

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

**REGULAR MEETING
THURSDAY, AUGUST 21, 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 on August 21, 2014 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
William Kerslake, Sr., Commissioner
David Petty, Commissioner

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 Kerslake.

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

E. MINUTES OF PREVIOUS MEETING(S):

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

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

G. PUBLIC HEARING(s):

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.

Staff Report: Ms. Garley reported background information on the above-stated zoning map amendment, noting the applicants are Dan Lucas and Sam and Roberta Koppenberg. Public notice and publishing requirements pursuant to code have been

met. Because the first public hearing notice for this rezoning request was postponed, a second notice was advertised. A total of 116 public hearing notices were mailed each time. In response, the city received 6 written comments – 1 in favor, 1 opposed, 3 no objection, 1 no comment. A detailed report on this parcel appears at pages 16-50 of the packet. 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. This property is 2.99 acres located on the west side of the Glenn Highway across from Taco Bell and Tesoro. It is currently undeveloped. Ms. Garley directed attention to page 29 of the packet, vicinity map, reminding that in a previous action, parcel D12 (large parcel south of the Raven's Ridge area) was rezoned to CG.

Staff recommends approval of this rezoning request based on the following findings of fact if the Commission concurs:

Fact 1) The proposed change is in accordance with the borough and city comprehensive plans:

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:

Finding: This 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:

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:

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 rezoned 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):

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.

Commissioner Dan Lucas recused himself from voting or consideration on this rezoning action as he is one of the applicants. He took a seat in the audience.

Public Hearing: There were no members of the public in the audience. Mr. Lucas, as an applicant, was available for any questions.

Commissioner Petty moved, seconded by **Commissioner Kircher**, to recommend that the city council approve the Zoning Map Amendment for Lot 3, Raven's Ridge, to be rezoned from R-1E Single-family Residential Estate to CG-General Commercial, more particularly described in **Resolution 14-004** and as outlined by staff.

Commissioners Petty and Kircher urged the Commission to vote in favor, Commissioner Kircher noting that with the upcoming DOT construction in this area, this rezone is logical and is definitely necessary for the economic development of Palmer. Commissioners Kerlake and Madar spoke in agreement.

Amendment:

Commissioner Kircher moved, seconded by **Commissioner Petty**, to amend the main motion adopting the Findings of Fact as presented by staff in support of Resolution 14-004 and as reviewed by the Commission.

VOTE ON AMENDMENT: Carried Unanimously

VOTE ON MOTION AS AMENDED: Carried Unanimously

Commissioner Lucas rejoined the Commission at 7:12 p.m.

H. UNFINISHED BUSINESS:

1. **IM 14-011** Review Expanded Boundary of Central Business District as Described in Resolution No. 12-003.

Ms. Garley updated the Commission as to past lengthy discussions on the CBD expanded boundary at various times since April of 2012, noting that the topic and draft resolution were again re-visited at the Commission meeting of October 17, 2013, however no action was taken. Staff requested the Commission to again consider adopting Resolution 12-003 and move it forward to the City Council with a map. See draft resolution at pages 55-57 of the packet containing a written description of the proposed expanded CBD boundary.

Commissioner Lucas moved, seconded by **Commissioner Kerslake**, to recommend adoption of Resolution 12-003 as written and move forward to the City Council with a map and recommendation for adoption.

Commissioner Lucas voiced approval of the action and Commissioner Kerslake added the Commission has worked on this at length and it's now time to forward it as written for the Council's input and adoption. Further discussion took place as to whether the written outer core boundary description highlighted in yellow in the resolution (packet page 56) corresponds to the map shown on the screen. Ms. Garley stated she and Kimberly will double check to confirm that it matches and send a printed copy of the map to Commissioners tomorrow. Chairman Madar reminded that this has been on the table for two-plus years, including joint meetings with the Council; that this is important for the community and especially for the businesses in Downtown Palmer; personally thinks it does a good job of describing our Central Business District.

VOTE ON MOTION: Carried Unanimously.

2. **Continue Discussion of Central Business District.**

Ms. Garley gave a staff report, informing that staff conducted site visits of several businesses and mixed use structures and took pictures showing the various setbacks from the right-of-way. Included in the packet are example pictures. Questions of staff followed.

Commissioner Lucas moved, seconded by **Commissioner Kerslake** to enter Committee of the Whole to continue open discussion on the CBD. There were no objections.

[The Commission entered Committee of the Whole at 7:50 p.m.; exited at 8:01 p.m.]

While in Committee of the Whole, the Commission further discussed setbacks and mixed use commercial/residential as it would relate to a CBD; questioned staff as to code requirement conflicts between CG and CL. Conditional Use Permits could address/solve some of the issues.

Following discussion, Ms. Garley will prepare draft language for the CBD and forward to Commissioners for review and discussion at the October meeting.

3. **IM 14-022** Continue Discussion of Proposed Kennel Ordinance and Current Zoning Districts.

