

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA
REGULAR MEETING
THURSDAY, September 15, 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 Commissioners Kerslake, Kircher, Madar and Pack. Commissioners Campbell and Prosser were absent. Commissioner Weir was excused. Also present were Sandra Garley, Community Development Director, and Ron Anderson, Recording Secretary. At 7:02 pm, Commissioner Prosser joined the meeting.

C. PLEDGE OF ALLEGIANCE:

The Pledge was led by Commissioner Kerslake.

D. APPROVAL OF AGENDA:

To accommodate members of the audience, Mrs. Garley suggested that Item I-1 be moved to earlier in the meeting. It was suggested that this item should be heard immediately after the Public Hearing. The Commission agreed.

The agenda was approved as amended.

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the Regular Meeting of August 18, 2011 were approved as corrected.

F. PERSONS TO BE HEARD:

There were no persons to be heard scheduled for this meeting.

G. PUBLIC HEARING:

1. Consideration of a Conditional Use Permit to allow Cellco Partnership d/b/a/ Verizon Wireless to modify an existing equipment compound at Township 17N, Range 2E, Section 5, Lot A26, located at 1398 S. Glenn Highway, Palmer, AK.

Commissioner Madar asked if there was a motion to approve.

Commissioner Kerslake moved, seconded by Commissioner Kircher to approve the

Conditional Use Permit to allow Cellco Partnership d/b/a/ Verizon Wireless to modify an existing equipment compound at Township 17N, Range 2E, Section 5, Lot A26, located at 1398 S. Glenn Highway, Palmer, AK.

Commissioner Madar requested a Staff Report.

Mrs. Garley presented the following staff report. Mr. Chairman and members of the Commission, Cellco Partnership d/b/a Verizon Wireless, with the consent of the property owners, John and Jeanne Novosad, have submitted this application.

On August 31, 2011, 133 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 September 7, 2011. We have received 1 comment in response, and it was in opposition. To this request

The lot is 6.22 acres in size and is currently designated as R-1E, Single-Family Residential Estate District. The existing Tower Facility can be accessed from the South Glenn Highway. The tower was constructed in December of 2003, just prior to this property being annexed by the City of Palmer. The R-1E Single-Family Residential Estate District permits utility stations or substations to operate upon issuance of a conditional use permit. Staff did check and this particular use is covered by the definition of a utility station or substation in the Code.

The surrounding properties are primarily residential, to the west and south. The properties to the north and east are General Commercial, with additional R-1E properties located to the north-east boundary of this parcel.

In order to issue a Conditional Use Permit the Commission must consider five findings.

The first fact that you must find 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 a 100' tower has existed at this site from approximately December of 2003 as a legal, nonconforming use. The Tower and its ground equipment existed at this location prior to annexation by the city. The proposed addition to this site is less than 100 square feet.

The second fact that you must find 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 request is able to meet all other requirements of Title 17.72 because:

- a) In an R-1E District a building is limited to 35' in height. The current building is under this height. The 100' tower was in place when the property was annexed. This would grant it legal, non-conforming status. The new equipment is all pad-mounted and will be less than 10' in height.

- b) The lot size covered by the application is 6.22 acres or 270,943 square feet; the minimum lot size permitted for this district is 20,000 square feet. The minimum lot width permitted is 80 feet and this lot is 225' wide at its narrowest point.
- c) All signage must comply with the requirements of PMC Title 14, Signs. Current signage requirements are for a single warning sign on the perimeter fence. This type of sign does not require a sign permit application.

The third fact that you must find 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 the existing tower has been in operation for almost 8 years, with no complaints received by this office and no record of any harm caused by its operation.

The fourth fact that you must find is that there are sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions.

Staff recommends a finding that 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.

| Item | Required | Actual |
|-------------------------|-----------------|-----------------------|
| Total Lot Size | 20,000 sq. ft. | 270,943 |
| Minimum Lot Width | 85 feet | 200 feet at equipment |
| Front Setback | 25 feet | 159 feet, minimum |
| Rear Setback | 25 feet | 200' from main house |
| Side Setback | 15 feet | 107 feet, minimum |
| Maximum Lot Coverage | 30 % | Less than 2% |
| Frontage on a Street | 60 feet minimum | 200 + feet |
| Maximum Building Height | 35 feet | 8' for compound |

The fifth fact that you must find is that, 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 tower complex is not a public facility or structure.

