

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

**REGULAR MEETING
THURSDAY, AUGUST 20, 2015
7:00 P.M. - COUNCIL CHAMBERS**

- A. CALL TO ORDER:
The regular meeting of the Planning and Zoning Commission was called to order by Vice Chairman Kircher at 7:00 p.m.
- B. ROLL CALL:
Present and constituting a quorum were Commissioners:
 Michael Kircher, Vice Chairman
 Dan Lucas
 David Petty
 Douglas Cruthers
Excused absence(s):
 William Kerslake, Sr., Chairman
 Merry Maxwell
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 Petty.
- D. APPROVAL OF AGENDA: The agenda was approved as presented.
- E. MINUTES OF PREVIOUS MEETING(S):
The minutes of the July 16, 2015 Regular Meeting were approved as presented.
- F. PERSONS TO BE HEARD:
There were no audience members wishing to speak on a topic not on the agenda.
- G. PUBLIC HEARING(s):
1. **Resolution No. 15-008:** A Resolution of the Palmer Planning and Zoning Commission Approving the Planned Unit Development Concept for VOA/VRS Palmer Family Housing to Permit the Construction of 88 Family Rental Housing Units located on Tax Parcel C8 in Section 4, Township 17 North, Range 2 East, Seward Meridian, located south of East Cope Industrial Way and adjacent to the MTA Events Center and Palmer Job Corps.

Staff Report: Ms. Garley reported background and site information on subject request for approval of a Planned Unit Development (PUD) on the stated parcel. All notice and publishing requirements pursuant to code have been met. A total of 42 written comments were received in response, with 1 in favor, 33 opposed, 2 no objection, 2

concerns, and 1 undecided. See full written report including city department and public comments in the packet [pages 11-100]. Ms. Garley explained the intent of the PUD Conditional Use process. This parcel is currently undeveloped and zoned R-1, single family residential. The application was submitted by Ron Bateman of Lumen Design LLC and Valley Residential Services on behalf of owners, Duaine Arthur Richards and Ardith Eleanor Richards, Co-Trustees of the Richards Family Trust.

Following are staff-recommended findings of fact based on standards outlined in code for the Commission's consideration and approval if it concurs following the public hearing:

Fact 1) The planned unit development will preserve the value, spirit, character and integrity of the surrounding area.

Staff finds the following facts support this finding: The surrounding area includes a mix of land uses from businesses such as Terra Sond, public uses like the middle school, Fire Training Center, Borough Nutrition Center, Job Corps, MTA Events Center and soccer fields, Eagle Ridge Apartments, and Mountain Rose PUD and Mountain Rose East PUD. The proposed residential project has been designed to incorporate as much of the surrounding mountain views as possible. Garages for each unit are being proposed to eliminate the need for large parking lots. The walking paths with the proposed development will connect to other surrounding public areas. The south side of the site has the lowest housing density and a privacy fence and landscape screen is being proposed.

Fact 2) The planned unit development fulfills all other requirements of this title pertaining to the planned unit development in question.

Finding: The PUD project has met all of the requirements of this title. This parcel is 9.30 acres which exceeds the minimum required lot area of 60,000 for a PUD. The lot width of this parcel is approximately 495 feet which exceeds the required minimum lot width of 50 feet for the underlying R-1 district. An application was submitted on July 13, 2015 along with payment of fees. Additional information requested by staff was received on July 22, 2015.

Fact 3) The planned unit development will not be harmful to the public health, safety, convenience and comfort of the neighborhood.

Finding: The PUD project has proposed an inner network of pathways and trails within the housing units connecting to the City maintained public streets and will be served by the City water and sewer system. Propose entry to the PUD's private roads is from S. Chugach, a City-maintained collector street, via an extension of E. Commercial Drive. No through traffic is proposed between Chugach and Cope Industrial Way. Minor internal roads are designed as hammer heads instead of traditional cul de sacs. A secondary emergency access is proposed to Cope Industrial Way through development of a fire lane with emergency gate. This design has been reviewed and approved by the Palmer Fire Chief as meeting emergency service requirements for fire trucks.

