

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

---

**REGULAR MEETING  
THURSDAY, July 21, 2011  
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, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Madar, Commissioners Kerlake, Kircher and Weir. Commissioner Campbell was not in attendance. Also present were Sandra Garley, Community Development Director, and Ron Anderson, Recording Secretary. A quorum was established.

Commissioner Campbell joined the meeting at 7:07 pm. Commissioner Campbell had notified staff earlier that day, that he would be arriving just after 7:00.

C. PLEDGE OF ALLEGIANCE: The Pledge was led by Mr. Snodgrass, a member of the audience.

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

E. MINUTES OF PREVIOUS MEETINGS:

The minutes of the July 21, 2011 Planning and Zoning Commission meeting were approved as amended.

F. PERSONS TO BE HEARD:

There were no persons to be heard during this meeting.

G. PUBLIC HEARINGS:

1. Consideration of a Conditional Use Permit to allow Alaska Bible College to operate a college on Block 1, Lots 1-3 Tract B, Matanuska Maid RSB, at 248 E. Elmwood Avenue, Palmer, AK

**Commissioner Madar** read the Conditional Use Permit into the record and asked if there was a motion to approve the Conditional Use Permit.

**COMMISSIONER KERSLAKE** moved, seconded by **COMMISSIONER KIRCHER** to approve the Conditional Use Permit to allow Alaska Bible College to operate a college on Block 1, Lots 1-3 Tract B, Matanuska Maid RSB, at 248 E. Elmwood Avenue, Palmer, AK

**Commissioner Madar** requested a staff report on this request for a Conditional Use Permit.

Mrs. Garley presented the following staff report. On July 6, 2011, 178 public hearing notices were mailed to property owners within 1,200' of the site in accordance with 17.80.030. Notification of the public hearing was published in the Anchorage Daily News on July 13, 2011. 5 comments were received in response, with 4 in favor of and 1 against.

The lot is 1.89 acres in size and is currently designated as C-L, Commercial Limited District. The college can be accessed from East Elmwood Avenue and East Fireweed Avenue. The C-L District permits a college to operate upon issuance of a conditional use permit

The surrounding properties are primarily commercial limited, with one, large public tract to the south-west of its boundary.

In order for the Commission to approve a Conditional Use Permit the Code requires that the Commission make five findings. The first finding that the Commission would have to make is that the conditional use will preserve the value, spirit, character and integrity of the surrounding area. Staff recommends a finding that the proposed use will preserve the value, spirit, character and integrity of the surrounding area because the college is located on a property where a K-12 private school had operated. The property has additional space dedicated for outside activities. The site currently offers adequate off-street parking and, if additional spaces are required, these can be developed on existing land. A school has existed in this building from approximately 1994 until June of 2011, as an illegal, nonconforming use. The Palmer Municipal Code was amended in 2010 and a college was added as a conditional use for a C-L District. However the existing school did not apply for a conditional use permit at that time.

The second finding that the Commission would have to make is that the conditional use fulfills all other requirements of Title 17.72 pertaining to the conditional use in question. Staff recommends a finding that the conditional use may meet all requirements of Title 17.72 because:

- a) In a C-L District a building is limited to 35' in height. The current building is a single story building and meets this requirement.
- b) The lot size covered by the application will be 1.89 acres or 82,378 square feet; the minimum lot size permitted is 7,200 square feet (less than ¼ acre). The width of the lot is 287 feet; the minimum lot width permitted is 60 feet.
- c) The projected enrollment for the college is unknown. Final figures for required number of parking spaces will be calculated upon submission of the final as-built plan.

- d) Landscaping is currently along the perimeter of the property and additional landscaping will be added to the parking area as required by PMC 17.64.080.
- e) All signage must comply with the requirements of PMC Title 14, Signs. Signage location and size shall be submitted with the sign permit application.

The third finding that the Commission would have to make is that granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort of the neighborhood.

Staff recommends a finding that there is no evidence of harmful emissions, odor, vibrations or glare, having been produced by services of this type. Colleges are commonly located in similar districts without harmful impacts. The applicant is aware of the noise ordinance (PMC Title 8) and intends to comply with the requirements of the code. The impact on traffic generated by the college would occur primarily along East Fireweed Avenue. Adequate parking and an improved parking lot design could greatly reduce the anticipated congestion at the location.

The fourth finding that the Commission would have to make is that there are sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions.

Staff recommends a finding that there are sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions as previously addressed in Item 2. Any improvements to the property must meet all requirements of PMC, Title 17, Zoning.

The fifth finding that the Commission would have to make is, if the permit is for a public use or structure, is the proposed use or structure located in a manner which will maximize public benefits.

Staff recommends a finding that the college is privately owned and therefore not a public facility or structure. There is a public aspect of a college since this service is needed in the community like the City of Palmer.

