PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA

REGULAR MEETING
THURSDAY, OCTOBER 16, 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 Vice Chairman Kircher at 7:03 p.m.

B. ROLL CALL:

Present and constituting a quorum were Commissioners:
Michael Kircher, Vice Chairman
Dan Lucas
William Kerslake, Sr.
David Petty
Excused absence:
Michael W. Madar, Chairman
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 August 21, 2014 Regular Meeting were approved as presented.

F. PERSONS TO BE HEARD:
There were no persons wishing to speak on topics not on the agenda.

G. PUBLIC HEARINGS:

1. **Resolution No. 14-006**: A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Tract B, Mountain Rose East Phase I to be rezoned from R-2, Low Density Residential with Special Limitations to R-2, Low Density Residential, located in Section 4, Township 17 North, Range 2 East, Seward Meridian, Alaska.

Staff Report: Ms. Garley summarized background and site information. Public notice and publishing requirements pursuant to code have been met. A total of 9 written comments were received in response – 3 in favor, 1 opposed, 3 no objection, 1 no

comment and 1 general comment. The property is currently accessed from N. Thuma and has remained undeveloped. The intent of the special limitations was to require the commitment of the development to match the existing Mountain Rose East Subdivision.

Staff recommends approval based on the following findings of fact if the Commission concurs and to forward a recommendation for approval to the City Council:

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

Staff finds the following facts support this finding: Goal 2 of Chapter 6, Land Use, from The 2006 Palmer Comprehensive Plan states, "Maintain high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer." Objective A under Goal 2 goes on to state "Promote a diverse range of quality housing, from attractive higher density housing in or near downtown, to outlying housing in more rural settings." The proposed rezone to remove the special limitations but maintain the R-2 Low Density Residential designation will allow this parcel to be developed. Due to the topography of this parcel, it would be difficult to develop to maximum density typical R-1 or R-2 lots without considerable additional development costs. Developing this parcel in accordance with the site plan that was submitted and approved on May 19, 2005 when the parcel was rezoned would also entail these additional development costs.

By removing the special limitations, this parcel could be developed for low density housing (R-2) as opposed to continuing to be vacant, undeveloped land containing a large unusable area. Developing the land for low density housing would promote a diverse range of quality housing in this area which is appropriate as this parcel is adjacent to senior housing, Palmer Job Corps and Eagle Ridge housing development; Palmer Middle School, trails and walking paths are nearby.

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

Finding: The proposed change is compatible with the surrounding zoning districts and established land use pattern since this parcel is surrounded by a mix of established R-1 Single-family Residential, R-2 Low Density Residential, CL Limited Commercial and Public. Located to the north of this parcel is Job Corps. Located to the south and west are senior housing facilities, Mountain Rose East and Mountain Rose Estates, and located to the east are Eagle Ridge housing development and a residential building. If rezoned to remove the special limitations and maintain the R-2 Low Density Residential designation, this parcel would continue to be compatible with surrounding low density zoning districts and uses, and would allow or 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 accessed by North Thuma Street which intersects East Outer Springer Loop which is maintained by DOT and is adequate to meet any increased traffic demand in this area. Public facilities, Job Corps and Palmer Middle School, are

adequate to support the proposed change. Public Works Department has recommended the proposed buyer pursue installing an on-site ADEC-approved septic system and residential well for any houses to be constructed on this parcel. City utilities cannot be connected due to the existing elevation of the property and existing elevation of sewer and water main without incurring substantial monetary cost. The use of on-site water and wastewater will limit development density.

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

Finding: The changed conditions affecting the subject parcel are the continued gravel excavation and fill. Changed conditions affecting the surrounding neighborhoods consist of minor expansion of the Job Corps facility and continued development in Mountain Rose East housing development. The continued development of the surrounding housing units supports the proposed change to R-2.

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 to remove the special limitations and maintain the current R-2 Low Density Residential zoning designation which is consistent with surrounding development density.

Public Hearing: [opened at 7:10 p.m.]

