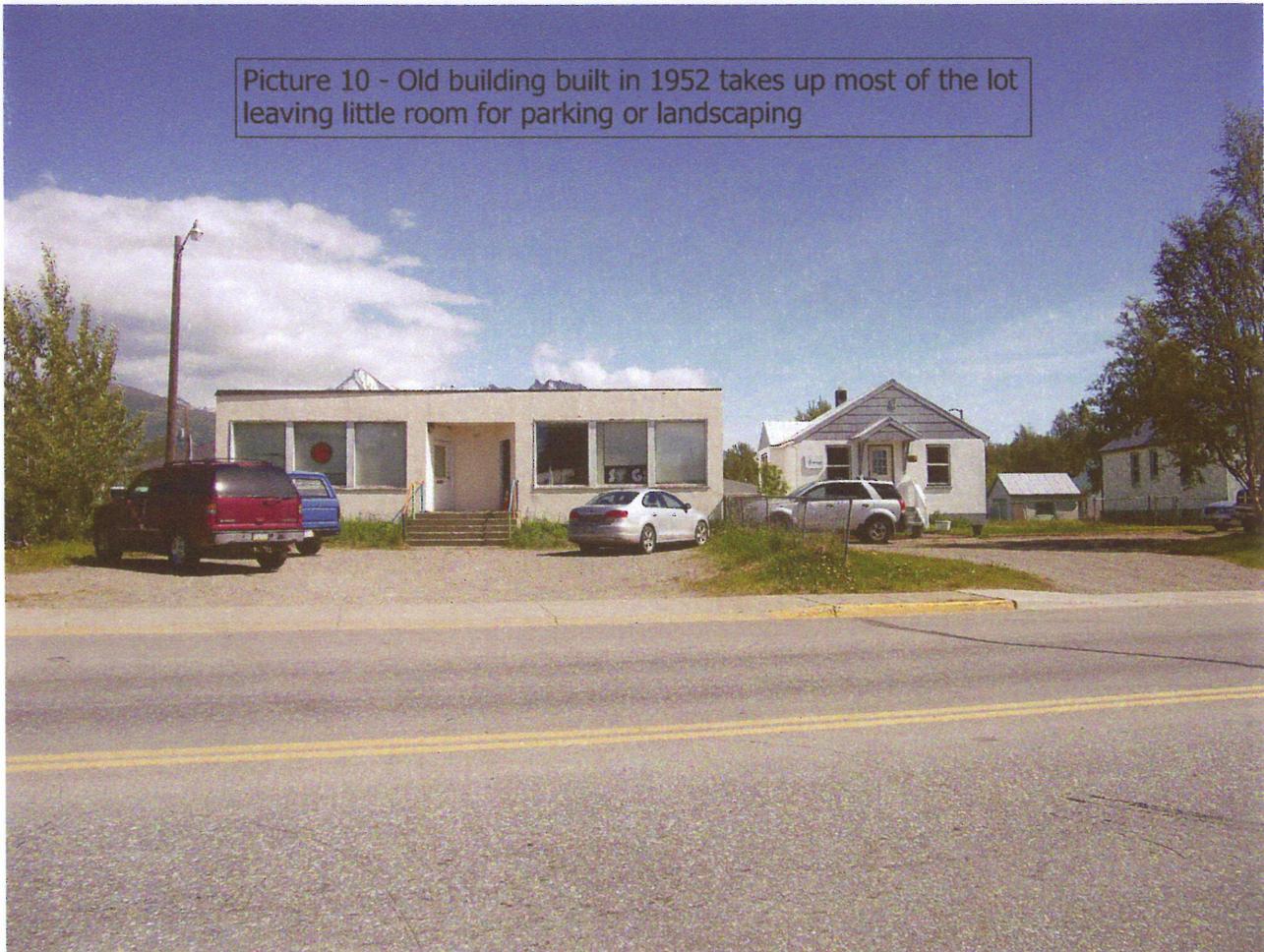


Picture 8 - Example of commercial on ground level and residential on second floor

Picture 9 - Residential houses beside of mixed use structure shown in picture 8



Picture 10 - Old building built in 1952 takes up most of the lot leaving little room for parking or landscaping





Picture 11 - Back side of old building in picture 10 showing how much of this lot is taken up by the building