Space for a community garden is located on the northeast side of the parcel away from the closest existing residential housing. The proposed playground space is located in the central area of Phase I of the two phases of development adjacent to the

pedestrian pathway through the development and approximately 240' from the exterior property boundary.

Fact 4) Sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions.

Finding: All buildings sit back from the roads at least 20 feet with the buildings towards the south end of the property set back 50 feet from the property line and the adjoining Mountain Rose Estates PUD. There will be a privacy fence and landscape screen along the south end of the property to serve as a buffer. The proposed site plan shows 1.3 acres used for roads, driveways and guest parking; 1.6 acres for the building footprint and private parking; 1.85 acres for existing easements; .8 acres for required setbacks; and 3.8 acres will be open outdoor space.

Fact 5) If the planned unit development is for a public use or structure, the proposed use or structure is located in a manner which will maximize public benefits.

Finding: The PUD project proposed for this parcel is not for a public use or structure as the property is under private ownership.

Fact 6) Each development must provide space for private use and reasonable visual and acoustical privacy for dwelling units on and off the site. Mitigating measures may include fences, insulation, walls, barriers and landscaping.

Finding: Each dwelling includes a private entrance, private garage and a fenced 200 square feet private outdoor space behind each unit have been proposed. Walkways and trails within the housing units have been proposed. A privacy fence and a landscape screen along the south side of the property have been proposed. A community garden, a community center and playground area are in the proposal. The concept landscape plan shows landscaping along walkways and paths with concentration of landscaping along the main route and the north property.

The 22 buildings will be varying heights ranging from 12 feet to 35 feet to help promote a neighborhood appearance. The buildings vary from a minimum of three dwelling units per building to a maximum of five dwelling units per building. Buildings are orientated along the interior private roads to maximize views of mountains from each unit and to minimize monolithic look of the proposed development.

Fact 7) Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light and air.

Finding: The PUD project proposes a 20 foot separation from each building with a 20 foot setback from all roads to provide adequate circulation of natural light and air. This parcel is 9.30 acres. The proposed PUD shows 1.3 acres used for roads, driveways and guest parking; 1.6 acres for the building footprint and private parking, 1.85 acres for existing easements; .8 acres for required setbacks; and 3.8 acres will be open outdoor space.

The 22 buildings will be varying height ranging from 12 feet to 35 feet to help promote a neighborhood appearance. The buildings vary from a minimum of three dwelling units per building to a maximum of five dwelling units per building.

Fact 8) The PUD must be integrated with surrounding land uses and minimize any

negative impacts of them.

Finding: The PUD's location is surrounded by a mix of public, business, high density residential uses and is adjacent to existing planned unit developments. Among the surrounding uses are Palmer Job Corps, Mountain Rose Estates, MTA Events Center, Palmer Junior Middle School, Terra Sond, the Fire Training Center, and Mountain Rose and Mountain Rose East Condos and Eagle Ridge apartment buildings.

The privacy fence and landscape screen along the south side will help to minimize the impact on the neighboring residential PUDs. The varying heights of the buildings will help to lessen the visual impact on the surrounding land uses and mountain views, as oppose to a single, continuous, uniformed height for the entire project.

Fact 9) The PUD must be shown not to overload the street system or result in unsafe access or danger to pedestrians and must be in conformance with the most recently adopted city traffic study.

Finding: The proposed extension of E. Commercial Drive will meet City standards for road construction. Access to the proposed PUD to the City road network will impact S. Chugach Street, classified as a collector street, and Cope Industrial Way which is designed to handle the commercial traffic generated by the businesses on the Palmer Municipal Airport and other high traffic uses such as the MTA Events Center and the middle school and Job Corps. Both Chugach and Cope Industrial Way are maintained by the City.

The connecting interior walkways and trails proposed within the PUD will help to lessen pedestrian traffic along the interior roads. Private interior roads will be maintained by the developer.

Fact 10) Parking, loading spaces, and landscaping must comply with the requirements of Chapter 17.64 PMC and be adequate and safe for the proposed use and in conformance with the requirements of the underlying zone, unless a reduction is approved under PMC 17.84.130(B). The commission may require a surety bond to guarantee development and one year of maintenance of these improvements.