A public utility installation or substation is a Conditional Use allowed in an R-1 Residential district. Based on our review of the request, Community Development respectfully recommends approval of the Conditional Use Permit to allow for the modification, with the following conditions:

- 1) Obtain all necessary building permits from the City of Palmer.
- 2) The Conditional Use Permit will be considered to be in force upon submittal of required permits and inspection for compliance.
- 3) Access shall be granted to the tower site, by the property owner, to allow for any required Conditional Use Permit inspections.

- 4) Project and site use must comply with all laws and ordinances of federal, state and local governments.

Commissioner Kircher posed a question about signage at the site. The Conditional Use Permit requires that any sign that is placed on the new equipment will comply with Palmer Municipal Code, Title 14, Signs.

Commissioner Madar asked the applicant for a presentation of the project for the Commission.

Mr. Noah Grodzin, the Verizon Wireless representative presented the application for the Commission. Verizon currently have no service in Palmer at this. Verizon, as a company, is very competitive with AT & T. This site being discussed is just one of many sites that Verizon is considering. This is the only site that lies within the City boundaries of Palmer.

The site is just south of the city center. It is located on the top of a small hill but is well suited for a tower site. The tower is well above tree level so no additional height is needed. The tower would service the surrounding residential areas with additional towers augmenting this service to include the bulk of Palmer. Mr. Grodzin next opened the discussion to any questions the Commissioners might have.

Commissioner Kircher wanted to know if there would be another tower or would Verizon simply add additional antenna to the site.

Mr. Grodzin stated that this was correct. No additional towers are going to be added and the plan was to add additional units at the 70' level to the existing tower. This would make Verizon the last provider to be able to use the tower. The tower is too short and trees would begin to interfere.

Commissioner Kircher wanted to know if there would be a structural problem with adding these new units.

Mr. Grodzin mentioned that the Verizon engineers are checking the design specifications of the tower to ensure it can withstand all wind loads with this additional weight. These figures will be submitted along with the building plans.

Commissioner Kerlake stated that he was very familiar with the site. He also felt additional competition among wireless providers would be a good thing for the City of Palmer.

Commissioner Kircher also liked the idea of competition. He felt it was a good idea to limit the number of towers in Palmer and adding additional providers to existing towers made sense.

Commissioner Prosser stated that he was a partial owner of land to the south of this site. MTA has a tower on that property.

Commissioner Madar also felt that competition was good and he would recommend approving this request.

Commissioner Madar made a motion, seconded by **Commissioner Kircher** to adopt staff's findings of facts.

The roll-call vote was as follows:

| Campbell | Kerslake | Kircher | Madar | Pack | Prosser | Weir |
|---------------------------------------------------------------------------------------------------------------------|-----------------|----------------|--------------|-------------|----------------|-------------|
| 1. The conditional use will preserve the value, spirit, character and integrity of the surrounding area. | | | | | | |
| -- | Y | Y | Y | Y | Y | -- |
| 2. The conditional use fulfills all other requirements of this title pertaining to the conditional use in question. | | | | | | |
| -- | Y | Y | Y | Y | Y | -- |
| 3. That the conditional use will not be harmful to public health, safety, convenience and comfort. | | | | | | |
| -- | Y | Y | Y | Y | Y | -- |
| 4. That sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions. | | | | | | |
| -- | Y | Y | Y | Y | Y | -- |
| 5. The proposed use or structure is located in a manner which will maximize public benefits. | | | | | | |
| -- | Y | Y | Y | Y | Y | -- |

VOTE ON MOTION: the motion passed unanimously.

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

| Campbell | Kerslake | Kircher | Madar | Pack | Prosser | Weir |
|-----------------|-----------------|----------------|--------------|-------------|----------------|-------------|
| -- | Y | Y | Y | Y | Y | -- |

VOTE ON MOTION: the motion passed unanimously.

1. Presentation of a Proposed Bandstand by the Palmer Arts Council.

Commissioner Madar requested a staff report.

Mrs. Garley explained that Community Development had been approached by the Palmer Arts Council with a proposal to construct a bandstand on the Greens in Palmer. It was felt that the Palmer Arts Council be allowed to make a presentation of this idea before the Planning and Zoning Commission as a first step in obtaining permission to proceed with the project. It is hoped that the Commission would look favorably on this request and perhaps forward this request to the Palmer City Council for their consideration.