Picture 12 - Showing sidewalks and business fronts in downtown



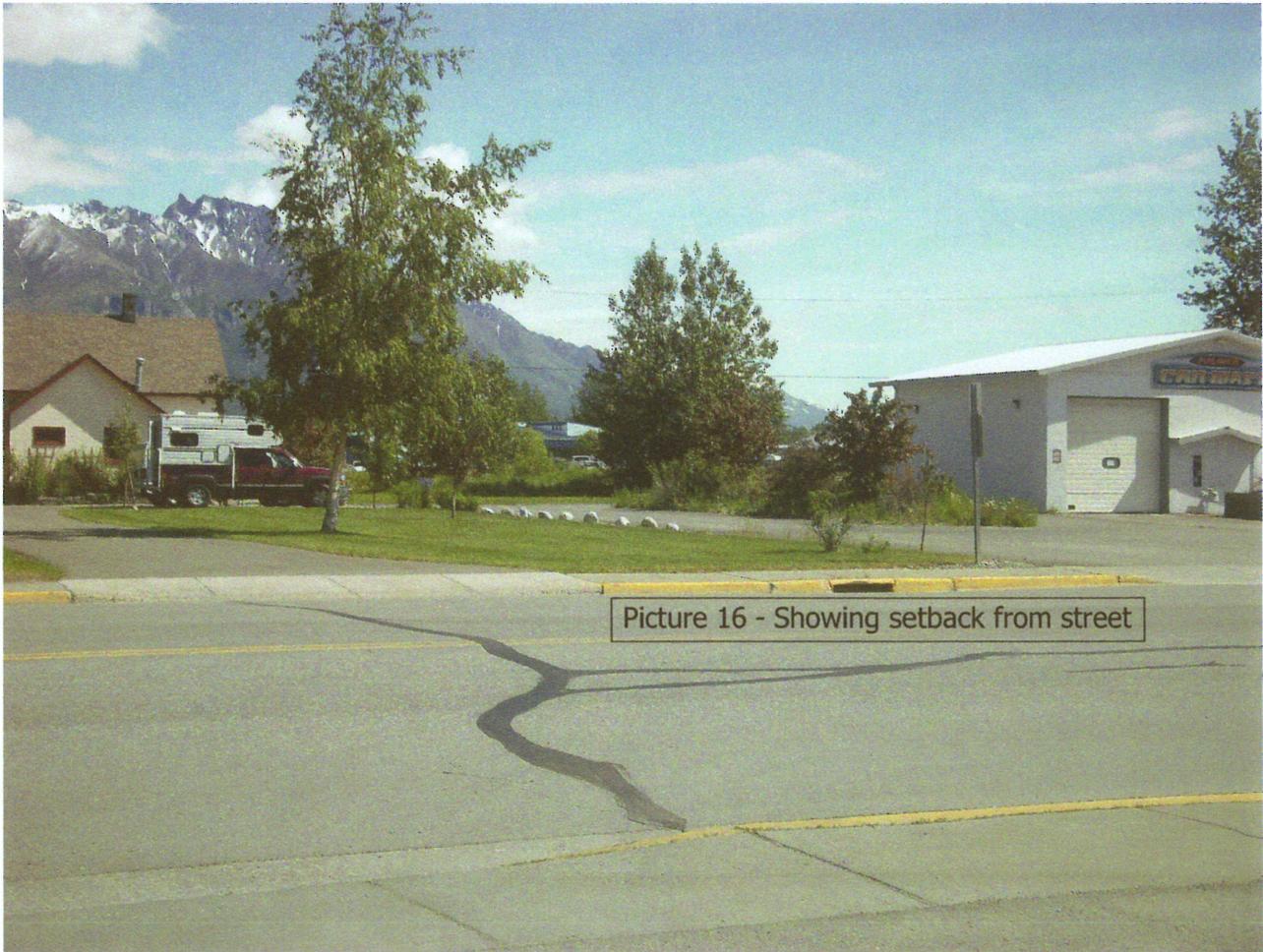
Picture 13 - Showing parking in front and business set back from street



Picture 14



Picture 15



Picture 16 - Showing setback from street



New Business



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-012**

SUBJECT: Text Amendment to Palmer Municipal Code sections 17.26.068, Fencing requirements in R-3 Medium Density Multifamily Residential District; 17.27.068, Fencing Requirements in R-4 High Density Residential District; 17.28.068, Fencing Requirements in C-L Limited Commercial District and 17.32.068, Fencing Requirements in C-G General Commercial District for fence height

AGENDA OF: July 17, 2014

ACTION: Review and approve draft Ordinance No. 14-0xx and move forward to City Council

Attachment(s): Draft Ordinance No. 14-0xx

Summary: The text amendments to PMC 17.26.068, 17.27.068, 17.28.068 and 17.32.068 will correct the fence height from six-foot six inch to six foot. According to the Building Inspector, any fence taller than 6 feet requires an engineer's stamp.

Ordinance No. 586 adopted on February 26, 2002 enacted and adopted R-3, Medium Density Multifamily Residential Zone and showed a fence height of six feet in 17.26.066, Fencing and open space requirements. This ordinance was later repealed by Ordinance No. 05-003 which showed the fence height as six foot six inch in 17.26.068, Fencing requirements.

Ordinance 05-004 adopted on February 8, 2005 enacted R-4, High-Density Residential District and showed a fence height of six-foot six-inch.

Ordinance No. 627 adopted on June 22, 2004 adopted 17.28.068, Fencing requirements in the Limited Commercial District and showed a fence height of six-foot, six-inch. This ordinance was later amended by Ordinance No. 05-026 which showed the fence height as six foot, six inch.

Ordinance No. 626 adopted on June 22, 2004 adopted 17.32.068, Fencing requirements in the General Commercial District and showed a fence height of six foot, six inch. This ordinance was later amended by Ordinance No. 05-027 which showed the fence height as six foot, six inch.

Recommendation: Review draft Ordinance No. 14-0xx and if approved, move forward to City Council with recommendation for adoption.

Commission Information:

Initiated by: Planning and Zoning Commission
First on Agenda: June 19, 2014
Action:
Vote:

Council Information:

Introduced by: City Manager Hannan
Introduced:
Public Hearing:
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

ORDINANCE NO. 14-0xx

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Sections 17.26.068, Fencing requirements in R-3 Medium Density Multifamily Residential District; 17.27.068, Fencing Requirements in R-4 High Density Residential District; 17.28.068, Fencing Requirements in C-L Limited Commercial District and 17.32.068, Fencing Requirements in C-G General Commercial District

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Section 2.30.080 is hereby amended to read as follows (new language is in blue underlined and deleted language is red and stricken):

17.26.068 Fencing requirements.

A lot, which abuts or is immediately across an alley from an R-1, R-1E, or R-2 residential zone and which contains five or more dwelling units, shall have a six-foot ~~six-inch~~ solid or interlap

fence on the side or sides abutting or across an alley from the lower-density residential zones. The fence shall be well built, finished and maintained. (Ord. 05-003 § 4, 2005)

17.27.068 Fencing requirements.

Lots abutting or immediately across an alley from an R-1, R-1E, or R-2 residential zone which contain five or more dwelling units shall have a six-foot ~~six-inch~~ solid or interlap fence on the side or sides abutting or across an alley from the lower-density residential zones. The fence shall be well built, finished and maintained. (Ord. 05-004 § 3, 2005)

17.28.068 Fencing requirements.

Lots abutting or immediately across an alley from any residential zone which contains four or more dwelling units or any nonresidential use shall have a six-foot, ~~six-inch~~, solid or interlap fence on the side or sides abutting or across an alley from residential zones. The fence shall be well built, finished and maintained. (Ord. 05-026 § 4, 2005; Ord. 627 § 7, 2004)

17.32.068 Fencing requirements.

Lots abutting or immediately across an alley from any residential zone which contain four or more dwelling units or any nonresidential use shall have a six-foot, ~~six-inch~~, solid or interlap fence on the side or sides abutting or across an alley from residential zones. The fence shall be well built, finished and maintained. (Ord. 05-027 § 3, 2005; Ord. 626 § 7, 2004)

Section 4. Effective Date. Ordinance 14-0xx shall take effect upon adoption by the Palmer City Council.