Ms. Garley updated the Commission from last meeting concerning Mr. Briggs' questions and concerns regarding his neighbor having a kennel. Both he and his neighbor are zoned Commercial General. By way of background, due to annexation, there are properties which operate dog kennels that may be considered as "grandfathered" into the City of Palmer. Currently there is no procedure in the code for the operation of a dog kennel within Palmer city limits besides obtaining a City of Palmer business license. For discussion purposes, in the packet is a proposed ordinance, which would establish a procedure for the licensing and operation of a dog kennel within city limits. Title 17 would need to ensure a dog kennel is appropriately zoned for such use.

Brief discussion ensued. Chairman Madar noted that he thinks that dog kennels in Palmer are appropriate under a Conditional Use Permit.

4. **Resolution No. 14-005:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve the Establishment of an Appeals Process to an Administrative Decision.

Ms. Garley reported that currently Title 17 lacks a process by which a property owner who disagrees with a decision made by the zoning administrator can appeal that decision. The City has a very clear appeals process from a P & Z decision to a Hearing Officer and then to the Court. Patterned after that process, is draft Resolution 14-005 and proposed Ordinance which establishes a process of appeal from a zoning administrator to the Planning and Zoning Commission. Staff urged the Commission to review, adopt, and move forward to the City Council with a recommendation for adoption.

Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to adopt Resolution No. 14-005 and move forward to City Council with the attached proposed Ordinance recommending adoption.

Commissioner Kerslake, based on staff's recommendation concurs that it is something lacking in our code and it makes sense to clarify the process. Commissioner Lucas agreed. There was no further discussion.

VOTE ON MOTION: Carried Unanimously.

I. NEW BUSINESS:

1. **IM 14-021** Referring Palmer Municipal Code 15.08.3103, Temporary Buildings or Structures to the Planning and Zoning Commission as directed by City Council.

Ms. Garley reported that in August, 1996, the City Council adopted Ordinance No. 504 enacting 15.08.3103 requiring any temporary building or structure in place for longer than six months to have City Council approval. In the packet are some of the most recent temporary structures requiring Council approval to remain for longer than six months.

The City Council is requesting input and guidance from the Commission regarding the referral of PMC 15.08.3103 (building code), as to whether or not these temporary buildings should have to meet the zoning criteria if allowed to remain past six months (for example setbacks, landscaping), and should it be addressed in the zoning code or left in the building code and simply a reference made in the zoning code to the fact that temporary buildings approved by the City Council have to meet all the other standards.

Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to enter Committee of the Whole for further discussion on the matter. There were no objections.

[The Commission entered Committee of the Whole at 8:20 p.m.; exited at 8:30 p.m.]

While in Committee of the Whole, the Commission discussed various types of temporary structures, what constitutes "temporary," and whether the temporary buildings should be added as a conditional use. The consensus was to have staff prepare a draft amendment to the conditional use permit list in the various districts, adding temporary buildings or structures, and come up with a definition for further discussion and consideration at the next meeting.

J. PLAT REVIEWS:

1. **IM 14-020** Plat Review – To create 2 lots from Tax Parcel C10, in Section 5, Township 17 North, Range 2 East, Seward Meridian, to be known as BRS Subdivision, located inside Palmer city limits.

Ms. Garley reported that in November, 2013, this parcel was rezoned to R-1E, Single-family Residential Estate. Access is from East Helen Drive. The proposed lots meet the required minimum lot area of 20,000 sf per lot as required in the R-1E district. The City supports the Borough's requirement for plat approval to be conditional upon removal of the house shown on Lot 1, otherwise the house would not meet the required minimum side yard setback of 15'. Public Works had comments regarding water service lines. Also, Lot 1 has access to the driveway that will be Lot 2's flag pole. Unless Lot 2 grants Lot 1 access to the flag pole, Lot 1 must build a separate driveway. It was noted the owner has agreed to move the driveway to the other side. Because this area was annexed into the city, they have existing wells.

Commissioner Kerslake commented the owner should take consideration of the adjacent property's well in relocating the driveway.

K. PUBLIC COMMENTS: There was no public present.

L. STAFF REPORT:

For informational purposes, Ms. Garley distributed copies of the Alaskan Downtowns Survey prepared by the planners in the Alaska Planning Association. Palmer participated as well as other communities in the borough. Good information to note, especially in terms of planning a downtown business district.

M. COMMISSIONER COMMENTS:

Commissioner Kerslake commented on the additional investment in the downtown area, noting that the Palmer Ale House was a nice addition, also the remodel/expansion of Klondike Mike's and remodel of Gold Rush Hotel. Progress is slow but headed in the right direction.

Commissioner Lucas inquired if there was an update on the Fred Meyer project. Ms. Garley stated that Fred Meyer worked with the Greater Palmer Fire Department and with the State Troopers and City Police Department who were performing training exercises in the building. It's expected the structure will be demolished this fall and is hopeful that construction will begin in the spring.

Commissioner Petty had no comments.

Commissioner Kircher asked about the wagon. Ms. Garley said original owners of the Pioneer Plaza took the wagon as well as the bronze inside the courtyard with them when they sold the property.

Chairman Madar announced he would not be at the meeting next month; will be attending an auction in Las Vegas.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:44 p.m.

Michael W. Madar, Chairman

Kimberly A. McClure
Planning and Code Compliance Technician