Finding: The proposed PUD will provide sufficient spaces to meet the parking requirements of 2 spaces for each dwelling by supplying a single car garage and driveway for each unit plus additional parking areas for guests. The site plan also shows adequate parking for the proposed community building. The proposed parking analysis reflects 195 required spaces; 217 parking spaces are proposed.

Concept landscape plans have been provided, the landscaping will be in compliance with Palmer code requirements.

Fact 11) The PUD must provide an attractive mix of designs, setbacks, elevations and floor plans. Generally, identical designs should not be proposed of adjoining lots.

Finding: The proposed PUD project provides 21 small clusters of buildings with a mix of varying unit sizes, different floor plans and varying elevations. The building structures include 6 buildings with three dwelling units, 5 buildings with four dwellings, and 10 buildings with five dwellings and one community center. The gross floor area and height of the buildings are varied and oriented along the interior street to provide varying views. The PUD proposed community center, community garden area,

pathways, and playground also visually break up the built space.

Fact 12) All proposed improvements for roads, storm drains, sewer, water and sidewalks must meet the current standard specifications of the city.

Finding: The proposed PUD will be connected to the City water and sewer system. The PUD proposes to use rain gardens and infiltration basins for storm water containment. The applicants are working with Public Works to meet all City requirements for roads, storm drains, sewer, water and sidewalks.

If following the public hearing, the Commission finds that the applicant's proposal conforms to the Palmer Comprehensive Plan and zoning code requirements, staff recommends that the request be approved and the following conditions applied:

1. All subsequent development shall comply with all State, Federal, and local laws, statutes, regulations and ordinances.
2. The applicant shall, within one year of the date of commission approval of the preliminary PUD plan, submit a final PUD plan of the proposed development to the zoning administrator, which must incorporate all the changes and conditions required by the commission.
3. The 12.5' greenbelt easement along the boundary of this parcel and C9 be maintained.
4. Construction must comply with the approved site plan.
5. Construction of Commercial Drive east from Chugach Street to the development must meet City standards for new road construction.
6. The development will be responsible for all street, sidewalk, drainage and street lighting improvements within the development.
7. Once the final PUD is approved, the City shall require an agreement and a bond or surety to guarantee construction of proposed improvements, in accordance with PMC 17.84.090(C).
8. The Planned Unit Development will be submitted to the City Council for review and subsequent approval.
9. Once approved by the City Council, the Zoning Map will be amended to reflect the granting of the Planned Unit Development status for Tax Parcel C8 in Section 4, Township 17 North, Range 2 East, Seward Meridian.

Applicant's Presentation:

Ron Bateman, Lumen Design, LLC, representing the applicant, spoke in favor of the proposed PUD and noted that staff has done a good job describing the details of the project. He added that target residents of this development would be young families just starting out making less than \$50,000 per year who have good credit or could be seniors who qualify from an income standpoint. There will 24-hour on-site management, security, and a community center with an office. He went on to describe other details of the townhouse style model of the homes and answered commissioner questions concerning onsite management and enforcement of the rules, design features and colors, garden/green areas, fencing. Mr. Bateman emphasized the early design nature of the development and will welcome input from city staff and members of the community.

Public Hearing: Vice Chairman Kircher opened the public hearing at 7:36 p.m.

Keith Morberg, resident of Mountain Rose Estates (MRE), spoke in opposition, raising concerns on behalf of himself and others in MRE about non-compliant land uses adjacent to each other (seniors 55 and older versus families with young children) and maintaining quiet enjoyment of life and preservation of their investment. Understanding the need for both zoning types, the key becomes the buffer between. A six-foot cedar fence will blow down; encouraged an eight-foot masonry fence instead would be more appropriate. They object to the extension of E. Commercial Drive which would have the biggest impact on MRE. Other concerns include the proximity of the development units to the back bedrooms of 18 MRE residences, noise, and security. They are also concerned about snow removal and maintenance of the roads. He encouraged full denial of the PUD, but in the alternative recommended the following conditions be imposed: Primary access off Cope Industrial Way; design the development to conform with Public Works to be able to maintain the streets and to assure adequate snow storage and storm drainage. [3-minute time limit imposed]

John Weaver, President & CEO, Valley Residential Services (VRS), the company that will be managing the property, spoke in support of the project. Mr. Weaver stated VRS has developed and managed residential property for the last 15 years in the Valley and currently have an inventory of 200 units. Making reference to official Matanuska Susitna Borough population, currently at about 100,000, is projected to be 125,000 by 2020 and 165,000 by 2030, he spoke to the projected shortfall of housing needed to accommodate this growth. This PUD will have a mixture of 1-, 2- and 3-bedroom units at a good location, close to schools, and is in a good spot for families. They have met with neighbors and the city and want to be receptive and proactive and are good listeners; they want to be good neighbors and do the right thing; they are in it for the long run and have good quality housing that folks can be proud of.