A college is a Conditional Use allowed in an C-L Commercial Limited district. Based on our review of the request, Community Development recommends approval of the Conditional Use Permit to allow for the operation of a college, with the following conditions:

- 1) Landscaping shall meet the requirements of PMC 17.64.080.
- 2) Parking requirements shall meet all the requirements of PMC 17.64.
  - a. The total number of parking spaces will be determined upon submittal of final plans for the college. Parking requirements must meet section 17.64.031 Parking, of the Palmer Municipal Code.
  - b. All parking areas shall be designed so no parking space requires the backing of a vehicle into public rights-of-way.
  - c. Turning and maneuvering space shall be located entirely on private property.

- d. Interior landscaping and areas will be determined by the final number of parking spaces.
- 3) Obtain all necessary sign and driveway permits from the City of Palmer.
- 4) The Conditional Use Permit will be considered to be in force upon submittal of required permits and a final inspection for compliance.
- 5) Project and site use must comply with all laws and ordinances of federal, state and local governments.

COMMISSIONER MADAR requested a presentation of the proposal by the applicant.

Mr. Nick Ringger introduced himself as the President of the Alaska Bible College. He has served as President of Alaska Bible College for the last three years. The college was established in 1966 in Glenallen as a four year program. The college received its national certification as a four year college in 1988. The Average enrollment is 50 to 55 full time students.

Mr. Ringger stated that he was excited about operating the school in Palmer. Part of the requirements for each student is volunteer work in the community. Last year students performed over 2000 hours of community service in Glenallen. Palmer offers a greater opportunity for this type of service due to its larger size and the number of senior centers within the city.

The college is working to move staff to Palmer in preparation of opening the college. In this way the community will also benefit from the college as well.

COMMISSIONER MADAR asked when the college was planning to open.

Mr. Ringger stated that the final state certification of the college was due to be completed within the week. It was the current plan to offer 5 or 6 evening classes this fall.

COMMISSIONER MADAR asked if there was anyone in the audience who wished to speak further on this matter.

There were no additional comments from the audience.

COMMISSIONER MADAR asked for final comments from the Commission.

COMMISSIONER KERSLAKE was in favor of approving the college. The conditions in the staff report provide adequate guidelines for the operation of the school.

COMMISSIONER CAMPBELL agreed and felt the college would be a nice addition to the city.

COMMISSIONER WEIR also supported the idea of a college in Palmer.

COMMISSIONER KIRCHER suggested approving the findings of fact in the staff report. He asked that all of the conditions listed be included in the final permit.

COMMISSIONER MADAR agreed.

COMMISSIONER KIRCHER moved, seconded by COMMISSIONER MADAR, to approve all five findings of fact as submitted by staff.

**ROLL CALL VOTE ON MOTION [recommending approval of findings]:**

Campbell	Kerslake	Kircher	Madar	Weir	Vacant	Vacant
1. The conditional use permit will preserve the value, spirit and integrity of the surrounding areas.						
Y	Y	Y	Y	Y	--	--
2. The proposed conditional use permit will meet all the requirements of Title 17.72						
Y	Y	Y	Y	Y	--	--
3. Granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort of the neighborhood.						
Y	Y	Y	Y	Y	--	--
4. Is there sufficient setbacks, lot area, buffers or other safeguards being provided to meet all conditions as outlined by code?						
Y	Y	Y	Y	Y	--	--
5. If the permit is for a public use or structure, is the proposed use or structure located in such a manner to maximize public benefits.						
Y	y	Y	Y	Y	--	--

**ROLL CALL VOTE ON MOTION [recommending approval of findings]: Carried Unanimously.**

Commissioner Madar requested a roll call vote on the original motion to approve the Conditional Use permit to allow Alaska Bible College to operate at 248 E. Elmwood Avenue, Palmer, AK.

**ROLL CALL VOTE ON MOTION [recommending approval of original motion]:**

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

**ROLL CALL VOTE ON MOTION [recommending approval of original motion]: Carried Unanimously.**

COMMISSIONER KIRCHER asked when the Conditional Use Permit would go the Palmer City Council.

Mrs. Garley reminded the Commission that it had the final say in granting a Conditional Use Permit and their decision was final.

Mrs. Garley then explained the appeal process to both the Commissioners and those present in the audience. She explained that any person, including members of the Commission, or those on either side of the issue was allowed to file an appeal. This appeal would then be heard before a hearing officer and that decision would be final. She further explained that the appeal procedure was outlined in the Palmer Municipal Code Title 17.98, Appeals.

Mrs. Garley explained that the code was available on line at the City of Palmer web site. She also stated that if any person had a question or needed help with the appeals process or Code, they could contact either her or Mr. Anderson for assistance.

Mrs. Garley explained that any appeal must be filed within 20 calendar days of this evenings meeting. There were no questions raised by any person about this process.

