

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

**REGULAR MEETING
THURSDAY, NOVEMBER 20, 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 7:00 p.m.
- B. ROLL CALL:
Present and constituting a quorum were Commissioners:
Michael Kircher, Vice Chairman
Dan Lucas
William Kerslake, Sr.
David Petty
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 Kerslake.
- D. APPROVAL OF AGENDA: The agenda was approved as presented.
- E. MINUTES OF PREVIOUS MEETING:
The minutes of the October 16, 2014 Regular Meeting were approved as amended, correcting the spelling of Peak Inn on page 9 of the packet.
- F. PERSONS TO BE HEARD:
There were no persons wishing to speak on topics not on the agenda.
- G. PUBLIC HEARING(S): There were no public hearings.
- H. UNFINISHED BUSINESS:
1. Continue Discussion of Central Business District with Gary Wolf, local architect.

Ms. Garley gave a staff report noting the Commission had not yet reached consensus on proposed language regarding building height limit for any uninhabitable spaces on roof tops (reference packet page 18) of buildings within the Central Business District Core Overlay Zone. Local architect Gary Wolf was present to seek his input for suggestions on how to structure language to permit ornamental features such as bell towers or cupolas so as not to be subjected to the absolute 50' maximum limit.

Commissioner Lucas moved, seconded by **Commissioner Petty**, to enter Committee of the Whole for open discussion with Mr. Wolf on the Central Business District.

VOTE ON MOTION: Carried Unanimously.

[The Commission entered Committee of the Whole at 7:06 p.m.; exited at 7:37 p.m.]

While in Committee of the Whole, Mr. Wolf opined that it would probably work better to have language that is performance based rather than prescriptive in terms of an actual percentage, recommending language that would require the developer to come in to justify exceeding the limit on a case-by-case basis. Mr. Wolf gave his input on other Central Business District provisions such as street level facades, parking and access, residential garages, and landscaping requirements. Discussion and questions ensued.

Ms. Garley will take information heard tonight and endeavor to come back to the next meeting with performance based language that deals with building height. She sought consensus from the commission as to process: 1) review administratively the developer's proposed plan for a roof-top edifice on a 50-foot building, or 2) bring it before the P&Z Commission for site review; or 3) formal review such as with a Conditional Use Permit. Following comment, the consensus was for a formal review similar to a Conditional Use Permit.

I. NEW BUSINESS:

1. Annual Election of Chairman and Vice Chairman.

Ms. Garley explained the procedure.

Following nominations, Commissioner Kerslake was duly elected to serve as Chair of the Commission for the ensuing term of one year.

Chairman Kerslake assumed the seat as Chair for the rest of the meeting.

Following nominations, Commissioner Kircher was duly elected to serve as Vice Chair of the Commission for the ensuing term of one year.

2. Annual Review of Conditional Use Permits.

Ms. Garley gave a staff report directing attention to written report of Active Conditional Use Permits as of November 20, 2014 (pages 25-26) in the packet for the Commission's review. At this time, all the conditional uses are open and in compliance, except for two: Peak Oilfield Services (gas-fired power plant) and Alaska State Fair (gas-fired co-gen plant), which were requested to be closed per the applicants, and one open and not in compliance: Mat-Su Borough (Green House/Tree Nursery), Smith Extension, Y2K Addition (packet page 58).

Further discussion ensued as to reasons for the noncompliance. The green house which

had fallen into disrepair has been removed but the previous fence which blew down and replaced with an open chain-link fence does not provide sufficient screening. It was recommended to green-scape along the fence which would dress-up the whole area by the schools.

Commissioner Lucas moved, seconded by **Commissioner Kircher**, to recommend that the Mat-Su Borough provide a vegetative barrier along the fence line to bring subject Conditional Use Permit (Lot 1, Smith Ext Y2K) into compliance.

VOTE ON MOTION: Carried Unanimously.

