

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

**REGULAR MEETING
THURSDAY, DECEMBER 20, 2012
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:

Present and constituting a quorum were Chairman Madar, Commissioners Kerslake, Kircher (at 7:04 p.m.), Prosser, and Lucas. Commissioner Campbell's absence was excused. Also present were Sandra Garley, Community Development Director, and 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 November 1, 2012 Special Meeting were approved as presented.

F. PERSONS TO BE HEARD:

1. Presentation on Palmer Bike Park.

Luanne Urfer and Eric Morey of Sustainable Design Group gave a presentation on the Wilson Park Project. They distributed a concept design plan showing progress in the last couple of months detailing a number of elements being worked on. Mr. Morey explained the various elements and layout of the park, including a pavilion, natural play area, basketball court, bus shelter/warming hut, pump park lighting, biocell, and seating.

Brief questions and comments followed, in particular, regarding parking.

G. PUBLIC HEARING:

1. Resolution 12-010 A Resolution recommending City Council approve a Zoning Map Amendment for Tax Parcel D1, in Section 28, Township 18 North, Range 2 East from R-1, Single-family Residential to AGR Agricultural.

Commissioner Kircher moved, seconded by **Commissioner Prosser**, to recommend approval to the City Council of the requested rezone for Tax Parcel D1 from R-1 to AGR.

Ms. Garley presented a staff report. All notice and publishing requirements required by code have been met. Three comments have been received: one in favor, one in opposition, and one in support of the current use but had concerns about future agricultural uses on the property. There was also one phone call in opposition. The owners of the parcel are requesting subject rezone so the current use will be in compliance with zoning. Even though this property has been previously used as a farm, and is still being used as a farm, the property was automatically zoned R-1 upon annexation in 2003. There was no Transitional District at the time. It is part of the Old Max Sherrod Farm and has been there since the Colony days. There are other parcels within the surrounding 1000' area which are currently zoned Agricultural.

Ms. Garley presented the findings of fact that the Commission must make in considering the proposed change:

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

Staff-recommended Finding: The proposed zone change is in accordance with the 2006 Palmer Comprehensive Plan because it supports a point listed under Goal 1 of Chapter 6, Land Use, which states: "Agricultural heritage and history that continues to be visible." This parcel was used as a farm and was referred to as the Old Max Sherrod Farm.

The proposed zone change also supports Objective B under Goal 8, Sustain Palmer's agricultural traditions, which states "Support and maintain Palmer's rural, farming identity and traditions." This large parcel of land is currently being used as a farm to grow crops and raise farm animals which help produce herbs and seasonings sold to local restaurants.

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

Staff-recommended Finding: The proposed zone change to Agricultural includes a single family residence and agricultural uses which pertain to this parcel. There are noncontiguous parcels in this area which are also zoned Agricultural. The minimum lot area for the Agricultural District is one acre. The Matanuska-Susitna Borough tax sheet reflects this parcel to have a gross acreage of 8.08 acres with 5.09 taxable useable acres, which abundantly exceeds the required one acre for the Agricultural District.

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

Staff-recommended Finding: This property has been and is currently being used as a farm. If rezoned, the schools, utilities and streets continue to be adequate for this proposed zone change. The proposed zone change will not add any students to the public school system, nor exceed the capacity of the City utilities.

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

Staff-recommended Finding: There have been no recent changes to the subject

parcel or surrounding neighborhood. This parcel has been used as a farm by previous owners and is currently being used as a farm. The proposed zone change will correctly reflect and support the continuing use of this parcel for agriculture.

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

Staff-recommended Finding: At 8.08 acres, this is a large-size individual parcel of land in Palmer which has both historic and current use for agriculture. The proposed zone change does not grant this property any special privilege; the proposed zone change would simply update the zoning to reflect the continuing use of this parcel for agriculture.

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 AGR, Agricultural District. If, following the public hearing, the Commission finds that the applicant's proposal conforms with the Palmer Comprehensive Plan and Zoning Code provisions, then staff would support a recommendation for approval to the City Council.