Mr. Howard Best presented the request to the Commission.

The Palmer Arts Council is in its 6th year of facilitating artistic events in Palmer. We are organizationally and financially strong and have a proven track record in the community.

In our activities we have bumped into a significant problem. Palmer is short of venues for the use of the artistic communities. We are dedicated to creating additional venues for the use of the entire Palmer community. Our vision is a

Palmer that has a rich array of artistic endeavors that help make Palmer a 'Destination Community'.

Palmer's history is known to you all. The Colonists, who came to Palmer in the mid-1930's, came from an upper mid-west of the United States. They created an upper mid-west farm community in Alaska. The organization of Palmer and the Architecture of important buildings reflect that tradition.

Across the upper mid-west are many farm communities that are very similar. At the core of the community is a central park, located near the business section of the town. In the middle of this central park, a Bandstand was often built. The Bandstand was the center of many activities. The Bandstand had a design that is now known as a "Traditional Midwest Bandstand."

The Bandstands varied in size according to community needs, but the basic design was repeated over and over again. The building was octagonal and was open on all sides. The pitched roof always had some overhang. A rail fence of some sort stretched between the eight support pillars.

The Palmer Arts Council is proposing that a traditional Bandstand be built on the 'Greens' in Palmer. An outline of the proposal includes the following:

1. The Palmer Arts Council will accept responsibility for the financing and the building of the Bandstand.
2. The owner of the Bandstand would be the City of Palmer.
3. The Bandstand will be placed on the 'Greens' in Palmer, in a location designated by the City of Palmer.
4. The Bandstand will be built according to a design by a licensed Architect and engineered to meet City Codes.
5. The design of the Bandstand will be subject to approval of the City Council of Palmer.
6. The Palmer Arts Council will enter into a contract relationship with the City of Palmer for the operation and maintenance of the Bandstand.
7. No public funds will be used in the design or construction of the Bandstand.

The Palmer Arts Council is asking the Planning Commission to initiate the procedures and actions needed for the building of a traditional Bandstand for Palmer.

Mr. Best related his experience growing up in Fairberry, Illinois. This town had a city park with just such a bandstand. Every Tuesday evening there would be a concert. It was enjoyed by all the

residents. It was his hope that this bandstand would be incorporated into any master design plan for that area that the City might have. Of course, any bandstand would meet all aspects of the Palmer Municipal Code for wind load, etc.

Commissioner Kerlake stated that this was a very refreshing idea and he supported the effort. He asked if there were a master plan in place already.

Commissioner Kircher why shouldn't the City of Palmer pay for this bandstand? There needs to be a balance between arts and sports. This would be a perfect project for the City to do. It's a great idea. I first thought of this for the Matanuska River Park for the Borough. To do this in downtown Palmer would be great. It would also help all the downtown businesses.

Mr. Best mentioned that government is not always the best institution to design or accomplish this type of a project. Also, volunteer labor would drastically reduce the cost of construction and allow the people to have ownership in the bandstand. The Job Corps has also expressed an interest in helping with the construction. He was hoping to start planning and fund raising over the next year, with construction starting in 2012.

Because of the success of the Friday Fling, locating this activity to the Greens is being considered.

Commissioner Prosser asked where the 'Greens' was located. Does the City of Palmer currently lease land from the railroad. Is this bandstand on the railroad easement? The answer was no, the bandstand will not be on an easement.

Commissioner Madar requested that staff draft a resolution for consideration at the October 20, Planning and Zoning Commission meeting.

H. UNFINISHED BUSINESS:

1. Consideration of Resolution 11-002 recommending the installation of a breakaway gate on S. Eklutna Street at the southern boundary of the city.

Commissioner Madar requested a staff report.

Mrs. Garley reported that this resolution was first discussed during the March Planning and Zoning Commission meeting. It is now in final form and ready to be considered by the Commission.

Commissioner Kerlake made a motion, seconded by Commission Pack, to approve the Resolution and to forward the resolution to the Palmer City Council for Consideration.