2. Consideration of a Zoning Map Amendment application to re-zone 7.99 acres of land located at Township 18 N., Range 2 E., Section 33, Lots D-22, D-24, D-25 and D-26, Seward Meridian, Palmer, AK, from R-4 High Density Residential to R-1 Residential.

**Commissioner Madar** read the Zoning Map Amendment request to re-zone three properties into the record and asked if there was a motion to approve the Zoning Map Amendment request.

**COMMISSIONER KERSLAKE** moved, seconded by **COMMISSIONER KIRCHER** to approve the Zoning Map Amendment request to re-zone 7.99 acres of land located at Township 18 N., Range 2 E., Section 33, Lots D-22, D-24, D-25 and D-26, Seward Meridian, Palmer, AK, from R-4 High Density Residential to R-1 Residential.

**Commissioner Madar** requested a staff report on this request for this Zoning Map Amendment.

Mrs. Garley presented the following staff report. On July 7, 2011, 192 public hearing notices were mailed to property owners within 1,200' of the site in accordance with 17.80.030. Notification of the public hearing was published in the Anchorage Daily News on July 13, 2011. 5 comments were received in response, with 5 in favor of and 0 against.

The lots as 7.99 acres in total size and are currently designated as R-4, High Density Residential District. The property can be accessed from East Arctic Avenue.

The surrounding land uses are primarily single family, residential to the north, east and south, with high density residential and some commercial use to the west of its boundary.

This property is located on Arctic Avenue which is an arterial road within the city limits of Palmer. This location would lend itself well to being developed as residential properties. It is adjacent to an existing public land use area and other additional residential properties already.

There are several findings of fact that the Commission must consider before approving the re-zoning request. For the audience, unlike a Conditional Use Permit, the Commission acts in an advisory capacity. Any action recommended by the Commission will be moved forward to the City Council for final action.

The first finding that the Commission would have to make is that the proposed change is in accordance with the borough and city comprehensive plan:

Staff recommends a finding that the proposed use will preserve the value, spirit, character and integrity of the surrounding area and support both the borough and city comprehensive plan. By shifting the emphasis in this area from predominately high density residential units to single family developments helps to ensure this section of town is an attractive place to live.

This change will also encourage the high quality residential neighborhood that is essential for Palmer's continued growth. This will also help to retain its heritage as a family oriented community. This change would also encourage the development of housing along an arterial highway. This highway could easily accommodate this increase in population and use.

This re-zone would also allow Palmer to maintain a positive connection with the natural settings enjoyed in the valley. It would also help to maintain the quality of the natural environment through lower population density.

Fact two that you must find is that the proposed change is compatible with surrounding zoning districts and the established land use pattern.

Staff recommends a finding that the surrounding properties are mostly R-1 single family residential parcels. The remaining properties that border these are R-4 High Density Residential, which would still provide this type of housing units for the city. The residential district that borders this property to the north and south, would benefit from having residential housing adjoining to them.

The third fact you must find is that public facilities such as schools, utilities and streets are adequate to support the proposed change.

Staff recommends a finding that the request is to down-zone the properties from a High Density Residential, to R-1 Residential parcels. This re-zone would greatly reduce the

demand on schools, utilities and the roads that service this property. This new zoning will reduce the population density for the entire property and thereby reduce the future burdens on the school system and utilities.

If this land were to be used as currently zoned, it could accommodate an additional 129 families. If this were realized, there would be an additional load placed on the local schools, the road service area for this increase in traffic and a need for increased utilities and city services for these families.

This change would provide relief to all of these facilities and services and provide a rural area for future growth of the city.

The fourth fact you must find is that the changed conditions affecting the subject parcel or the surrounding neighborhood will support the proposed change.

Staff recommends a finding that the surrounding properties are already predominately residential use. There are sections of land to the west and north that would remain R-4 High Density Residential. That would allow a mix of residential uses within the city as a whole. The change in zoning would better serve the adjoining properties and the new use of this land would increase the land use for residents of Palmer and enhance and support the current land use pattern for the area.

The final fact you must find, is the proposed change is consistent with public welfare and will it grant a special privilege to the owners.

Staff recommends a finding that the proposed change is consistent with the public welfare since the proposed land use will remain residential. The re-zone will grant no special privilege to the owner as the surrounding properties contiguous to these properties are R-1, single family residential. The public and the school systems will benefit from a decrease in demand on its facilities. The city will benefit from an increase in family housing within the city limits and this will also provide a more rural feel to the town in keeping with its history.

Staff respectfully recommends that the Commission move forward to City Council, this Zoning Map Amendment to re-zone the properties from R-4 High Density Residential, to R-1 Residential parcels.

COMMISSIONER MADAR requested a presentation of the proposal by the applicant.

Mr. Jack Snodgrass started his presentation by noting the correction to the finds of fact. The re-zoning would not provide a large green belt as stated in the packet but would provide the rural feel and housing as stated in Mrs. Garley's presentation.