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

George and Dena Tanguay, applicants, 619 N. Gulkana St., Palmer, spoke in support of the requested rezone. Since they purchased the property they have had chickens, rabbits, sheep, two very large gardens and three greenhouses. They plan to add an additional greenhouse for their culinary herbs business. The change would maintain the same agricultural use as it has been for years. They addressed some of the concerns raised by the neighbors, noting they have a half-million dollars invested in their property and there is no possibility it would be turned into a pig farm. In fact, they would be willing to impose a limitation as to the type of livestock animals permitted on the property. They emphasized the primary use now and in the future is agriculture and expansion of their gardens.

Commissioner Kircher inquired why the change was not applied for earlier. Mrs. Tanguay explained raising organic produce was originally just for personal use, however she started an herb growing business this year. She emphasized the business is all on a wholesale basis; there is no retail store nor does she ever intend to have one, therefore, no increase in either foot or automobile traffic. They have no impact on city services; they have their own well and septic.

Jo Weller, 723 N. Gulkana Court, Palmer, spoke in opposition, for the reasons that an agricultural designation would allow commercial agricultural uses with few restrictions on permissible activities, including housing any number and kind of animals which could directly and adversely affect quality of life and the value of their property. She spoke to spot zoning, the possibility of increased traffic flow having an adverse effect on the neighborhood, and the existing driveway access to this parcel is too close to a corner and is not safe. Zoning is a major reason they live in Palmer, serving to protect the value of their property. She questioned why the requested change now since there

have been no complaints to the Tanguays' current usage. She raised concerns about unforeseen negative impacts by future owners under an agricultural designation. Ms. Weller said she spoke with six of her neighbors, none of which objected to the current use, but five had concerns about what future owners might do. She noted that if this had been presented at a different time of year, there would have been more input; suggested postponing decision on the matter to allow for additional comment.

Robert Howard, 240 N. Independence Street, Palmer, spoke in favor, noting enjoyment of living in the area raising his family since 1976; spoke to being able to see a piece of Palmer's history in the Old Max Sherrod Farm; believes the Tanguay acreage is small enough that it couldn't get out of hand; spoke to the open space feeling that the farm has provided all of these years, that it helps complete the whole area between the river and town, a good buffer to the industrial. He would like to see the property continue as a farm.

Dena Tanguay addressed the mostly "future" concerns of use of the property, stating if they were to put in writing as to no swine and a limited number of large livestock, she doesn't see how that can be detrimental. She pointed out that most of their neighbors have told them they really appreciate what they've done to improve the property in the four years they've been there with fencing, with buildings, and just cleaning the property up entirely, and putting in gardens. She does not believe there would be that much opposition at any other time of the year.

The public hearing was closed at 7:30 p.m.

Commissioner questions of staff and discussion ensued regarding permitted uses in the Agricultural District.

Commissioner Kircher spoke in favor; noted the intent of the AGR district is to promote the continuing vitality of agriculture and other uses generally associated with rural land uses; spoke to the history of the AGR district; that this property is one of the reasons this district was established; commented that we need to do what we can as a commission and as citizens of Palmer to promote as much agricultural land as we can; pointed out that the nuisances associated with animal odors and noise are covered by city nuisance ordinances; reiterated that this property was part of a large-scale annexation where everything came in as R-1 per code, regardless of what it was, before the T-Transitional District was established to act as a "holding" district until a proper designations could be established; that considering what staff has informed about writing in limitations, he thinks there would not be any significant impact to adjacent properties.

Commissioner Prosser spoke in favor of the AGR designation but with limitations imposed on the permitted uses, not only because of the adjacent residential but also because of the adjacent school.

Commissioner Kerslake inquired of staff regarding special limitations. Ms. Garley explained the process. There was inquiry of staff regarding noise and nuisance

ordinances and whether to table the matter to allow sufficient review prior to making a decision.

Chairman Madar spoke in favor of the rezone to AGR without limitations but wanted to make sure the neighbors were otherwise protected by the noise and nuisance ordinances already in place.

Commissioner Prosser moved to table the decision until the January meeting. There was no second, therefore, the motion died.