Commissioner Kerlake stated that this issue had been thoroughly discussed at earlier meeting. Representatives from businesses in the area had also testified as to the problems increasing traffic has created. As the area continues to grow so will the problems. This issue should move forward.

Commissioner Kircher suggested a spell-check for the introduction section of the resolution.

Commissioner Pack mentioned that he had visited the site and from the information contained in the packet, the idea made perfect sense to him.

Commissioner Prosser also felt that it was the City's responsibility to ensure safety for the area.

Commissioner Madar explained the history of the problem. A contractor was granted access to the through road by the Borough. However, the Borough failed to include the City in these discussions. There was an increased police presence, speed limits were addressed and the road was closed to through traffic during certain times during the day. A gate would help and still allow emergency services to operate from the Business Park.

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

| Campbell | Kerslake | Kircher | Madar | Pack | Prosser | Weir |
|-----------------|-----------------|----------------|--------------|-------------|----------------|-------------|
| -- | Y | Y | Y | Y | Y | -- |

VOTE ON MOTION: the motion passed unanimously.

2. Discussion of a proposed Rural Residential District draft ordinance.

Commissioner Madar requested a staff report.

Mrs. Garley started the report with a brief history of the Rural Residential District draft. She explained that several years ago, the Commission had worked on the draft ordinance and had forwarded a copy to City Council for consideration. City Council had returned the draft ordinance to the Planning and Zoning Commission for further work.

Last year the City hired a consulting firm to develop an annexation strategy to make recommendations as to how best to complete this process. To help eliminate some of the concerns, the consulting firm recommended that a new zoning district be developed that would address properties that might be annexed but were of a more diverse nature. People may have developed their properties in such a way that they would not fit in existing zoning districts. This would also reduce the number of properties that would end up as a legal non-conforming property, and make the resale of the property more difficult.

One issue that still may be a problem is establishing the minimum lot size at 2 ½ acres. The Borough minimum lot size is 1 acre and this will cause problems, perhaps, during the annexation process.

Commissioner Kerslake made a motion, seconded by Commissioner Kircher, to the 'Committee of the Whole' to facilitate the discussion on this district.

The Commission entered into the 'Committee of the Whole' at 7:51 pm.

The first area for discussion was the lot size. During previous meetings the lot size was initially set at 5 acres. But the fact that the Borough standard of one acre for a lot size. 2 ½ acres was a starting point. After additional discussion it was determined that 1 acre would be acceptable, for the minimum lot size. Land uses that would require a larger lot size could be addressed through a Conditional Use Permit.

Building height was the next consideration. The current draft limits the height to 35'. This seems to be the standard limit across most of the existing zoning districts. This limit was acceptable to the Commission. Lot width, depth and lot coverage was also discussed at this time. It was felt that the 100' minimum lot width would help prevent really narrow lots facing on a street. The lot coverage of 30% seemed to be the universal figure for all other districts as well.

At this point in the discussion, Commissioner Madar suggested that the draft ordinance be discussed section by section starting with intent, the first section. The intent statement was considered, and accepted 'as is'. The 'Permitted Use' was the next section to be considered. Concern was raised about the wording for recreational shop buildings. These should be permitted, but controlled to prevent a hobby from turning into a full time business. The phrase not primarily used for commercial purposes was suggested.

Storage of trailers, etc. was the next issue. The phrase 'not to include commercial storage' was included to limit what may be stored on these properties. This would allow property owners to store numerous 'toys' but would prevent an owner from 'commercial storage' use on the land.

The last section needing revision was under the standards for a conditional use permit. The language addressing signs posed a problem. It was suggested that the entire line about signs be removed.

It was suggested that the fee for a Conditional Use Permit be waived for the first two years after annexation. This would allow property owners to be granted a CUP if justified. One year may not be sufficient time to complete an application and have it considered by the Commission.

Commissioner Kerslake made a motion, seconded by Commissioner Kircher, to exit the 'Committee of the Whole'.

The Commission ended the 'Committee of the Whole' at 8:29 pm.

I. NEW BUSINESS:

1. Discussion of a proposed revision to the Palmer Municipal Code Title 14, Signs.

Commissioner Madar requested a staff report.