Mr. Snodgrass started his presentation by locating the properties on the Zoning Map located on the wall in Council Chambers. This was to give the Commission a visual picture of the surrounding land uses.

He indicated that he walked the highway and discovered that even if a nearby property was zoned as high density, it was used as a single family residential property. This action would bring the properties into a similar use as the other adjoining lots.

Mr. Snodgrass closed his comments by saying the staff report was well done and supported the required findings of facts as well.

COMMISSIONER MADAR asked if there were any questions for Mr. Snodgrass.

COMMISSIONER KERSLAKE asked how many lots were being considered for re-zoning and if these lots would be subdivided in the future.

Mr. Snodgrass stated that there were 4 lots and they totaled just less than 8 acres. He further added that he lived on there and had no immediate plans to subdivide any of these lots. He certainly wouldn't want a forty-plex as a neighbor.

COMMISSIONER MADAR asked if there was anyone in the audience who wished to speak further on this matter.

There were no additional comments from the audience.

COMMISSIONER MADAR then asked for final comments from the Commission.

COMMISSIONER KERSLAKE liked the idea of additional single family housing in Palmer. He thought he heard that new City Manager for Palmer had a difficult time finding housing within the city.

COMMISSIONER KIRCHER agreed with the thought that this was a good idea.

COMMISSIONER CAMPBELL agreed with Commissioner Kircher.

COMMISSIONER WEIR agreed as well.

COMMISSIONER MADAR agreed with the Commission.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KIRCHER, to approve the findings of fact from staff as amended.

**ROLL CALL VOTE ON MOTION [recommending approval of findings]:**

<b>Campbell</b>	<b>Kerslake</b>	<b>Kircher</b>	<b>Madar</b>	<b>Weir</b>	<b>Vacant</b>	<b>Vacant</b>
1. The proposed change is in accordance with the borough and city comprehensive plans.						
Y	Y	Y	Y	Y	--	--
2. The proposed change is compatible with the surrounding zoning districts and the established land use pattern.						
Y	Y	Y	Y	Y	--	--

3. Public facilities such as schools, utilities and streets are adequate to support the proposed change.						
Y	Y	Y	Y	Y	--	--
4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change.						
Y	Y	Y	Y	Y	--	--
5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).						
Y	Y	Y	Y	Y	--	--

**ROLL CALL VOTE ON MOTION [recommending approval of findings]: Carried Unanimously.**

COMMISSIONER MADAR requested a roll call vote on the original motion to approve the Zoning Map Amendment allow the four properties to be re-zoned.

**ROLL CALL VOTE ON MOTION [recommending approval of motion]:**

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

**ROLL CALL VOTE ON MOTION [recommending approval of motion]: Carried Unanimously.**

COMMISSIONER MADAR asked staff when this request might go forward to City Council.

Mrs. Garley felt that the application might be heard at the August 23 Council meeting and be considered for a final vote at the September meeting.

3. Consideration of a Zoning Map Amendment application to re-zone 19.25 acres of land located at Township 18 N., Range 2 E., Section 33, Lot A-15, Seward Meridian, Palmer, AK, from R-2 Low Density Residential to P-Public.

**Commissioner Madar** read the Zoning Map Amendment request to re-zone the property into the record and asked if there was a motion to approve the Zoning Map Amendment request.

**COMMISSIONER KIRCHER** moved, seconded by **COMMISSIONER KERSLAKE** to approve the Zoning Map Amendment request to re-zone 19.25 acres of land located at Township 18 N., Range 2 E., Section 33, Lot A-15, Seward Meridian, Palmer, AK, from R-2 Low Density Residential to P-Public.

**Commissioner Madar** requested a staff report on this request for this Zoning Map Amendment.

Mrs. Garley presented the flowing staff report. On July 6, 2011, 170 public hearing notices were mailed to property owners within 1,200' of the site in accordance with 17.80.030. Notification of the public hearing was published in the Anchorage Daily News on July 13, 2011. 4 written comments were received in response, with 3 in favor of and 1 against.

The lot is 19.25 acres in size and is currently designated as R-2, Low Density Residential District. The property can be accessed from East Arctic Avenue.

The surrounding properties are primarily public, with one, large residential tract to the west of its boundary.

This property is located on Arctic Avenue which is an arterial road within the city limits of Palmer. This location would lend itself well to being developed as a recreational site. It is adjacent to an existing public land use area and is used extensively as recreational site already.

The first finding that the Commission would have to make is that the proposed change in accordance with the borough and city comprehensive plan.

Staff recommends a finding that the proposed use will preserve the value, spirit, character and integrity of the surrounding area and support both the borough and city comprehensive plan. One of the main goals of the city comprehensive plan is to improve public services, facilities and infrastructure. Included in this broad goal is a more specific goal to provide increased youth and additional adult recreational activities. This parcel is located near a public zoning district on its north and east sides. This would be an enhancement to the existing public land use.