Passed and approved this _____ day of _____, 2014.

DeLena Goodwin Johnson, Mayor

Janette M. Bower, MMC, City Clerk



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-015**

SUBJECT: Revise language to establish an appeals process to an administrative decision

AGENDA OF: July 17, 2014

ACTION: Review and discuss an appeals process to an administrative decision and discuss if such language should be combined with PMC 17.98, Appeals To Hearing Officer and move forward to City Council

Attachment(s): PMC 17.98 Appeals to Hearing Officer
P & Z minutes from August 16, 2007
City Council minutes from September 11, 2007
Wasilla Appeals Process
Soldotna Appeals Process

Summary: Ordinance No. 454 adopted by City Council on November 24, 1992 contained a statement regarding an appeal for Conditional Use Permits and for Variances but did not contain an appeals process to an administrative decision from the Planning and Zoning department.

On September 11, 2007, City Council enacted Chapter 17.98 Appeals to a Hearing Officer, which contains an appeals process to a decision of the Commission but does not contain an appeals process to an administrative decision from the Planning and Zoning department.

The lack of an appeals process to an administrative decision was brought about recently when a citizen of Palmer did not agree with staff's interpretation of the code. The citizen did not agree with staff's interpretation of code regarding a single family dwelling as part of a mixed use development only being located on and above the second floor or below the ground level of the structure in the General Commercial District. The citizen asked how to appeal staff's decision. Currently, there is no appeals process to staff's interpretation of the code.

The attached examples from the City of Wasilla and Soldotna outline the process to appeal any administrative decision or determination made by the city planner or the Commission.

Recommendation: Develop a process and move forward to City Council with recommendation for adoption.

Chapter 17.98 APPEALS TO HEARING OFFICER

Sections:

- 17.98.005 Definitions.
- 17.98.010 Hearing officer.
- 17.98.015 Stay on appeal.
- 17.98.020 Notice of appeal – Appeal fee.
- 17.98.030 Preparation of appeal record.
- 17.98.040 Written arguments.
- 17.98.050 Distribution of appeal packet – Notice of hearing.
- 17.98.060 Conduct of hearing.
- 17.98.070 Scope of review.
- 17.98.080 Decision.
- 17.98.090 Remedies.

17.98.005 Definitions.

“Appeal packet” means the packet which contains the notice of hearing date, appeal letter, the appeal record and briefs.

“Appeal record” consists of the entire community development file pertaining to the case under appeal, including all original papers and exhibits, and the transcript of the proceedings before the commission.

“Appellant” means the party who files an appeal application pursuant to this title.

“Appellee” means the party responding to the appeal application.

“Interested persons” means any person who would be adversely affected by the decision. (Ord. 07-018 § 5, 2007)

17.98.010 Hearing officer.

A. To be appointed as a hearing officer, a person must be an attorney at law in the state of Alaska who possesses knowledge of this title, general land use regulations, and principles of due process. An attorney may not act as hearing officer in any case in which he or she has any direct or indirect financial interest, and must certify to the absence of any such interest before receiving the appeal record on a form provided by the clerk. A hearing officer may not be a current city employee or a current member of the council or commission.

B. A hearing officer shall be impartial in all decisions, both in fact and in appearance. The hearing officer shall not engage in ex parte contact with any person concerning the appeal either before or after the appeal hearing.

C. The manager or clerk shall solicit persons who are willing to serve as hearing officers, and shall maintain a list of interested persons determined to be qualified.

D. Upon an appeal being filed, the manager shall appoint the hearing officer and shall report the appointment to the council.

E. Compensation of the hearing officer shall be determined by council legislation prior to the hearing. (Ord. 07-018 § 5, 2007)

17.98.015 Stay on appeal.

An appeal stays the decision or order appealed until a written decision is rendered by the hearing officer; provided, that the hearing officer may, upon motion, vacate the stay if it is determined to protect the public's health, safety and welfare. (Ord. 07-018 § 5, 2007)

17.98.020 Notice of appeal – Appeal fee.

A. As set forth in this title, a decision of the commission may be appealed by filing an appeal application with the clerk on a form provided by the clerk. The appeal application shall clearly state the grounds of the appeal, and include the appellant's mailing address or that of the appellant's representative.

B. Except as provided in subsection (C) of this section:

1. An appeal application shall include a nonrefundable filing fee, established in the current, adopted budget, and a deposit, established in the current, adopted budget, for preparation of the appeal record, advertising and mailing costs.
2. Upon receipt of the appeal record, the clerk shall reasonably determine the cost of preparation of the appeal record, advertising and mailing costs. If the costs exceed the amount of the deposit, the clerk shall invoice the appellant for the excess. The invoice shall be paid within 15 business days of receipt of the invoice by the appellant or the appeal will be dismissed. The clerk shall return to the appellant all amounts in excess of the actual costs of preparing the appeal record, advertising and mailing.

C. Within the time frame for filing the appeal application, an appellant may request the city waive payment of part or all of the fee and costs described in subsection (B) of this section because of the appellant's indigence. The request shall include a sworn financial statement in a form approved by the clerk. The clerk will grant or deny the request based on a determination of whether the appellant is indigent. (Ord. 07-029 § 34, 2007; Ord. 07-018 § 5, 2007)

17.98.030 Preparation of appeal record.

A. Upon the timely filing of an appeal, the clerk shall request the record from the city staff. The city staff shall provide the record to the clerk within 30 calendar days of the request. The record shall contain all pertinent records including:

1. A verbatim transcript of the proceedings before the commission from which the appeal has been taken.
2. Copies of all documentary evidence, memoranda and exhibits, correspondence and other written material submitted to the commission prior to the decision from which the appeal is taken.
3. A copy of the written decision of the commission, including its findings and conclusions.