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

Amendment:

Commissioner Kircher moved, seconded by **Commissioner Kerslake** to amend the main motion to adopt findings of fact and recommendations presented by staff for the requested zoning map amendment for Tax Parcel D1, in Section 28, Township 18 North, Range 2 East, from R-1 Single-family Residential, to AGR Agricultural, and to recommend approval to the City Council.

Madar	Kerslake	Campbell	Kircher	Prosser	Lucas	Vacant
1. The proposed change is in accordance with the borough and city comprehensive plans.						
Y	Y	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	Y	Y	
3. Public facilities such as schools, utilities and streets are adequate to support the proposed change.						
Y	Y	Y	Y	Y	Y	
4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change.						
Y	Y	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	Y	Y	

VOTE ON AMENDMENT: Motion passed unanimously.

Commissioner Kircher reiterated recommending adoption noting that although we don't have the nuisance ordinances in front of us, he is quite sure that it is covered and can't see there would be a problem; that there are too many methods by which any problem could be abated.

Commissioner Kerslake advocated either passing it as is or put the asterisk on it with special limitations, but wanted to get it done tonight. Brief further discussion ensued regarding nuisance ordinances.

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

Madar	Kerslake	Campbell	Kircher	Prosser	Lucas	Vacant
Y	Y	Y	Y	Y	Y	

H. UNFINISHED BUSINESS:

1. Discuss text amendment to allow Bed and Breakfast establishments in the R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, and CL Commercial Limited Districts.

Ms. Garley presented a staff report. Based on preliminary discussions at the November meeting, staff has inserted Bed & Breakfasts as either a permitted or conditional use in various sections of the code. The proposed text amendment (17.88), Bed and Breakfast is found at page 43 of the packet and before the commission for review, along with the proposed text inserted in the subject districts.

Commissioner Prosser moved, seconded by **Commissioner Kerslake**, to adopt the amendment as written.

Discussion and questions ensued.

No vote was taken. Ms. Garley will bring the Amendment back to the next meeting as a Resolution to move forward to City Council.

I. NEW BUSINESS:

1. Annual Election of Officers.

Commissioner Kerslake nominated Chairman Madar, seconded by Commissioner Kircher, for re-election to the Chairman position. There were no other nominations.

VOTE ON MOTION: Passed unanimously.

Commissioner Kerslake nominated Commissioner Prosser, seconded by Chairman Madar, for the position of Vice-Chairman. There were no other nominations.

VOTE ON MOTION: Passed unanimously.

J. PLAT REVIEWS:

There were no plat reviews.

K. PUBLIC COMMENTS:

There were no public comments.

L. STAFF REPORT: Ms. Garley reported:

- See flyer at page 15 of packet regarding Palmer Bike Park. There is a group of individuals, of which she is one, that would like to make Palmer the bicycle hub of the Valley. They would like the Borough to seriously think about in the Parks and Trails Master Plan expanding the trails and bike facilities at the Matanuska River Park. Go to www.BikePalmer.com for further information.

Brief discussion ensued.

M. COMMISSIONER COMMENTS:

Commissioner Prosser welcomed Commissioner Lucas to the Commission; informed he would not be out of state at the next meeting.

Commissioner Kerslake also welcomed Commissioner Lucas and wished everyone a great Christmas and Happy New Year.

Commissioner Kircher welcomed the new commissioner; commented about the trails at the Matanuska River Park being very rough, even for walking, and will need to be improved a lot; noted a simple connection from the Park to the trail system to the Butte would solve a lot of problems and there are ways it could be expedited; thinks it is a good idea to expand the use of the Matanuska River Park.

Commissioner Lucas commented he was happy to be on the commission and is looking forward to learning the process. As a long-time biker himself, he enthusiastically supports biking everywhere and thinks there is a tremendous amount of potential for biking in Palmer and the surrounding area.

Chairman Madar also welcomed the new commissioner and wished everyone a Merry Christmas.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:22 p.m.

Michael W. Madar, Chairman

Sandra Garley, Community Development Director