If this land becomes public land it is intended to become part of a larger educational/recreational site for soccer and any other such outdoor activities. This will provide much needed additional recreational services for both youths and adults. This re-zone specifically addresses this key goal and helps the city to accomplish this goal.

The second fact to consider is how the proposed change is compatible with surrounding zoning districts and the established land use pattern.

Staff recommends a finding that the surrounding properties are mostly P-Public parcels. The residential district that borders this property to the west, would benefit from having a large area of property on its boarder. Even a low density residential development on the property would significantly impact the housing to the west.

The third fact you must find is that public facilities such as schools, utilities and streets are adequate to support the proposed change.

Staff recommends a finding that the request is to down-zone the property from a Low Density Residential property to a P-Public parcel. This re-zone has the potential to greatly reduce the demand on schools, utilities and the roads that service this property.

This new zoning will reduce the population density for the entire property and therefore reduce the future burdens on the school system and utilities.

If this land were to be used as currently zoned, it could accommodate an additional 100 families. If this were realized, there would be an additional load placed on the local schools, the road service area for this increase in traffic and a need for increased utilities and city services for these families.

This proposed change would provide relief to all of these facilities and services and provide a significant increase for a majority of the population.

The fourth fact you must find is that the changed conditions affecting the subject parcel or the surrounding neighborhood will support the proposed change.

Staff recommends a finding that the surrounding properties are predominately Public lands presently used as educational/recreation areas. There is a section of land to the west that is R-1 Residential. The change in zoning would better serve the adjoining residential properties and public use properties and the new use of this land would increase the land use for residents of Palmer and enhance and support the current land use pattern for the area.

The final fact you must find, is the proposed change is consistent with public welfare and will it grant a special privilege to the owners.

Staff recommends a finding that the proposed change is consistent with the public welfare since the proposed land use will be open to the public. The re-zone will grant no special privilege to the owners. The public and the school systems will benefit from an increase in recreational and educational lands. The city will benefit from a large green area in the city limits which will provide a more rural feel to the town in keeping with its history.

Staff respectfully recommends that the Commission move forward to City Council, this Zoning Map Amendment request to re-zone the property from an R-2 Low Density Residential property to a P-Public parcel for final action at a later date.

COMMISSIONER MADAR requested a presentation of the proposal by the applicant.

Mr. Richard Stryken mentioned that he represented the Mat-Su Valley Ventures, LLC. They had purchased this property in anticipation of a Request For Proposal (RFP) from the Borough. The original plan was to use this land to relocate the ball fields currently behind the current Borough building, build a new 72,000 square foot borough building at that location and renovate the old Borough building for use by the city of Palmer.

This project did not go through but his company was approached by the Borough to see if they would be interested in selling this property. If purchased the Bough would like to use it as a public district. One of the uses would be for an expansion of the Charter

School. When the new gymnasium was built, at a cost of 2.5 million dollars, it did not meet the City of Palmer parking requirements, so it could not be used in the capacity it was designed.

Charter school is hoping to expand as well. They plan on constructing several modular classrooms to accommodate the increase in enrollment. The ball fields need additional parking as well. Currently fans park off site and must walk across adjoin properties to use the fields. There is also a need for additional parking at the elementary school as well. Additionally there is poor access to the existing parking for this school. The acquisition of these additional lands will correct a multitude of problems for the Matanuska Susitna Borough and the school district as well. That is the reason a request has been made to rezone this land use to public.

COMMISSIONER MADAR asked if there were any questions for Mr. Stryken.

There were no additional questions from the Commission.

COMMISSIONER MADAR asked if there was anyone in the audience who wished to speak further on this matter.

There were no additional comments from the audience.

COMMISSIONER MADAR then asked for a discussion of the proposal by the Commission.

COMMISSIONER KIRCHER stated that he had often wondered when this particular property would stop gathering dust and be put to good use. He was glad that the gymnasium might finally be used as it was intended.

COMMISSIONER KERSLAKE expressed his approval of this request.

COMMISSIONER WEIR indicated that she also liked the idea and supported the proposal.

COMMISSIONER CAMPBELL also offered his support for this action.

COMMISSIONER MADAR also supported this proposal.

COMMISSIONER KIRCHER moved, seconded by COMMISSIONER WIER, to approve the findings of fact as presented by staff.