B. Upon completion of the record, the clerk shall mail or personally serve the appeal record on the hearing officer, the appellant, the applicant, if not the appellant, and each other interested person who has submitted a written request for a copy of the appeal record. Interested persons requesting a copy of the record shall be charged on a per page basis. (Ord. 07-018 § 5, 2007)

17.98.040 Written arguments.

A. Brief of Appellant. The appellant may file a written brief of points and authorities in support of those

allegations of error specified in the appeal letter with the clerk's office not later than 15 calendar days after service of the appeal record. The clerk shall mail or otherwise deliver a copy of the appellant's brief to the city staff and hearing officer assigned responsibility for the appeal.

B. Brief of Appellee. The appellee may submit to the clerk a written reply to the appeal letter and any brief no later than 30 calendar days after service of the appeal record. The clerk shall mail or otherwise deliver a copy of the appellee's brief to the appellant, city staff and hearing officer assigned responsibility for the appeal.

C. Reply Brief. The appellant may file a written reply brief to appellee briefs submitted pursuant to subsection (B) of this section. The appellant's reply brief is due no later than 10 calendar days after service of notice that the appellee briefs have been filed.

D. Form of Briefs. All briefs shall be typewritten on eight-and-one-half-inch by 11-inch pages. The text of the brief shall be double-spaced other than quotations from the record, case law or other applicable law or exhibits which cannot be retyped on eight-and-one-half-inch by 11-inch pages. The brief of the appellant is limited to 25 pages exclusive of exhibits. The brief of the appellee is limited to 25 pages exclusive of exhibits. The reply brief is limited to 10 pages exclusive of exhibits. The clerk shall not accept a brief unless it is in the form prescribed by this section and filed within the time prescribed by this section. (Ord. 07-018 § 5, 2007)

17.98.050 Distribution of appeal packet – Notice of hearing.

Following the time set for receipt of written arguments from the appellant and appellee, the clerk shall prepare and distribute to the hearing officer an appeal packet containing the notice of appeal, the appeal record, written comments by interested parties, and any briefs filed in accordance with PMC 17.98.040. Notice of the hearing date shall be published in a newspaper of general circulation and shall be mailed or personally served to the appellant and appellee. Interested persons requesting a copy of the record shall be charged on a per page basis. (Ord. 07-018 § 5, 2007)

17.98.060 Conduct of hearing.

A. The meeting at which the hearing officer hears an appeal shall be open to the public and a record of the hearing shall be made.

B. The hearing shall be subject to the following order and time limitations:

1. City staff: 10 minutes to present the decision of the commission;
2. Appellant: 15 minutes;
3. Appellee: 15 minutes;
4. Interested persons: three minutes each;
5. Appellant, for rebuttal: five minutes.

C. The hearing officer may question each of the parties listed under subsection (B) of this section.

D. The hearing officer may adjourn the hearing for deliberative purposes. (Ord. 07-018 § 5, 2007)

17.98.070 Scope of review.

A. The hearing officer shall hear an appeal solely on the basis of the appeal packet and oral testimony as described in PMC 17.98.060(B).

B. The hearing officer may exercise his or her independent judgment on legal issues raised by the appellant. The term "legal issues," as used in this section, means those matters that relate to the interpretation or construction of ordinances or other provisions of law.

C. The hearing officer shall defer to the judgment of the commission regarding disputed issues or findings of fact unless a substitution of his or her independent judgment pursuant to subsection (D) of this section is made. Findings of fact adopted expressly or by necessary implication by the commission may be considered as true if they are supported in the record by substantial evidence. The term "substantial evidence," for the purpose of this section, means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.

D. Notwithstanding the provisions of subsection (C) of this section, the hearing officer may substitute his or her independent judgment for that of the commission on any disputed issues or findings of fact. Such judgment must be supported on the record by substantial evidence. (Ord. 07-018 § 5, 2007)

17.98.080 Decision.

A. The hearing officer shall decide an appeal on the basis of the appeal packet, in accordance with the standards of PMC 17.98.070.

B. The hearing officer may affirm or reverse the decision of the commission in whole or in part. A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with PMC 17.98.090(A).

C. Every decision of the hearing officer to affirm or reverse the decision of the commission pursuant to subsection (A) of this section shall be in writing and shall be based upon and include findings and conclusions adopted by the hearing officer. Such findings must be reasonably specific so as to provide the community, and, where appropriate, reviewing authorities, a clear and precise understanding of the reason for the hearing officer's decision. The hearing officer may seek the assistance of the city staff in the preparation of findings.

D. Every final decision of the hearing officer shall clearly state it is a final decision with respect to all issues involved in the case, and that the parties have 30 days from the date of mailing, or other distribution of the decision, to file an appeal to the superior court.

E. A decision by the hearing officer to remand the case on one or more issues, in accordance with PMC 17.98.090(A), is not a final decision with respect to any issue involved in the appeal. Notwithstanding the foregoing, all matters decided by the hearing officer (except those remanded pursuant to PMC 17.98.090) will be deemed a final decision following the lower administrative body's decision, provided no appeal is perfected within the time period specified in PMC 17.72.080.

F. A hearing officer's decision remanding a case on one or more issues, in accordance with PMC 17.98.090(A), will include the following statements:

1. The decision is the final decision with respect to all matters resolved therein when, following the lower administrative body's decision on remand, no appeal is perfected within the time period specified in this section; and
2. The parties have 30 calendar days from the expiration of said time period to appeal to the superior court. (Ord. 07-018 § 5, 2007)

17.98.090 Remedies.

A. Where the hearing officer reverses or modifies a decision of the commission in whole or in part, its decision shall finally dispose of the matter on appeal, except that the case shall be remanded to the commission where the hearing officer determines either that:

1. There is insufficient evidence in the record on an issue material to the decision of the case; or
2. There has been a substantial procedural error which requires further public hearing.

A decision remanding a case shall describe any issue on which further evidence should be taken, and shall set forth any further directions the hearing officer deems appropriate for the guidance of the commission.

