

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

**REGULAR MEETING
THURSDAY, NOVEMBER 21, 2013
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 7:01 p.m.

B. ROLL CALL:

Present and constituting a quorum were Chairman Madar and Commissioners, Kircher, Lucas, and Kerlake. Also present were Sandra Garley, Community Development Director, Kimberly McClure, Planning and Code Compliance Technician, and Pam Whitehead, Recording Secretary.

C. PLEDGE OF ALLEGIANCE: The Pledge was led by Commissioner Kerlake.

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

E. MINUTES OF PREVIOUS MEETING(S):

The minutes of the October 17, 2013 Regular Meeting were approved as presented.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARINGS:

1. **Resolution 13-009:** A Resolution of the Palmer Planning and Zoning Commission Approving a Conditional Use Permit for a Charter School to be Developed on a Lot Located in R-1E Single-family Residential Estate Zoning District at 12251 East Helen Drive on Tax Parcel C10, in Section 5, Township 17 North, Range 2 East, Seward Meridian, Alaska.

Commissioner Kerlake moved, seconded by **Commissioner Kircher**, to postpone action on this item until the February 20, 2014 Regular Meeting, as per written request by the petitioner.

VOTE on Motion: Carried Unanimously.

2. **Resolution 13-012:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Tax Parcel D8, Located in Section 8, Township 17 North, Range 2 East, Seward Meridian, Alaska, from R-1, Single-Family Residential to I, Industrial with Special Limitations.

Commissioner Kerlake moved, seconded by **Commissioner Lucas**, to approve the rezoning request from R-1 to I with Special Limitations.

Ms. Garley gave a staff report and background information. The owner of this parcel is requesting an extension of the I-Industrial zoning district with special limitations. The parcel was rezoned from R-1 to I with Special Limitations by Ordinance 612-Z-57 (substitute) on February 24, 2004. The special limitations included a 10-year period and the owner was to obtain a conditional use permit to operate an inert waste mono-fill for reclamation purposes for this parcel. At the end of 10 years this parcel will revert back to its original zoning of R-1 to occur in February, 2014. Since the reclamation process is not complete, the owner has requested an extension of the Industrial zoning with Special Limitations in order to complete the reclamation process through a conditional use permit. All notification and publication requirements of the code have been met. One written comment in opposition was received in response (on the table).

In order for the Commission to recommend approval of the requested zoning map amendment, it must find that the following facts support the proposed change pursuant to code. Ms. Garley offered the following findings for the Commission's consideration:

Fact 1) The proposed change is in accordance with the borough and city comprehensive plan.

Staff finds the following facts support this Finding: The extension of the zoning designation to Industrial with Special Limitations continues to be in accordance with the Borough and City comprehensive plans. The prior history of this property shows the use was a commercial gravel pit. For the last 10 years, the property has been used as an inert waste mono-fill site for reclamation purposes. Extending the current zoning designation of Industrial with Special Limitations will allow completion of the reclamation process through a conditional use permit, if approved. Once the reclamation process is complete, the land can be used for more beneficial purposes which are compatible with surrounding properties, will have eliminated an ongoing attractive nuisance and will contribute to making Palmer an attractive place to live as mentioned in Goal 1 of the 2006 Palmer Comprehensive Plan.

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

Finding: The extension of the Industrial zoning with Special Limitations designation will allow the reclamation process to be completed if the conditional use permit is also extended so the land can be usable for future development. In its present state, the land is not compatible with the surrounding areas. The land is surrounded on two sides by the Fairgrounds district and two sides by residential neighborhoods. For this property to be compatible with surrounding zoning districts and established land use pattern, it is necessary to allow the reclamation process of this property to be completed. Once the reclamation process is complete, future development of the land could serve a variety of uses which would necessitate the return of the land to a more restrictive and compatible zoning district.

Fact 3) Public facilities such as schools, utilities, and streets are adequate to support the proposed change.

Finding: The public facilities such as schools and utilities have proved to be adequate over the past 10 years since this property was zoned Industrial with Special Limitations. Extension of the Industrial zoning with Special Limitations designation should not incur any change. To avoid local impacts from traffic on Inner Springer Loop, the new access of Rebarchek Avenue has been constructed and is used for access to this property.

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

Finding: This parcel is adjacent to residential neighborhoods and uses on the south and east sides. Changed conditions over the last 10 years to the subject parcel consist of the dangerous slopes having been re-graded and resolved, site is completely screened by berms or fencing, runoff water from the road has been redirected to a more suitable location on the property and approximately 35 percent of the original excavated portion of the pit from 2004 has been filled and restored at grade to the surrounding land. Recommending the continued Industrial zoning with Special Limitations will allow the completion of the reclamation process, through a conditional use permit if approved, for this site to remove the dangerous nuisance (extending about 20 acres in area and as much as 50 feet below surrounding grade) that has existed on this parcel, and return it to a more useable and safe piece of land that will be compatible with the surrounding fairgrounds and residential properties.

Fact 5) The proposed change is consistent with the public welfare and does not grant a special privilege to the owners(s).