Gordon Richmond, co-Petitioner, stated he was here to answer any questions; noted agreement as put forth by staff; testified their interests are for personal retirement residence; pointed out their only request was have the legacy ordinance sun-setted that required a mirror image of Mountain Rose East, which they don't see where it could be feasible for them or anyone else because of the topography and other stated reasons. The change would make it feasible for their ownership as well as long-term investment for other families. It would also sunset the requirement to denude the area any further in order to get maximum footprint of what was in the legacy ordinance. Addressing concerns of the neighbors, he emphasized that there would not be any access through Mountain Rose East, only off Thuma. And they plan to maintain a maximum tree buffer.

Dave Moore, property owner Mountain Rose, testified in opposition; that he has doubts about it being mostly single-family; spoke in favor of going back to R-1 from R-2 with special limitations if the ordinance is sunsetted. Otherwise, he sees it potentially as another Eagle Ridge and higher density in the area. He objects to a straight R-2, especially without a plan that could also have special exemptions.

Ed Bastrom, resident of Mountain Rose East, spoke in favor; lives directly across the tracks from Petitioner but has not met him; testified that the Petitioner has kept his homeowners association apprised of his plans and, speaking for himself, thinks it would be very compatible with Mountain Rose East; believes what the petitioner has stated is true and that the area would not be appropriate for a larger development.

Robert Nilsen, resident of Mountain Rose Estates, speaking for himself, although he is a board member, would have no reason to vote against this, but with one proviso. They are still very concerned about the ingress and egress. If the access is strictly through Thuma Street and the existing buffer is maintained and not trimmed, they would have no objection.

[There being no others wishing to testify, the public hearing was closed at 7:24 p.m.]

Commissioner Kerslake moved, seconded by **Commissioner Petty**, to *recommend approval* to the City Council of the zoning map amendment more particularly described in **Resolution 14-006**, Tract B, Mountain Rose East Phase I, from R-2 Low Density Residential with Special Limitations, to R-2, Low Density Residential, *including the Findings of Fact as set forth by staff*.

Commissioner Kerslake spoke in favor, stating that based on the findings of fact set forth by staff and review of the property, he thinks that subject property would otherwise continue to go undeveloped and that it is a positive move forward. Commissioner Petty agreed and views it as a positive growth. Commissioner Lucas also agreed, pointing out that the recommendation of a private water and septic onsite should alleviate any major concerns about a large development of any kind. Commissioner Kircher concurred.

Amendment:
Commissioner Kerslake moved, seconded by **Commissioner Petty,** to amend the main motion to adopt the Findings of Fact as above-stated by staff in support of Resolution 14-006, and as reviewed by the Commission.

ROLL CALL VOTE
ON AMENDMENT: Carried Unanimously
[Kerslake-yes; Kircher-yes; Lucas-yes; Petty-yes]

ROLL CALL VOTE
ON MOTION AS AMENDED: Carried Unanimously
[Kerslake-yes; Kircher-yes; Lucas-yes; Petty-yes]

2. **Resolution No. 14-008:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Tax Parcel D2 to be rezoned from CL, Limited Commercial to CG, General Commercial, located in Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska.

Staff Report: Ms. Garley summarized background and site information. Public notice and publishing requirements pursuant to code have been met. A total of zero written comments were received in response.

Staff recommends approval based on the following findings of fact if the Commission concurs and to forward a recommendation for approval to the City Council:

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 B under Goal 4 goes on to state "Encourage high quality, larger scale commercial uses along the Palmer-Wasilla Highway, and several other local highways." The proposed zone change to CG-General Commercial would allow for the option of future commercial development for this property located along Evergreen Avenue/Palmer-Wasilla Highway. The land along this section of Evergreen Avenue/Palmer-Wasilla Highway is predominately General Commercial.

The 2006 Palmer Comprehensive Plan recognized that the Palmer-Wasilla Highway is the center of a major, steadily expanding commercial corridor connecting Palmer and Wasilla. This area is appropriate for highway-oriented commercial uses.