Robert Nilsen, Mountain Rose Estates, testified in opposition, in particular objecting to E. Commercial Drive as the primary access to the proposed development. MRE has 18 units along the proposed extension which would make them within a few feet of the roadway. Vehicles coming and going at all hours would cause a great deal of upset to elderly residents not to mention it would adversely affect property values. There would also be a drainage problem in conjunction with the snow dumps and cause for potential flooding to their properties. The proposed fence would do nothing for noise abatement or privacy. The fence is only proposed for the 88-unit development and not E. Commercial Drive. An adequate 8-10 foot masonry fence should continue the entire length to provide some degree of privacy for senior residents. The proposed PUD should be denied and resubmitted using Cope Industrial Way as the primary access.

Allan Linn, Mountain Rose Estates resident for 14 years and a lifetime resident of the Matsu Valley, spoke in opposition. The current PUD to create a high density residential facility with a nominal rent character is not desirable as proposed and he is concerned that some of the features are not in the best interests of the city, its residents, or the proposed development. His concerns relate to people access, storm water runoff control,

water supply and sanitary sewer service. He opposed the extension of E. Commercial Drive, advocating instead the use of the state flag access off Cope Industrial Way as the primary access and to provide for these services. The flag access would provide less chance of winter snow drifting. He strongly recommended that the commission reject the current proposal with a recommendation that it be revised to address these site specific conditions.

Dave Rose, Coordinator, Mat-Su Coalition on Housing, testified in support, applauding the details presented by the architecture of the proposed development. He encouraged everyone to go look at the Abbott Loop development in Anchorage, speaking to the quality as being one of the best housing developments he's ever seen. He spoke to the need for housing in a price range of young people just starting out in the workforce development age.

Howard Bess, a resident of the Palmer area for 27 years, submitted a printout of his comments for the record and spoke in opposition to this plan on this particular property for the reasons that the proposed tenants are families that need to be a part of a community. Subject property is an isolated property surrounded by distinctly different developments surrounding it. The proposed development will have a large child population and the population density will be raised significantly. Grade school children cannot walk to school nor is there an elementary school in the this area and the school district will be spending hundreds of thousands of dollars bussing children over the life of the property. Other more suitable properties can be located in the core area of Palmer.

Lauren Driscoll, a long time Palmer resident, disclosed that although she works for the Mat-Su Borough in Planning, but testified as a private citizen in favor of the proposed development and as someone who enjoys her community. Many of the objections concerned design issues which can be dealt with especially through a PUD. Studies show that Palmer needs housing for our young families. She has a lot of respect for the people in this room and understands the fears and concerns which were raised about compatibility, but pointed out that the needs of seniors and the needs of young families are often very similar – walkability, safety, green space. These are very desirable living conditions for both groups. AARP has 11 livability fact sheets, one concerns density distinctly highlighting the ideal living conditions and the ideal needs between seniors and young families. It is worth having a discussion about the design issues to see how compatibility between the two uses can work. This developer has a national reputation for doing good developments which is not always easy to find in Alaska. There is on-site maintenance and a clear professional vetting process for prospective tenants. These young families are teachers, police officers, paramedics, court reporters, mechanics, electricians, technical writers, store managers, and entry level professionals. When she started at the Borough 10 years ago, she made \$55,000 a year, her husband was deployed three times in five years, she lived by herself, and it would have been great to have a development like this. She encouraged the Commission to consider compatibility and hopes that the neighbors will consider it as well.