**ROLL CALL VOTE ON MOTION [recommending approval of findings]:**

<b>Campbell</b>	<b>Kerslake</b>	<b>Kircher</b>	<b>Madar</b>	<b>Weir</b>	<b>Vacant</b>	<b>Vacant</b>
1. The proposed change is in accordance with the borough and city comprehensive plans.						
Y	Y	Y	Y	Y	--	--
2. The proposed change is compatible with the surrounding zoning districts and the established land use pattern.						
Y	Y	Y	Y	Y	--	--
3. Public facilities such as schools, utilities and streets are adequate to support the proposed change.						
Y	Y	Y	Y	Y	--	--
4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change.						
Y	Y	Y	Y	Y	--	--
5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).						
Y	Y	Y	Y	Y	--	--

**ROLL CALL VOTE ON MOTION [recommending approval of findings]: Carried Unanimously.**

COMMISSIONER MADAR requested a roll call vote on the original motion to approve the Zoning Map Amendment allow the four properties to be re-zoned.

**ROLL CALL VOTE ON MOTION [recommending approval of motion]:**

<b>Campbell</b>	<b>Kerslake</b>	<b>Kircher</b>	<b>Madar</b>	<b>Weir</b>	<b>Vacant</b>	<b>Vacant</b>
Y	Y	Y	Y	Y	--	--

**ROLL CALL VOTE ON MOTION [recommending approval of main motion]: Carried Unanimously.**

COMMISSIONER MADAR asked staff if this request would go forward to City Council at the same time as the first proposal on tonight’s agenda.

Mrs. Garley felt that the application might be heard at the August 23 Council meeting as well and be considered for a final vote at the September meeting.

**H. UNFINISHED BUSINESS:**

1. Consideration of a Conditional Use Permit to allow Peak/Precision Power of Palmer, Alaska, to construct a Natural Gas Fired, Co-generation Power Plant, on the East Portion of Palmer Industrial Park Subdivision Tract G-1, Palmer, Alaska.

**Commissioner Madar** reminded the Commission that a motion to approve this request had been made during the July 21, 2011 Planning and Zoning Commission meeting and no new motion was required. The Commission was waiting on a report for the height of the smoke stacks. Commissioner Madar then requested a staff report on this request for a Conditional Use Permit.

Mrs. Garley reminded the Commission that COMMISSIONER KERSLAKE moved, and was seconded by COMMISSIONER MADAR to approve that request.

Staff had had made five recommendations and had recommended approval of the Conditional Use Permit in the I-Industrial District, with the following conditions:

- 1) Landscaping shall be provided as indicated on the site plan.
- 2) Parking requirements shall meet the requirements of PMC 17.64.
- 3) The maximum building height shall be three stories or 50 feet above grade but, due to the amended request, the smoke stack height shall not exceed 60' in height.
- 4) Obtain all necessary building permits from the City of Palmer.
- 5) Project and site use must comply with all laws and ordinances of federal, state and local governments.

Staff has provided each Commissioner with an additional packet that contains pictures and drawings for the 60' stack height. During the June meeting the applicant indicated the stack height may have to be as high as 80'. This issue has been resolved by the Alaska Department of Energy Conservation (ADEC) and ADEC has approved the lower stack height. Any questions that the Commission might have can now be answered by the applicant.

COMMISSIONER MADAR requested a presentation of the proposal by the applicant.

Mr. Larry Junker introduced himself as being with Peak Oilfield Service. He stated that his firm and their air quality engineers had worked out the calculations with ADEC and that ADEC was satisfied that 60' stacks would meet all requirements.

Mr. Junker stated that at the last meeting he was trying to be completely honest with the Commission and ADEC had not approved any height for the stacks then.

COMMISSIONER MADAR asked if there were any questions for Mr. Junker.

There were no additional questions from the Commission.

COMMISSIONER MADAR asked if there was anyone in the audience who wished to speak further on this matter.

There were no additional comments from the audience.

COMMISSIONER KERSLAKE moved, seconded by COMMISSIONER CAMPBELL, to approve all five findings of fact as submitted by staff.

**ROLL CALL VOTE ON MOTION [recommending approval of findings]:**

<b>Campbell</b>	<b>Kerslake</b>	<b>Kircher</b>	<b>Madar</b>	<b>Weir</b>	<b>Vacant</b>	<b>Vacant</b>
1. The conditional use permit will preserve the value, spirit and integrity of the surrounding areas.						
Y	Y	Y	Y	Y	--	--
2. The proposed conditional use permit will meet all the requirements of Title 17.72						
Y	Y	Y	Y	Y	--	--
3. Granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort of the neighborhood.						
Y	Y	Y	Y	Y	--	--
4. Is there sufficient setbacks, lot area, buffers or other safeguards being provided to meet all conditions as outlined by code?						
Y	Y	Y	Y	Y	--	--
5. If the permit is for a public use or structure, is the proposed use or structure located in such a manner to maximize public benefits.						
Y	y	Y	Y	Y	--	--

**ROLL CALL VOTE ON MOTION [recommending approval of findings]: Carried Unanimously.**

Commissioner Madar requested a roll call vote on the original motion to approve the Conditional Use permit Peak Oilfield Service Company to construct a power plant.