Finding: The extension of the Industrial zoning with Special Limitations should be granted as the public welfare will be better served by allowing the completion of the reclamation process through a conditional use permit, if approved, upon the site to remove the dangerous nuisance for the safety of the general public. The continuance of the Industrial zoning with Special Limitations does not grant a special privilege to the owners as this 40 acres parcel is large enough to be its own "stand alone" zoning area.

Based on the information provided by the applicant and additional research, staff finds that subject rezone is consistent with and substantially conforms to the Palmer Comprehensive Plan for the I-Industrial district, and would support a recommendation or approval to the City Council should the Commission find, following public hearing, that the applicant's proposal conforms with said comprehensive plan and zoning code provisions.

Chairman Madar opened the public hearing at 7:15 p.m.

Steve Agni, of Development Managers, Inc. and **Mike Waddell**, Operations Manager, representing the Applicant, **Alaska Demolition, LLC**, gave a presentation and spoke in

support of the requested extension of the Industrial zone, describing the activities and status of the restoration project (Rebarcheck pit) that have taken place and the tasks necessary to complete it. They are requesting an extension of 10 years. The conditional use application will provide a detailed ledger of all the materials coming in as well as the volume that it will take to fill the remaining void to complete this project. Mr. Waddell responded to Commission questions regarding materials volume and gravel extraction.

There being no others coming forward to speak, the public hearing was closed.

Discussion followed.

Commissioner Kerslake spoke in favor of the extension, noting that a few things may need to be tweaked; that ultimately, the goal is to get the property brought back to grade. His concern, however, is there has already been a 10-year agreement and the backfill is only about a third complete. Maybe it should be reconsidered how the topography is calculated at the end of each year. The surveyors are not providing what the actual gain of in-place yardage from year to year is, but only the yardage that is being imported in the trucks. He would recommend (1) that if surveyed on an annual basis, surveyors should be able to compile easily with GPS, the actual volume of fill gained each year into the site. And (2) with the 35% recovery estimate not having been met, if you go back in city council records, completion of the project was to be optimistically in 5 to 7 years, up to 10 years, which is where it stands now. His second recommendation would be to amend to approve for another 10 years but that it be reviewed again in 5 years. Ms. Garley noted these are conditions that could very reasonably be placed on the conditional use permit.

Commissioner Kircher also spoke in support of approval with the conditions recommended by Commissioner Kerslake and add a prohibition against any further extraction because it needs to move along. He raised concern that it should have been done in 10 years and thinks it should be shut down at five years.

Commissioners Lucas and Madar were also in favor.

The commission concurred with staff's analysis and proposed findings with regard to the requested rezone.

Amendment:

Commissioner Kerslake moved, seconded by **Commissioner Lucas** to amend the main motion to adopt findings of fact as stated by staff for the requested zoning map amendment for Tax Parcel D8, in Section 8, Township 17 North, Range 2 East, Seward Meridian, and to recommend approval to the City Council.

Madar	Kerslake	Kircher	Lucas	Vacant	Vacant	Vacant
1. The proposed change is in accordance with the borough and city comprehensive plans.						
Y	Y	Y	Y			
2. The proposed change is compatible with the surrounding zoning districts and the established						

land use pattern.						
Y	Y	Y	Y			
3. Public facilities such as schools, utilities and streets are adequate to support the proposed change.						
Y	Y	Y	Y			
4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change.						
Y	Y	Y	Y			
5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).						
Y	Y	Y	Y			

VOTE ON AMENDMENT: Motion passed unanimously.

VOTE ON MAIN MOTION, AS AMENDED: Motion passed unanimously.

Madar	Kerslake	Kircher	Lucas	Vacant	Vacant	Vacant
Y	Y	Y	Y			

H. UNFINISHED BUSINESS:

1. Continue discussion of the Central Business District.

Ms. Garley gave a staff report, directing attention to the materials in the packet of sample Central Business Districts of Kirkland, Washington and Tacoma, Washington. Additional information is on the table on overlay districts.

Commissioner Kerslake moved, seconded by **Commissioner Kircher**, to enter into Committee of the Whole. There were no objections.

[The commission entered committee of the whole at 7:46 p.m.; exited at 8:15 p.m.]

While in Committee of the Whole the Commission had open discussion regarding Central Business Districts.

I. NEW BUSINESS:

1. Annual Election of Chairman and Vice Chairman.

Nominations were opened for the positions of Chairman and Vice Chairman.

Commissioner Kerslake nominated, seconded by **Commissioner Lucas**, Mike Madar for the position of Chair and Michael Kircher for the position of Vice Chair. There were no other nominations.

VOICE VOTE: Carried Unanimously. Michael W. Madar was elected Chairman and Michael Kircher was elected Vice Chair to serve for the ensuing year.

J. PLAT REVIEWS: None.

K. PUBLIC COMMENTS: There were no public comments.

L. STAFF REPORT: Ms. Garley had no staff report.

M. COMMISSIONER COMMENTS:

The commissioners had no additional comments.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:18 p.m.

Michael W. Madar, Chairman

Kimberly A. McClure
Planning and Code Compliance Technician