Jean Krause, a resident of MRE, spoke in opposition, raising concerns about safety,

health, well-being, and quiet enjoyment of her property if this development is approved. Ms. Krause stated many of her concerns as well as others here. Quoting from the VOA website: "For seniors, maintaining independence is very important. At VOA, we provide housing for seniors who want to live independent lifestyles where they can thrive and age in place. Our senior residents deserve the quality of life that they desire and our commitment to service enriched housing offers them just that."

If this parcel were to be developed for senior housing it would be ideal for compatibility and there are other areas probably more suitable for affordable housing for young families, which she would support. She respectfully disagrees with staff that this will not impact negatively the value, spirit or integrity of the surrounding community. Ms. Krause made reference to a recent Indiana study concluding that high density residential units that are associated with violent crime even after controlling for other factors in the model. MRE has a large number of homes occupied by elderly single women and men many of whom face and cope with physical and mobility problems. It would be nice for VOA, VRS, and MRE would work towards a positive solution by providing senior housing and she thinks it would be done to the benefit of the city of Palmer and the surrounding community.

David Moore, MRE property owner, spoke in opposition, stating that he and his wife are looking at retiring there in just a few years. One of the reasons that he purchased in MRE, originally for his mother-in-law who is now passed, is the City's commitment to R-1. He discussed the issues related to two nearby 12-plexes that were shut down because of the number of police calls, noting that the two eyesores are still there and developing calls. He fully agrees with the previous speaker regarding the need for senior housing. He pointed out the site plan on the website is not the same as what is being presented. The website had ground that could possibly absorb something up to MRE, but the new design is all paved parking or possibly a place to pile snow. The elementary schools are actually on the opposite side of Palmer. This is a development that is better for Anchorage and Juneau. He agrees with the village that Palmer is, more constrained, more controlled, which was why he was drawn to MRE. Mr. Moore spoke to his investment and encouraged the Commission to make the compatibility towards senior housing, not multifamily.

Dr. Charles Iliff, MRE resident, spoke in strong opposition, noting that he lives in the unit that will be most negatively impacted by this development. All of the traffic will go by his home, describing the all hours of the day and night motorcycle and truck unnecessary noise coming from the 12-plexes and numerous calls to the police. His main concern is the extension of E. Commercial Drive because it would be literally at his back door. He invited commission members to visit and observe people in wheelchairs going up and down Chugach Way, watch the children and the families who come from the shelter. We don't need more traffic across that intersection. If this development goes through, the only way to do it would be running the access road out the other way. He encouraged rejection of the proposal and immediate vacation of the right of way for an extension of E. Commercial Drive.

Chuck Leet, Senior Project Engineer, Alaska Rim Engineering, also the engineer that designed MRE and most likely the engineer going forward with this project. He spoke to

being very familiar with the drainage in this area. There are two dry wells along the north side of MRE that have been put in the right of way, what we are now calling a PUE. They will be replaced with a better way of getting rid of the drainage. They plan on taking care of the drainage on site. Mr. Leet also spoke to the road access, noting that the first 200-300 feet of E. Commercial is already a platted right of way there for the public to build a road. There are ways to mitigate the issues raised by MRE residents, but feels it is an excellent place to put the road and an excellent location for the proposed development.

Commission questions were addressed by Engineer Leet and Architect Bateman regarding road accesses, location of water and sewer lines, school bus access, and ways to mitigate the MRE concerns.

Helen Woodings, fifth person to move into MRE, spoke in strong opposition to the proposed development in this particular location. It should be closer to Swanson and Sherrod. She agrees with her neighbors' objections, but her main concern is the approximate 150 added cars to the neighborhood and corridor of traffic, especially trying to make a right or left turn onto the Glenn Highway which is already saturated.

There being no others to testify, the public hearing was closed at 8:31 p.m.

Commissioner Kircher moved, seconded by **Commissioner Petty**, to recommend approval of the Planned Unit Development (PUD) Concept Request for VOA/VRS Palmer Family Housing described in **Resolution No. 15-008**.

The motion on the table was opened for discussion.

Commissioner Petty inquired regarding security, management, covenants, fees for violations, and maintenance. Mr. Bateman described the process and rules by which the tenants must abide; there are regular inspections and on-site property management.