B. The commission shall act on the case upon remand in accordance with the decision of the hearing officer in the minimum time allowed by the circumstances. Cases on remand following a decision of the hearing officer shall take precedence over all other matters on the commission's agenda. (Ord. 07-018 § 5, 2007)

The Palmer Municipal Code is current through Ordinance 14-016, passed May 27, 2014.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website:

<http://www.cityofpalmer.org/>

City Telephone: (907) 745-3271

Code Publishing Company

VOTE ON MOTION: MCU

2. Text amendment to Title 17, Zoning, Authorizing the Planning and Zoning Commission to hear Variance Requests.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE, to recommend approval of Ordinance 07-021 authorizing the Planning and Zoning to hear variance requests.

Ms. Jansen provided the staff report:

- City Council requested the legislation for a hearing officer be drawn up and forwarded to them;
- the city clerk worked with the city attorney and Cindy Cartledge, attorney for the Council on process matters during the last appeal;
- addressed application fees and separate fee for the hearing officer on the new ordinance; and
- stated that variances may only be granted if the request meets state regulations.

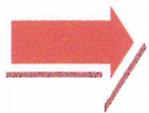
Commissioner Madar inquired why the ordinance is being brought before the Commission; Ms. Jansen advised it was done at the direction of the City Council.

Commissioner Brown asked what the hearing officer would look at during an appeal; Ms. Jansen responded they would look at whether proper procedures were followed.

Commissioner Kerslake inquired what the next step in an appeal would be after a hearing officer; Ms. Jansen stated it would be Superior Court.

Commissioner Madar stated he had concerns about one person making the decision on an appeal and felt that the elected council should be the ones to make the decision. Commissioner Brown pointed out that the hearing officer would review procedural issues rather than render a new decision.

VOTE ON MOTION: MCU



3. Text amendment to Title 17, Zoning, Enacting 17.98, Appeals to a Hearing Officer

COMMISSIONER SILVA moved, seconded by COMMISSIONER Hamming, to recommend approval of Ordinance 07-018 enacting Chapter 17.98 Hearing Officer.

Ms. Jansen provided the staff report:

- The proposed ordinance would change the appeal process by substituting a hearing officer for the City Council;
- add definitions to the code; and the
- the previous appeal of a conditional use permit lead to the decision by the City Council to change the process.

Commissioner Hamming asked for clarification as to whether it was the council's desire to be totally out of the appeals process or to have legal council during the process. The

decision on a conditional use permit is made by the appointed Planning and Zoning Commission; Commissioner Hamming spoke in favor of keeping the process nonpolitical by having it heard by a hearing officer.

Commissioner Madar spoke against the ordinance and stated it is the City Council's responsibility to make those decisions.

Commissioner Brown asked staff on what grounds a hearing officer could overturn a decision on a conditional use permit. Staff responded that the council and the hearing officer have a lot of latitude in making their decisions; the findings can be subjective.

Commissioner Silva asked how the ordinance was drafted; staff responded ordinances from the City of Wasilla, the City of Anchorage, and the Mat-Su Borough were all reviewed and the ordinance is a compilation of the best parts of those ordinances.

Commissioner Hamming asked whether the hearing officer would look at procedures and findings of fact to determine whether the facts were correct; staff responded in the affirmative. Commissioner Hamming then spoke in favor of the ordinance.

VOTE ON MOTION: Motion failed 3 to 3.

Madar	Kerslake	Hamming	AlLee	Silva	Brown	Kircher
N	N	Y	Y	Y	N	

Staff advised that the decision might be appealed and may come up for discussion on August 28, 2007; she suggested that members of the Commission come to the meeting to provide comments.

4. Text amendment to Title 17, Zoning, Enacting 17.90, Accessory Dwelling Units

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE, to suspend the rules to discuss the text amendment.

VOTE ON MOTION: MCU

Staff presented information regarding the new Accessory Dwelling Unit (ADU) ordinance:

- The ordinance is a new chapter in the code and will address the size of the ADU, location, application process, allowable districts for ADU's, number of ADU's allowed per lot;
- The ordinance is based on ordinances from Santa Cruz, CA, Anchorage, and two model ordinances; and
- The owner of the property must live on site more than six months out of the year and sign a statement that they understand the rules and limitations.

Discussion followed regarding:

- Detached ADU's, and their possible locations especially as it relates to the front plane of the principle dwelling unit;

- Backup Generator Project upgrade; and
- Traffic issues caused by the Fair.

3. Friday Fling Update

Jeff Johnson reported on the following items:

- Friday Fling Market origination with the Greater Palmer Chamber of Commerce;
- Market in operation for the past five years;
- “Veggies in Motion” art exhibition funded by the Mat-Su Health Foundation and Mat-Su Regional Hospital;
- Friday Fling Walkabout participation by 800 people;
- Market held 52 booths, 42 booths per week were averaged in 2007;
- Goal to select vendors who market Alaska Made items;
- Between 400 and 500 persons at the Market at one time; and
- Increased business traffic in town on Fridays.

F. AUDIENCE PARTICIPATION

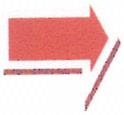
David Holladay:

- voiced concern regarding the Mat-Maid property;
- spoke of email correspondence from Kristan Cole regarding interest in the Palmer Mat-Maid facility;
- urged the council to request that Governor Palin set aside the property for Palmer development; and
- described the Borough tax assessment of the property as \$300-400,000.

Mark Parmelee:

- spoke of the audience resources available to speak to resolution no. 07-015.

G. PUBLIC HEARINGS



Item 1 – Public Hearing – Ordinance No. 07-018: Amending Palmer Municipal Code Section 17.08.215, Hearing Officer Definition; Section 17.72.080 Appeal, to Refer Appeals to a Hearing Officer; and Enacting Chapter 17.98, Appeals to a Hearing Officer (IM 07-039)

Mayor Combs opened the public hearing for ordinance no. 07-018. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

MOVED BY:	Pippel	To adopt ordinance no. 07-018
SECONDED BY:	Vanover	

Council Member Pippel:

- commented on the Planning and Zoning Commission recommendation;
- described the previous appeal hearing heard at the council level;
- spoke in favor of the hearing officer process; and
- commented on the inability to fill the current boards, commissions, and/or council.

Council Member Wood:

- spoke of the role of a Board of Adjustment;
- recommended the ordinance be sent back to Administration to examine utilization of a Board of Adjustment; and

- stated he was unable to support a hearing officer.