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

Finding: The parcel's location is surrounded by a mix of CL, Limited Commercial, and CG, General Commercial uses. Located to the west of subject parcel is Alaska USA Federal Credit Union and to the south of this parcel are federal offices and a large retail grocery store with gas station (Carrs/Safeway); in addition to Peak Inn Motel and other nearby commercial uses. 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, Palmer-Wasilla Highway, which would be adequate to meet any increased traffic demand in this area. The Palmer-Wasilla Highway is maintained by the State of Alaska Department of Transportation and may have future upgrades. Public facilities such as schools and utilities are adequate to support the proposed change.

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. The changed conditions since the initial Limited Commercial zoning includes the development of the large Carrs/Safeway, the proposed 100,000+ sf Fred Meyer store, and the proposed extension of Dogwood to Felton which will intensify larger commercial development in this general area. The future upgrades to the Palmer-Wasilla Highway and the nearby Dogwood Avenue will help to encourage and support more commercial growth and development 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.

Public Hearing: [opened at 7:32 p.m.]

Wayne Whaley, Petitioner, owner of Denali North Engineering & Surveying, spoke in favor of the rezone. He is the owner of subject property, will retain ownership, and is currently in negotiations for a long-term lease with an autoparts retail store (national firm). They will build the building; he will own it. Currently, the agreement is for a 900 sf building. General commercial zoning is required. He has also been in negotiations with DOT buying property from the front, however, his main concern has been the ability to hook into city sewer and preservation of the use of that line subject to checking it out. He further expounded with regard to the history of the area. Subject to this approval and his coming together on terms for the long-term lease (15 years with up to 30 years in extensions), they plan to build in the spring starting in April, 2015. He agrees with staff recommendations.

[There being no others wishing to testify, the public hearing was closed at 7:40 p.m.]

Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to *recommend approval* to the City Council of the zoning map amendment more particularly described in **Resolution 14-008**, Tax Parcel D2, from CL Commercial Limited to CG Commercial General, *including adoption of the Findings of Fact as set forth by staff*.

ROLL CALL
VOTE ON MOTION: Carried Unanimously
[Kerslake-yes; Kircher-yes; Lucas-yes; Petty-yes]

H. UNFINISHED BUSINESS:

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

Staff Report: Ms. Garley called attention to a first draft Ordinance at page 87 of the packet, as an example of what it would look like as an overlay, which is a much easier ordinance for the general public to understand because it basically says whatever you are zoned, you will continue to be zoned, however, in addition to the uses by right found in the base zoning district, it establishes a list of all uses that are permitted in the CBD Core Overlay Zone. She noted that Gary Wolf has agreed to come to the next meeting to lend his expertise on keeping the feel for the urban area while allowing some densification.

Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to enter Committee of the Whole, to review, revise, and comment on the draft ordinance. There were no objections.

[The Commission entered Committee of the Whole at 7:45 p.m.; exited at 7:58]

Ms. Garley will incorporate the revisions discussed and include a new draft at the next meeting including supplying a copy to Gary Wolf for his input.

2. **Review Draft Ordinance No. 14-0xx Amending Certain Zoning Districts to Allow Temporary Buildings and Structures by a Conditional Use Permit.**

Ms. Garley updated the Commission as to current status. The Commission's final decision has been incorporated into a draft ordinance with Option 1 and it is ready to move forward to City Council if the Commission approves. She reminded that one option is to take the temporary building (less than six months) through the full conditional use process with a public hearing or another option is to bring it to the Planning & Zoning Commission for site plan review and final decision. Brief questions of staff ensued.

Commissioner Kersake moved, seconded by **Commissioner Lucas** to enter Committee of the Whole to discuss, revise and comment on the proposed Ordinance concerning temporary buildings. There were no objections.

[The Commission entered Committee of the Whole at 8:03 p.m.; exited at 8:04 p.m.]

While in Committee of the Whole, all confirmed agreement on Option 1.

Amendment:
Commissioner Kerslake moved, seconded by **Commissioner Petty**, to amend the main motion from last meeting recommending adoption of the proposed ordinance, to add language to paragraph 17.08.072 Building or Structure, temporary, stating:

"Temporary building" . . . . . ; temporary buildings associated with the construction of a permitted use are exempt during construction and for a period not to exceed 90 days."

VOTE ON AMENDMENT: Carried Unanimously.
VOTE ON MAIN MOTION AS AMENDED [recommending approval of proposed Ordinance 14-0xx]**:** Carried Unanimously.