Commissioner Lucas commented that he shares some of the concerns with the MRE residents. Overall, he agrees with the spirit of the need for this kind of housing in Palmer. Often it is good to have younger and older people living in near proximity where both can benefit. His primary concerns are physical concerning water and drainage. MRE has a number of drainage problems and he is not impressed with the layout of the rain gardens on the site as proposed, stating it may have been better to turn the entire south border of the development into a large French drain. Fences are also problematic in this area because of wind and snow and something that needs to be looked at closely. Also concerning is density, suggesting to concentrate the 88 units more to the northern portion and the garden plot/open areas to the southern end.

Commissioner Cruthers suggested limiting the speed limit within the community to 10-15 mph, adding sidewalks, and agrees with Commissioner Lucas that moving the community gardens toward the southern end would go a long way to quieting down the southern region and maybe shifting some of the southern units to the northern end of the property. It would create more of a noise buffer zone.

Amendment #1

Commissioner Cruthers moved, seconded by **Commissioner Lucas**, to amend the main motion to apply a condition to consolidate the public gardens on the southern border of the property adjacent to the southwest corner of the proposed PUD.

VOTE on Amendment #1: Passed Unanimously.

Amendment #2

Commissioner Lucas moved, seconded by **Commissioner Cruthers**, to amend the main motion to apply a condition to include focusing on Cope Industrial Way as the main entrance into the proposed PUD.

VOTE on Amendment #2: Passed Unanimously.

Commissioner Kircher spoke to the noise issue raised and commented that there is noise already in the area from the soccer field, traffic from the MTA Events Center, and the Fairgrounds. The idea is to make sure there will not be a lot more noise, but this property is going to be developed. The question is should it be developed with a company that has a track record for doing good work, that has substantial restraints on the residents, will have on-site management with the residents signing documents agreeing to covenants. Or do you want to have someone else come in and develop it later. This property could at some point be upgraded to a higher density such as R-2 or above with no significant restraints. That has already happened with the two large buildings on Chugach with no aesthetic value whatsoever.

As Commissioner Kircher was on the Commission at the time, he shared some of the considerations when Mountain Rose Estates was developed, including:

- Traffic will increase on Chugach Street; cars entering and leaving could cause a traffic hazard there because it is a busy street;
- Noise levels will increase to adjacent properties;
- Lack of parking spaces;
- Lack of diversity of external appearances;
- Possibly an adverse effect on property values;
- Drainage problems, rain, and snow melt.

These concerns were dealt with and the world didn't end. A lot of good people moved into MRE who are obviously concerned about the future of Palmer. These same concerns raised tonight can also be dealt with. Commissioner Kircher encouraged support for approval of the proposed PUD.

Amendment #3

Commissioner Kircher moved, seconded by **Commissioner Petty** to incorporate the Findings of Fact and Conditions 1 through 7 as presented by staff along with City Department comments as requirements for the proposed PUD. And pursuant to PMC 17.84.140(b)(3), an association for maintenance of the common open spaces must be established.

VOTE on Amendment #3: Passed Unanimously.

VOICE VOTE ON MAIN MOTION, AS AMENDED: PASSED UNANIMOUSLY.

[Kircher–Yes; Petty–Yes; Lucas–Yes; Cruthers–Yes]

[Commissioner Petty exited the meeting at 9:00 p.m. due to an emergency, leaving the Commission without a voting quorum by which to conduct the balance of business.]

H. UNFINISHED BUSINESS: None.

[The following balance of agenda business was postponed to a later meeting due to lack of a voting quorum.]

I. NEW BUSINESS:

1. **IM 15-018:** Consideration of text amendment to PMC 17.60.050, Projections Into Required Yards, to permit accessibility ramps within required setbacks.

J. PLAT REVIEWS:

1. **IM 15-017:** Pre-application review – The request is to reconfigure the property lines for Lot 1 and Tract A of Pippel, located inside Palmer city limits.

K. PUBLIC COMMENTS:

L. STAFF REPORT:

M. COMMISSIONER COMMENTS:

N. ADJOURNMENT:

There being a lack of quorum to conduct further business, the meeting was adjourned at 9:01 p.m.

Michael Kircher, Vice Chairman

Kimberly A. McClure
Planning and Code Compliance Technician