Mayor Combs:

- questioned the ability of citizens to comprehend the magnitude of an appeal;
- described the hearing officer as an arbitrator; and
- voiced support of the ordinance as written.

Attorney Gatti:

- commented on the previous appeal process;
- spoke of Board of Appeals and Adjustments and stated the Board may seek advice from an attorney;
- commented on the skills and qualifications of a hearing officer attorney;
- recommended the council undertake the hearing officer process;
- expanded on the need for implementation of a process prior to the filing of another appeal;
- commented on the council’s role in a quasi-judicial capacity; and
- described the issues involved in an appeal as being complex and the need for an attorney to sort out the issues.

Council Member Hanson:

- voiced support of the hearing officer process;
- described the recent appeal as a highly technical exercise; and
- commented on public opportunities to respond to a Planning and Zoning Commission issue.

VOTE ON MOTION: Carried by 6-1 voice vote.					
	Yes:			No:	
Pippel	Erbey	Vanover		Wood	
Hanson	Best	Combs			

Item 2 – Public Hearing – Ordinance No. 07-021: Amending Palmer Municipal Code Chapter 17.76, Variance, Whereby All Variance Requests are Heard Before the Planning and Zoning Commission and Establish a Variance Appeal Process (IM 07-040)

Mayor Combs opened the public hearing for ordinance no. 07-021. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

MOVED BY:	Hanson	To adopt ordinance no. 07-021
SECONDED BY:	Pippel	

VOTE ON MOTION: Carried by 6-1 voice vote.					
	Yes:			No:	
Pippel	Erbey	Vanover		Wood	
Hanson	Best	Combs			

Item 3 – Public Hearing – Ordinance No. 07-023: Amending Palmer Municipal Code Title 17, Zoning, by Enacting Chapter 17.49 A-M Airport Mixed Use District (IM 07-038)

WASILLA APPEALS PROCESS

Chapter 16.34

APPEALS TO THE PLANNING COMMISSION

Sections:

16.34.005 Definition.

16.34.010 Ex parte contact.

16.34.020 Stay.

16.34.030 Appeal to the planning commission.

16.34.040 Notice of hearing.

16.34.050 Preparation of record.

16.34.060 Hearing.

16.34.070 Decision.

16.34.005 Definition.

“Interested person” means, with respect to a decision of the city planner or planning commission, the applicant, any person adversely affected by the decision who appears before the city planner or planning commission and made an oral or written presentation, and any governmental agency. (Ord. 04-03 § 2 (part), 2004)

16.34.010 Ex parte contact.

A planning commissioner shall be impartial in all decisions, both in fact and in appearance. No planning commissioner may engage in ex parte contact with any person interested in an appeal concerning the appeal either before or after the appeal hearing. (Ord. 04-03 § 2 (part), 2004)

16.34.020 Stay.

An appeal to the planning commission stays the effectiveness of the decision or order of the city planner until the planning commission finally decides the appeal; provided, that the planning commission may vacate the stay if doing so is necessary to avoid immediate danger to public health and safety. (Ord. 04-03 § 2 (part), 2004)

16.34.030 Appeal to the planning commission.

Any interested person may appeal a decision or order of the city planner to the planning commission by filing a written notice of appeal with the city planner on a form provided by the city planner within fifteen (15) calendar days after date of the decision or order. The notice of appeal shall state with specificity the grounds for the appeal, include the appellant’s mailing address or that of the appellant’s attorney, and be accompanied by a filing fee of two hundred fifty dollars (\$250.00). (Ord. 09-46 § 2, 2009; Ord. 04-03 § 2 (part), 2004)

16.34.040 Notice of hearing.

A. Upon the timely filing of an appeal, the city planner by regular mail or personal service shall deliver notice of the appeal within three business days to the appellant and the owner of each property that is the subject of the decision or order appealed from. The notice shall include:

1. A brief description of the decision or order appealed from; and
2. The appellant’s notice of appeal. (Ord. 04-03 § 2 (part), 2004)

16.34.050 Preparation of record.

A. The city planner shall submit the appeal to the planning commission at the next regular planning commission meeting occurring at least fifteen (15) business days after the filing of an appeal. The city planner shall forward all pertinent information related to the appeal to the planning commission for review.

B. The city planner shall publish at least once the time and place of the hearing in a newspaper of general circulation within the city at least five calendar days prior to the hearing.

WASILLA APPEALS PROCESS

Such notice shall state the nature of the appeal, the location of the property that is the subject of the appeal, and the time and place of hearing. Notice by regular mail of the time and place of hearing shall be given to each interested party and to each record owner of any property that immediately adjoins the property that is the subject of the appeal. A notice of hearing shall be posted in a conspicuous manner on the property that is the subject of the appeal. (Ord. 04-03 § 2 (part), 2004)

16.34.060 Hearing.

A. Only persons who have submitted written arguments to the planning commission prior to the meeting may present oral arguments at the hearing. A written argument must include the name, physical and mailing addresses of the person submitting the argument.

B. At the hearing, oral argument shall be subject to the following order and time limitations, unless the planning commission, for good cause shown, permits a change in the order or an extension of time:

1. City planner or representative, five minutes to present the city position and to set forth the evidence and reasons relied upon for the decision.
2. Appellant or representative, five minutes.
3. Each interested person supporting or opposing the appeal, five minutes.
4. Appellant, for rebuttal, five minutes. (Ord. 07-58(AM) § 4, 2007; Ord. 04-03 § 2 (part), 2004)

16.34.070 Decision.

A. The planning commission shall base the decision upon the record and argument presented at the hearing. The planning commission may affirm, reverse, or modify the decision or order of the city planner in whole or in part.

B. The planning commission's decision shall be in writing and shall state that it is a final decision, include the planning commission's findings of fact and conclusions of law, and notify the parties of their right to appeal under Section 16.36.060.