**ROLL CALL VOTE ON MOTION [recommending approval of original motion]:**

<b>Campbell</b>	<b>Kerslake</b>	<b>Kircher</b>	<b>Madar</b>	<b>Weir</b>	<b>Vacant</b>	<b>Vacant</b>
Y	Y	Y	Y	Y	--	--

**ROLL CALL VOTE ON MOTION [recommending approval of original motion]: Carried Unanimously.**

COMMISSIONER MADAR asked staff when this Conditional Use Permit would be completed so the requester would be able to pick up his copy.

Staff stated that the permit would be completed by Monday, July 25, 2011 if that was convenient for the requester. The requester agreed on this date.

2. Review of a proposed parking plan for compliance with a Conditional Use Permit to allow a Child Care Facility to operate at 612 N. 1<sup>st</sup> Street, Palmer, Alaska.

COMMISSIONER MADAR staff if a motion was required to approve this Conditional Use

Permit.

Mrs. Garley informed the Commission that a Conditional Use Permit had been approved during the last Planning and Zoning Commission meeting held during June.

However, the applicant was to furnish staff a completed parking plan for review before this meeting was held. No plan was provided by the applicant. No Conditional Use Permit can or will be issued until the applicant is in complete compliance with all the conditions contained in the permit.

Commissioner Kircher asked if there was any action to be taken by the Commission on this permit.

Mrs. Garley answered there was no action needed at this time.

COMMISSIONER MADAR noticed Mrs. Euwer in attendance and asked her if she would like to address the Commission.

Mrs. Euwer stated that she had contacted several contractors asking them to provide a plan for a parking area at the daycare. She stated that the contractors told her that there was not enough room on her property to comply with City Codes listed on the Conditional Use Permit.

Mr. Anderson contacted me with a proposed parking plan. I estimated the cost to be \$75,000 to remove all the trees, level the dirt and provide a parking surface. In today's economy nobody can afford to spend that much money to provide a parking area.

I don't know what to do. I just wanted to move one of my fences and provide parking for just the staff. That's all we really need parking for. But the City says I need 11 parking spaces. (Mr. Anderson corrects the number to 10 parking spaces.) It would cost too much even to just provide for 10 parking spaces.

In 1981 I once sold the daycare. In this letter from the City it says the use must not cease for more than 60 consecutive or I would forfeit my right to operate a daycare at that location. I closed the doors and did not use it as a daycare but it was available to be a daycare all that time.

Commissioner Madar asked Mrs. Euwer if she had canceled her business license during this time.

Mrs. Euwer answered that she had canceled her business license. She stated that she

did pay taxes as a commercial building. The City did not object to the new business license was issued. Why something wasn't said to her at that time if there was a problem.

I need one more year before I can stop the operation. I don't have that type of money.

Commissioner Madar asked who Mrs. Euwer asked to provide her with an estimate or parking plan.

Mrs. Euwer once again felt that there was not room to develop a parking plan. Mrs. Euwer did provide the Commission with a copy of a parking plan that staff had developed. This parking plan seemed to indicate that there was enough space to accomplish a sensible plan and comply with the conditions outlined in the Conditional Use Permit.

Mrs. Euwer objected to this parking plan because it was too expensive and the mothers would have to walk an additional 20 feet to drop off their children. This plan also called for removing trees on her property.

Mr. Anderson said that the City was not in a position to provide Mrs. Euwer the layout of the parking plan. This plan was only provided as a starting point and to demonstrate that perhaps there was room for ample parking. Gravel was considered for the surface of the parking.

Commissioner Kircher suggested that the Job Corps might provide free labor to remove the trees and reduce the cost for the project. He further stated that some gravel companies may even be willing to donate the gravel and she might find volunteer workers to help spread the gravel as well. He expressed concern that there should be some progress soon in addressing this problem.

Mrs. Garley mentioned that there was a genuine need for daycare in Palmer. However, the residents along 1<sup>st</sup> street have been frustrated by the parking problem. Resolution of where people park their cars and how they enter and leave the building is key.

If it takes 6 months or a year to complete this plan then it does not really benefit the neighborhood. Solve the issue by not allowing the Conditional Use Permit or by taking care of the parking problem.

We have been contacted by the State of Alaska to see if the property is properly zoned. The license for the daycare is set to expire in a very short period of time. The applicant has a very short time to get approve from the City. It would behoove the applicant to

start moving forward in a really timely manner. The State of Alaska is waiting to hear from us before granting this renewal.

Commissioner Kerslake asked how many children attended the daycare center and if it was a non-profit organization.

Mrs. Euwer said that the daycare was licensed for 40 children and she didn't know if the operator had filed to become a non-profit. Mrs. Euwer felt that it was very difficult to get non-profit status.

Commissioner Madar asked Mrs. Euwer about income potential from the daycare. Was a past figure of over \$300,000 dollars accurate?