Mrs. Garley told the Commission that the Palmer City Council through the Mayor had asked the

Planning and Zoning Commission to look at the current sign code. Banners were the driving force behind this interest. More businesses are using banners and this is adding to the clutter throughout the City. Changeable signs will also pose more problems in the future. Digital signs seem to be the new mode of advertizing. There is one very large sign along the Palmer-Wasilla Highway that resembles the old drive-in theaters, both in size and display. Along a major highway but not within the city limits of Palmer.

Other issues include banners, off premises signs, portable signs and a better definition for what is a political sign. The recent coal banners serves as an excellent example as to potential problems. Freedom of speech also needs to be addressed within the code.

This was intended to be an introduction to some of the issues that need to be addressed. The Title 14 section of the Code will be discussed during the October meeting. This introduction will also provide the Commissioners with the opportunity to observe signs in and around Palmer, to get a 'feel' for what styles of signs would serve the City of Palmer best.

2. Board of Economic Development Report:

There was no Board of Economic Development Report for this meeting.

J. PLAT REVIEWS:

There were no plat reviews scheduled for this meeting.

K. PUBLIC COMMENTS:

There were no public comments scheduled for this meeting.

L. STAFF REPORT:

Mrs. Garley stated that the consultants for the Parks and Trails Plan will be in Palmer, September 22nd and 23rd. She has sent emails to Commissioners Madar and Kircher who have expressed an interest in attending these meetings. This information can be sent to any additional Commissioners who would like a copy. However if three or more Commissioners attend these sessions, it would also be required to be advertized as a Commission meeting as well. This is fine; just let staff know so the proper notifications can be posted.

On Thursday the 'Needs Analysis' will be discussed and that is also the document I will be emailing to interested Commissioners. Friday will be a discussion on finances and how to best obtain financing for projects like these, especially during depressed economic times.

City Council also unanimously approved both re-zoning actions that the Commission had forwarded to them for consideration.

Commissioner Kircher had a question asking if the City had decided to remove fluoride from the City Water Supply. He indicated that the City Manager was hoping to resolve this issue.

Mrs. Garley indicated that this issue was to be considered at the September 27, 2011 City Council meeting. To remove the fluoride from the drinking water would require a code change.

M. COMMISSIONER COMMENTS:

Commissioner Kerlake extended his welcome to the two new Commissioners. He felt it was nice to have new members with perhaps new perspectives and having a full number of members should help ensure quorums will be easier to establish for the meetings.

Commissioner Kircher expressed his concern of any project that is for sports, such as the golf course, the ice arena and the new soccer fields have no problems being funded by taxpayer dollars. These activities do add to activities available to the people who live in Palmer. But art is often overlooked. Palmer should spend money not only for something like the bandstand but perhaps also for a theater complex sometime in the future. It would be nice if the City would spend a similar dollar amount to fund these other valuable programs. Spending seems to be skewed towards sports.

He stated that he was at the transportation fair that was held today. He thought they did an excellent job!

There were representatives from both the Borough and the State that were directly involved with these future projects. One of the suggestions he made to the State was perhaps the Bogard Road extension should be completed before work is started on the intersection of the Palmer-Wasilla Highway and the Glenn Highway. This would make it easier to travel to Wasilla. He also discussed the upgrade to the Glenn Highway and landscaping along this highway when work is begun. Construction probably would not start for 2 to three years.

The State is now beginning land acquisition along this highway. Several businesses along this highway will be impacted. The plan is to improve the Glenn, construct a frontage road and allow for a path as well. The Railroad controls the land to the east, so all construction would have to expand westward.

He also noticed that the traffic sign along the Glenn Highway coming into town from the north, had had all the bulbs replaced. These new bulbs last longer, and are very bright. Also he was curious if the 'Friday Fling' was still being held.

Commissioner Pack stated that he was happy to be on the Commission and would ask more questions during meetings as time went by.

Commissioner Prosser said that the reason he had hoped to be on the Commission is because he hoped to make Palmer his home for a very long time for him and his family. He was interested in both Planning and Zoning issues. There might be times when I will have to recuse myself from discussions. I would rely on the Commission for its opinion. I have a business as a general contractor in the Palmer area. I do mostly dirt work. Some of my business partners own multiple tracts of land in Palmer. I am also here for my civic duty to the City.

Commissioner Madar also wished to welcome the new Commissioners. He was looking forward to working with them.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:02 p.m.

Michael W. Madar, Chairman

Ron Anderson, Recording Secretary