C. The planning commission's decision shall be mailed by regular mail or personally delivered by the city planner within ten (10) business days after the planning commission's decision was final to the appellant and each interested person submitting written testimony at the hearing. (Ord. 04-03 § 2 (part), 2004)

SOLDOTNA APPEALS PROCESS

17.10.430 Administrative appeals.

- A. Scope. This section governs all administrative appeals taken under this zoning code.
- B. Who May Appeal. Any persons with interests in real property which are affected by an action or determination made under this zoning code may appeal such action or determination.
- C. Period for Appeal. An administrative appeal taken to a higher agency must be filed within 14 days of the action or determination being appealed.
- D. Application. An application for administrative appeal shall be filed with the Administrative Officer, shall be in writing, and shall contain, but not be limited to, the following information:
 - 1) Name and address of the applicant;
 - 2) A description of the action of determination from which appeal is sought; and
 - 3) The reason for the appeal, which must include a description of the harm which the appellant will suffer. The Administrative Officer shall immediately transmit a copy of the application for appeal to the City Clerk.
- E. Stay of Enforcement. An appeal stays enforcement proceedings unless the Board of Adjustment or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the Administrative Officer.
- F. Body to Hear Appeals.
 - 1) Appeals from an action or determination of the Administrative Officer are heard by the Commission.
 - 2) Appeals from an action or determination of the Commission are heard by the City Council serving as the Board of Adjustment.
 - 3) Appeals from a decision, action or determination of the Board of Adjustment shall be taken directly to the Superior Court of the State of Alaska.
- G. Procedures. All administrative appeals made under this zoning code shall be governed as follows:
 - 1) All appeals shall be decided following an appeal hearing by the governing body with whom the appeal has been filed and within 45 days after the filing.
 - 2) The appellant, all parties who have participated in the decision, and adjacent property owners shall be notified of the appeal hearing as provided in Section 17.10.430 of this zoning code.
 - 3) All persons taking part in the appeal may be represented by such persons as they desire, may produce additional new evidence as necessary, and may dispute evidence introduced by any party.
 - 4) An electronic recording shall be kept of the entire proceedings and shall be reduced to written minutes. The electronic records shall be preserved for one year unless required for further appeals.
 - 5) All decisions shall be in writing and shall be based solely upon the record before the governing body hearing the appeal and shall make reference to evidence contained in the officially adopted minutes and decision of the agency from which the appeal was taken.
 - 6) The governing body deciding an appeal shall adopt as part of its decision an official statement of findings and reasons supporting its decision. This statement shall refer to specific evidence in the record and to the controlling sections of this zoning code. Upon express vote, the governing body may adopt, as its statement of findings and reasons,

SOLDOTNA APPEALS PROCESS

those findings and reasons officially adopted by the governing body below from which the appeal was taken.

- 7) Copies of the governing body's decision and official statement shall be promptly mailed to all parties participating in the appeal hearing.
- 8) Any party participating in an administrative appeal proceeding shall have 30 days from the date of the final decision of the Board of Adjustment to appeal that decision to the Superior Court. Any decision not appealed within that period shall become final. No appeal shall be taken to the Superior Court unless and until the appellant has exhausted his or her administrative remedies.
- 9) The city council, in accordance with the provisions of this zoning code, may or may not adopt the amendment as a city ordinance. (Ord. 752 § 2, 2001; Ord. 692 § 1, 1999)



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-016**

- SUBJECT:** Discussion of Proposed Kennel Ordinance
- AGENDA OF:** July 17, 2014
- ACTION:** Review and discuss proposed Ordinance No. 14-0xx regarding the licensing and operation of dog kennels within Palmer city limits
- Attachment(s):** Ordinance No. 14-0xx
Chart of Kennels in Alaska Zoning Codes
PMC 17.36.020 Permitted Uses in Industrial District
PMC 17.57.020 Permitted Uses in Agricultural District
PMC 17.58.020 Permitted Uses in Business Park District
PMC 17.54 RR Rural Residential District
- Summary:** Due to annexation, there are properties which operate dog kennels that have been "grandfathered" into the City of Palmer. Currently there is no procedure in code for the operation of a dog kennel within Palmer city limits besides obtaining a City of Palmer business license. The proposed ordinance will establish a procedure for the licensing and operation of a dog kennel within city limits and will ensure the location of the dog kennel is appropriately zoned for such use.
- The operation of a dog kennel would be appropriate in the I-Industrial district and the AGR-Agricultural district due to the noise and disturbance from boarding dogs. The BP-Business Park district does permit "veterinarian clinics and boarding kennels; provided, that such an activity be conducted within a completely enclosed building, except that outdoor exercise yards may be permitted".
- Recommendation:** Review proposed Ordinance No. 14-0xx and move forward to City Council with recommendation for adoption.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 14-0XX

An Ordinance of the Palmer City Council Enacting Palmer Municipal Code Chapter 6.18 Licensed Dog Kennels

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Chapter 6.18 is hereby enacted to read as follows:

Chapter 6.18

LICENSED DOG KENNELS

6.18.010 Licenses required.

In addition to the registration requirements of this chapter and Title 17, a person shall not operate a kennel facility without having a license issued pursuant to this chapter.

6.18.020 Licensing procedure.

- A. A person wishing to obtain a kennel license shall make an application to the city manager or designee. The application shall include:
 - 1. An application fee as required in the current, adopted budget;
 - 2. The name and address of the kennel owner;
 - 3. The name and address of the operator;
 - 4. The kennel name;
 - 5. The number and breeds of dogs to be kept in the facility;
 - 6. The physical location of the kennel;
 - 7. A diagram of the premises on which the applicant proposes to operate under the license. The diagram shall show:
 - a. The lot lines and the location and dimensions of yards and structures on the premises where the applicant proposes to operate under the license; and

- b. The designated parts of the premises on which dogs will be kept.
- c. A formal survey of the premises is not required.
- 8. Proof of a current rabies vaccination for each dog kept in the facility that is over the age of three months.
- B. A license shall not be issued to any person who has been convicted of neglecting an animal or cruelty to an animal.
- C. An inspection may be conducted in accordance with PMC 6.18.XXX.
- D. A written report shall be prepared containing the findings, including any reason why the proposed facility does not meet the standards set forth in this chapter and Title 17 and any steps which the applicant may take to make the facility qualify for a license. The ~~Department of Community Development~~ City manager or designee shall give the applicant the copy of the report.