Mrs. Euwer said that sounds like a lot of money, but the State mandates staffing, and all other conditions which drive down the profit. That's why some daycares end up being bankrupt.

Commissioners Madar and Kircher both stated that traffic and backing still remains a major safety concern.

Commissioner Kerslake asked how the number of parking spaces was determined.

Mr. Anderson said the number was based on the square footage of floor space and the number of daycare staff as well. If parking was computed base on number of children, the parking spaces required would be 15 spaces for the children and an additional 5 spaces would be required for staff. Code would require 20 spaces, but that number seemed to be high. Required parking is a hit or miss condition. Cars arrive at different times. 10 Parking spaces seemed to be the absolute fewest parking spaces to accommodate expected traffic.

A general discussion occurred addressing the best type of parking surface for the lot. That issue was not resolved.

Mrs. Garley stated that the State had a deadline for renewal of this license. There could be no permit without a parking plan. Parking needed to addressed this year and 'before the snow flies' so eliminate the safety concerns of the residents.

She further stated that this issue would be on the August agenda. At that time a parking plan with an acceptable time line would be presented or the Conditional Use Permit would be allowed to expire.

Mrs. Euwer expressed one last question. What happens to the building when the daycare goes away? Can it be used as a duplex?

Mrs. Garley stated that was grandfather rights and those went away when a daycare was established.

Commissioner Madar closed this discussion by noting it was not the duty of the Commission to advise Mrs. Euwer. It was her responsibility to comply with the permit conditions and provide the Commission with her plan for review. He suggested talking with the operator of the daycare to reach a solution. A lot of people opposed this action. The current situation is still too dangerous.

Mrs. Garley said that an acceptable parking plan with an acceptable time for completion would be needed by the August 18, 2011 meeting.

Mr. Larry Hill asked permission to speak on the record. Mr. Hill felt that it was the duty of the Commission to ensure the Palmer City Code was upheld by all members of the community. Parking is still the main issue. There is room to provide adequate parking.

The street is very narrow. It is still a gravel road and this extra traffic is destroying the street. All of these issues need to be addressed and resolved. People are still upset about the safety of their children. I feel it is unfair to allow Mrs. Euwer additional time to comply. The residents have tolerated these conditions for far too long.

Mrs. Garley reminded the members of the Commission that their job was a very important job. She asked them not to be swayed by people who threaten to sue over an action. The actions taken so far are completely in line with City Code and an adverse action on the part of an angry citizen would be answered by the City and its legal staff. She felt that the Commission can be faced with difficult decisions, but they do an excellent job of weighing the testimony and reaching a fair decision.

#### I. NEW BUSINESS:

1. The Board of Economic Development meeting for July was covered by Commissioner Madar.

Commissioner Madar informed the Commission that the Board of Economic Development passed a motion to have items added to the minutes for consideration. These items included:

- Consideration of allowing for the purchase of a two year business license,
- Establishing a way to pay sales tax on-line,
- Providing an on-line business license application,
- Establishing point of delivery as a basis for sales tax,

- Establishing a procedure for short-term, non-profit events such as gun shows,
- Maintaining the current State Fair licensing procedure for events over 50,000 in attendance,
- And the establishment of a onetime permit fee for these smaller events.

Commissioner Madar offered to provide a copy of this motion to any interested individuals.

General comments from the Commissioners were in support of these proposed improvements and all hoped that these measures would encourage rather than discourage business in Palmer.

J. PLAT REVIEWS:

There was no plat reviews scheduled for this meeting.

K. PUBLIC COMMENTS:

There were no public comments presented at this meeting.

L. STAFF REPORT:

Mrs. Garley mentioned that there was a scheduled joint meeting of the City Council and The Planning Commission on August 16, 2011. The City Council feels these meetings are very productive and encouraged the Commissioners to attend. A copy of the agenda would be provided as soon as it becomes available.

Commissioner Madar reminded the Commission that the last time a joint meeting was scheduled, there were not enough present to establish a quorum and the meeting had to be cancelled.

Mrs. Garley also mentioned that this meeting would present an opportunity to ask for the Council's help in filling the two vacant positions on the Planning and Zoning Commission.

M. COMMISSIONER COMMENTS:

**Commissioner Campbell** apologized to the Commission and members of the audience for arriving late to the meeting. He explained that he had to work late in Anchorage and arrived as early as he was able.

**Commissioner Kerlake** asked about the status of the draft Rural Agricultural District ordinance.

**Commissioner Madar** provided a brief update for Commissioner Kerlake as to the current status of the ordinance.

**Commissioner Kircher** felt the Commission had accomplished a lot this evening. But the web cam at the Library is down, and this makes numerous times it has been

mentioned.

**Commissioner Madar** had no additional comments for the Commission.

**Commissioner Weir** had no additional comments for the Commission.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:40 p.m.

---

Michael W. Madar, Chairman

---

Ron Anderson, Recording Secretary