Commissioner Lucas moved, seconded **Commissioner Kircher**, to recommend that the Conditional Use Permits issued to Peak Oilfield Services on 7/26/11 for a gas-fired power plant and to Alaska State Fair on 1/23/11 for a gas-fired co-gen plant be closed out pursuant to the applicants' requests.

VOTE ON MOTION: Carried Unanimously.

3. Potential Zoning Criteria in Regards to Ballot Measure 2.

Ms. Garley directed attention to copy of the handout, reporting that as a result of the vote on Ballot Measure 2 legalizing the personal use of marijuana by persons 21 years and older, the law will become effective in late February, 2015 (90 days after certification of the election). The city will be looking at what impacts the new law will have on the city of Palmer, which will create a new industry in Alaska allowing for retail marijuana stores, cultivation, manufacturing and distribution facilities following regulations promulgated by the State. A local government cannot prohibit marijuana or create a "dry village" like you can with alcohol. Local governments can, however, prohibit cultivation, product manufacturing, testing, and/or retail stores and may designate a local regulatory authority to regulate marijuana facilities and may require restoration and payment of fees. The earliest a business can operate in Alaska will not be until March, 2016, which it is expected it will take that long for the State to put licensing regulations in place. Ms. Garley further detailed what the ballot measure does and does not do. In the packet are samples of Municipal Codes in other cities in Washington and Colorado. She asked the Commission to review the material for future discussion and recommendations on issues that Palmer will be facing in developing its own code. Questions and further discussion ensued regarding some of the issues and concerns.

Ms. Garley was asked to bring the current regulations to the next meeting, as well as some of the impacts being dealt with or issues that are developing in other states as a result the legislation.

J. PLAT REVIEWS:

There were no plat reviews.

K. PUBLIC COMMENTS:

There were no public comments offered.

L. STAFF REPORT:

Ms. Garley reported she expects to receive the rezoning request from Fred Meyer's on the old Carr's property this week; they are beginning to prepare the findings for their traffic impact analysis which is an integral part of requesting a large retail services establishment permit from the City of Palmer. The project is moving right along.

M. COMMISSIONER COMMENTS:

All the commissioners were pleased to welcome Ms. Maxwell to the Commission.

Commissioner Lucas felt it was a productive meeting and that it was good to have Mr. Wolf's input into the ongoing discussion about the downtown area.

Commissioner Petty had no comments.

Commissioner Kircher was unable to find his copy of the newest Comprehensive Plan and asked for another copy. Ms. McClure noted it was posted on the city website, but she will send him a hard copy. He asked about the earth berm at the gravel pit on the Glenn Highway. Chairman Kerslake said that he thinks they decided it would make a better visual blind to take the trees down and build the earthen berm and that they'll probably hydro-seed it in the spring; that it also creates a noise and dust barrier.

Commissioner Maxwell thanked everyone for such a warm welcome. She said it is wonderful to live in Palmer, noting she has been coming here since 1997 to visit her folks who have lived here a long time. It is really nice to be part of the community. She very much believes in public service. Her goal on the weekends is to not start her truck because Palmer is such a nice walking community. She also appreciates that she can use mass transit to go back and forth to Anchorage. It's a pleasure to meet everyone.

Chairman Kerslake thanked Ms. Maxwell for volunteering to be appointed to the Commission, that her help is very much appreciated. He reported on his recent attendance at the Planning Conference. There was a wide spectrum of people and there were some very good speakers. His main take-away is most of the speakers couldn't express enough the importance of reading and knowing what is in your comprehensive plan; that it is the foundation for your decision process and being able to make reference to the comprehensive plan for your findings of fact. He found it interesting when a question was asked as to why the Anchorage Comprehensive Plan was outdated to which they said Anchorage has not met the growth predictions that they had planned 15 years ago. Based on what he learned at the conference, he will be rededicating himself to studying Palmer's comprehensive plan and encouraged others to do also.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:30 p.m.

William Kerslake, Sr., Chairman

Kimberly A. McClure
Planning and Code Compliance Technician