6.18.030 License expiration.

A kennel license shall be valid for a period of three years from the issue date.

6.18.040 Changes in ownership or location.

Changes in ownership or location of the kennel shall cause the kennel to be re-registered as provided for in this chapter.

6.18.050 License renewal.

- A. An application to renew a kennel license shall be made before the current license expires, and shall be made in the same manner as an application for a new license.
- B. An applicant for renewal may rely upon materials submitted with a prior application for a kennel license provided the information accurately portrays the current condition of the kennel and the applicant certifies there have been no significant changes since the prior application.

6.18.060 Kennel requirements.

- A. A kennel shall not be maintained or operated in a manner which is unsanitary, an annoyance or in any other way jeopardizes the health and well-being of any animal.
- B. All kennel facilities shall meet the following requirements:
 - 1. Shelter which provides adequate air and ventilation and which shall prevent the dogs from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the dog;
 - 2. Dogs shall be physically restrained or confined within the premises of the kennel;
 - 3. The premises shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the dogs; and
 - 4. Sufficient amounts of wholesome and nutritious food and fresh water shall be provided to keep the dogs in healthy physical condition.

6.18.070 Kennel inspections.

- A. The city may inspect a kennel that has applied for a kennel license to ensure compliance with this chapter and Title 17, prior to the issuance of a kennel license. Any inspection shall require the owner be given reasonable notice prior to the inspection time and date.

- B. Upon receiving written complaint that the kennel does not meet any or all of the requirements of this chapter ~~and~~ or Title 17, the city may inspect any kennel, at reasonable times, between eight a.m. and ten p.m.

6.18.080 License revocation.

- A. A kennel license may be immediately revoked for a conviction of the owner for cruelty to animals in violation of PMC 6.08.010 or AS 11.61.140.
- B. If, upon the inspection of a kennel, the kennel does not meet the requirements of this chapter and Title 17, the city may issue a written administrative order to the kennel owner setting forth the conditions the kennel owner shall meet in order to be in conformance with this title.
- C. The kennel owner shall be granted a reasonable length of time of no more than thirty (30) calendar days within which to remedy any deficiencies found.
- D. If, upon a second inspection after the time granted in the written administrative order, the kennel is still in violation of any provision of this chapter ~~and~~ or Title 17, the city may revoke the license.
- E. Each day a kennel owner operates the kennel without a license constitutes a separate violation for operating a kennel without license.
- F. Violation of the written administrative order under this provision shall result in the fine established in the current, adopted budget.
- G. Notwithstanding this section, the city may immediately order the closing of a kennel and the impoundment of all animals if conditions of the kennel pose an imminent risk to the health and safety of the animals or to the public. The owner of the kennel may appeal the closure pursuant to PMC 6.18.090.

6.18.090 Right to appeal.

- A. A kennel license owner aggrieved by the city's determination is entitled to a hearing before a hearing officer, pursuant to the following procedures:
1. A request for a hearing shall be in writing and filed with the clerk within five business days of the date the kennel owner is served with the city's written administrative order.
 2. Within five business days of receipt of the written request for a hearing by the clerk, a hearing date shall be set no sooner than 20 calendar days, nor later than 30 calendar days, after receipt of the request.
 3. The **appropriate city department** shall file the record with the clerk regarding the case within five business days after receipt of notice of appeal.
 4. Witness lists, written briefs by the kennel owner and **appropriate city department**, and other information to be considered by the hearing officer shall be filed by the parties no less than five business days before the hearing.
- B. A person who files an appeal under this section may withdraw that appeal by a written request to the clerk.

6.18.100 Conduct of hearing.

- A. The meeting at which the hearing officer deliberates and decides an appeal shall be open to the public and a record of the hearing shall be made.
- B. The hearing shall be subject to the following order and time limitations:
1. City: 10 minutes to present his or her decision;
 2. Kennel owner: 15 minutes;
 3. Appellee: 15 minutes;
 4. Interested persons: three minutes each;

5. Kennel owner, for rebuttal: five minutes.
- C. Upon hearing the evidence, the hearing officer shall deliberate and issue written findings and conclusions based on the evidence on the record within 10 business days of the hearing.

6.18.110 Filing fees.

- A. The filing fee, established in the current, adopted budget, shall accompany an appeal to the hearing officer from a determination and related administrative order.
- B. If an appeal is withdrawn, the filing fee shall be reimbursed to the person who filed the appeal based on the following schedule:
 1. Filing date through 10 business days: 75 percent.
 2. More than 11 business days after filing date: zero percent.

6.18.120 Appeals to superior court.

- A. Appeals by the kennel owner from the written decision of the hearing officer shall be to the superior court in Palmer, Alaska, and governed by the 600 series of the Alaska Rules of Appellate Procedure.
- B. The clerk shall estimate the cost of preparing the transcript of the hearing and compiling the record on appeal. The kennel owner shall deposit the estimated costs for preparation of the transcript and record with the clerk in advance. Upon completion of the record on appeal, the clerk shall refund any excess deposit or charge to the animal owner for costs exceeding the deposit.
- C. The hearing before the superior court is an administrative appeal heard solely on the record established before the hearing officer.

Section 4. Effective Date. Ordinance No. 14-0XX shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this _____ day of _____, 2014.

DeLena Goodwin Johnson, Mayor

Janette M. Bower, MMC, City Clerk

Kennels in Alaska Zoning Codes

Zoning Code	Zoning District	By Right	CUP
Palmer			
	BP Business Park	✓*	
	AG Agricultural	✓	
Wasilla			
	RR Rural Residential		✓
	R2 Residential		✓
	C Commercial		✓
Soldatna			
	RR Rural Residential		✓
	CL Commercial Limited		✓
	CG Commercial General		✓
	I Industrial	✓	
Homer			
	RR Rural Residential		✓
	CG Commercial General		✓
Sitka			
	C1 Commercial Limited		✓
	C2 Commercial General		✓
	I Industrial		✓
Bethel			
	GU General Use	✓*	

* Only if kennels are indoors with outdoor fenced runs.