I. NEW BUSINESS:

1. **Discussion of Setback Requirements for Single Family Residences in CG, General Commercial and CL, Limited Commercial Districts.**

Ms. Garley explained this was brought forward as a discussion item and for clarification if the discrepancy should be modified. The setback requirements for a single family residence zoned CL or CG are 25' for front yard, 15' for side yard and 25' for rear yard. These setback requirements are more restrictive than the setbacks in the R-1 district for a single family residence and the more restrictive requirements do not encourage single family residential development in the CG and CL districts. [See full report at page 99 of the packet and excerpts of current code sections in Title 17 re setback requirements].

Brief questions and discussed ensued. There was consensus of general agreement that modifications may be necessary and that staff should place the item on the agenda for next meeting.

2. **Resolution No. 14-007:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve the December 2014 Revisions and Updates to the March 2012 Official Zoning Map.

Ms. Garley explained that there have been several zoning amendments in the last couple of years and staff has prepared an updated Zoning Map incorporating those changes [see proposed map of Current Zoning Districts, December 2014 at page 109 of the packet.] The requested action is for the Commission to consider Resolution No. 14-007 and recommend adoption of the December 2014 revisions and updates to the zoning map.

Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to recommend adoption of Resolution No. 14-007, approving the December 2014 revisions and updates to the March 2012 Official Zoning Map.

Comments were all in favor of the updated Zoning Map.

VOTE ON MOTION: Carried Unanimously.

J. PLAT REVIEWS:

1. **IM 14-025 Plat Review:** The Request is to divide Tax Parcel D36 in Section 6, Township 17 North, Range 2 East, Seward Meridian, located inside Palmer city limits and Tax Parcel A17 in Section 7, Township 17 North, Range 2 East, Seward Meridian, located outside Palmer city limits into a Master Plan of Merit Homes of 71 to 73 lots.

Ms. Garley reported beginning page 121 of the packet are staff comments for review and comment. The building inspector and fire inspector had comments about the fire apparatus and road standards. The comments that the Commission had made previously were basically that a subdivision with 72 lots needed to have more than one access. That was taken seriously and the developer has redesigned the subdivision to include a second access point. Brief questions of staff ensued regarding road standards and land dedication for parks.

The Commission had no additional comments.

2. **IM 14-027 Pre-application Review:** The request is to cut a portion of Tract A, Golden Glenn Estates Phase I and combine it with Tract C-1, The Highlands Phase II, located inside Palmer City limits.

Ms. Garley reported that this is the additional property that Fred Meyer is hoping to acquire in order to build a larger building the size of the Wasilla store. The request has

been reviewed by staff and there were no particular comments or concerns. All information is in the packet for review and comment. Brief questions of staff ensued.

The Commission had no additional comments or objections.

3. **IM 14-028 Abbreviated Plat Review:** The request is to divide Lot 3, Caulkins Subdivision into two lots to be known as Lots 3A and 3B, located outside Palmer city limits.

Ms. Garley called attention to drawing on page 152 of the packet. The proposal is to divide one lot into two lots, one of which has direct frontage onto S. Caulkins Street. The building inspector and fire chief pointed out that fire access needs to meet the fire code 20-foot-wide road surface and drives longer than 150' (and this is longer) must provide a fire apparatus turn-around as per the fire code. These comments will move forward to the MSB Platting Board. Brief questions of staff ensued.

The Commission had no additional comments or objections.

K. PUBLIC COMMENTS: There were no public comments.

L. STAFF REPORT:

Ms. Garley reported in view of the upcoming Commission election next meeting that Mr. Madar has notified that he will not be forwarding his application to renew his seat on the Commission which expires the end of October. She noted the Mayor has received one application to fill a seat on the Commission.

M. COMMISSIONER COMMENTS:

Commissioner Kerslake thanked Kimberly McClure for registering him last minute to attend the upcoming Planning Commission Conference.

There were no other commissioner comments.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:31 p.m.

_____
Michael Kircher, Vice Chairman

_____
Kimberly A. McClure
Planning and Code Compliance Technician