

**PLANNING & ZONING COMMISSION  
CITY OF PALMER, ALASKA  
REGULAR MEETING  
THURSDAY, FEBRUARY 16, 2023  
6:00 P.M. - COUNCIL CHAMBERS**

**A. CALL TO ORDER:**

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

**B. ROLL CALL:**

Constituting a quorum, present in person were Commissioners:

Casey Peterson, Chair  
Penny Mosher, Vice Chair  
John Murphy  
Kristy Thom-Bernier  
(Vacant)

Present via Zoom video/teleconference were Commissioners:

Lisbeth Jackson

Absence(s) excused without objection:

Linda Combs

Also present were:

Brad Hanson, Community Development Director  
Kimberly McClure, Community Development Specialist  
Pam Whitehead, Recording Secretary (via Zoom teleconference)

**C. PLEDGE OF ALLEGIANCE:** The Pledge was performed.

**D. APPROVAL OF AGENDA:**

The agenda was approved as presented by all members present.

[Thom Bernier, Murphy, Jackson, Mosher, Peterson]

**E. MINUTES OF PREVIOUS MEETINGS:**

1. Regular Meeting of October 20, 2022 - pending
2. Regular Meeting of January 19, 2023 - pending

**F. REPORTS:**

Director Hanson updated regarding Arctic Avenue and recent discussion with DOT Safety Engineer for the South Central Region; also briefly updated regarding status of the recent Library roof collapse.

**G. AUDIENCE PARTICIPATION:** None.

**H. PUBLIC HEARINGS:**

1. **Resolution No. 23-001:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Lots 8 & 9, Colony Fair Subdivision to be rezoned from R-4, High Density Residential to CL - Limited

Commercial, Located in Section 32, Township 18 North, Range 2 East, Seward Meridian.

Director Hanson provided a staff report informing that the applicants/owners of the property are Barbara and Joseph Gerard and that on January 30, 2023, 182 public hearing notices were mailed to property owners within 1200' of the site. Notification and publication requirements pursuant to code have been met. A total of 9 written comments were received in response, with 4 in favor of, 2 opposed, 2 no objection and 1 general comment. He provided background as to site information, parcel size, existing zoning, surrounding land uses, considerations, and code requirements.

**Findings of Fact:**

Pursuant to PMC 17.80.036 C, the report of the Commission shall give consideration as to what effect the proposed change would have on public health, safety, welfare and convenience, and for a map amendment show whether:

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

Staff finds the following support in the Comprehensive Plan:

a) Chapter 6 Goal 4 of the Comprehensive Plan encourages new commercial developments so residents of Palmer, residents of surrounding areas, and visitors can find the goods and services they need in Palmer.

b) Chapter 6, Goal 1, Objective A recommends guiding growth and development patterns for the right balance of residential and commercial uses, to ensure the City maintains its fiscal health.

c) Chapter 7, Economic Vitality, of the City of Palmer Comprehensive Plan Goal 3 identifies the need for strengthening Palmer's role as a place to shop for residents of Palmer, residents of surrounding areas and visitors.

d) Objective A of Goal 3, of the Plan mentions the need to provide space for commercial expansion; set high standards to ensure quality development. Objective A also notes that commercial growth is essential to Palmer's quality of life and economic health.

e) Objective A of Goal 3 notes that the Comprehensive Plan policies are intended to ensure appropriate and sufficient land is zoned to encourage investors and business owners to make investments that expand the commercial products and services available in Palmer.

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

Staff finds:

a) The property for the proposed rezone is contiguous to P-Public (Bugge Park) and CG, General Commercial in the surrounding area to the North; R-1, Single-family Residential to the West; R-4, High Density Residential and CG, General-Commercial in the surrounding area to the South; and R-2, Low Density Residential to the East of the lots.

b) The lot adjacent to the proposed rezone to the South side of the property is multi-family housing/apartments. Among the other comparable land uses in the subject area are residential neighborhoods as well as other businesses and retail, such as the post office, daycare facility, gas station and other professional services. Many restaurants and dining establishments are within walking distance from the property, convenient for residents and visitors of Palmer.

c) The established land use pattern of the property as a childcare facility for 28 years has provided a service and been compatible with the residential and commercial activities of the surrounding area. The proposed change to C-L, Limited Commercial, would provide a buffer zone that transitions heavier commercial uses located along West Arctic Avenue and West Evergreen Avenue to higher density residential uses of the apartments located along South Cobb Street.

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

Staff finds:

a) This property lies between South Glenn Highway and South Cobb Street; and both lots have a separate access and share a wide egress on South Cobb Street, allowing adequate flow of traffic along with incoming and outgoing visitors.

b) Existing utilities are adequate to serve the proposed use of property as Limited Commercial; water, sewer and garbage services are existing and adequate to support the proposed change. Streets are adequate to support the proposed change since the property had been used as a childcare facility with approximately 100 vehicles coming and going from the facility daily.

c) The proposed change is from R-4, High Density Residential to CL, Limited Commercial; there would be little to no impact on public schools since the proposed change would be for commercial enterprise. The nearest public school is approximately 1.1 miles from the property.

d) The proposed change from R-4, High Density Residential, to C-L, Commercial Limited, will have no impact on public streets as both lots provide adequate off-street parking so as to not burden S. Cobb Street.

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

Staff finds:

a) The changed condition of the subject parcel will be the zoning designation of the property from R-4 to C-L. The established land use of the property has been to provide a service for the residents of the community; by rezoning the property to C-L, it will expand the types of service or commercial enterprises offered to the community.

b) The changed conditions of the surrounding properties include the recent addition of the stoplight at South Cobb Street and West Evergreen Avenue; the extension of Bogard Road from the intersection of West Arctic Avenue; and additional businesses on and along South Cobb Street, all of which support the proposed rezone change for economic development and more compatible use of land.

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

Staff finds:

a) The proposed change does not grant the owner any special privilege as the property in question is contiguous to existing high density residential zoning and is near commercial development.

b) The proposed change is consistent with the public welfare by upgrading the zoning designation from R-4 to C-L to permit the use of this property to be expanded to include commercial activity for the benefit of Palmer residents and visitors.

**Staff Recommendation:**

Based on the information provided by the applicant, public comments received before publication of this report and staff analysis, staff recommends approval of the request to a zoning map amendment from R-4, High Density Residential to C-L, Commercial Limited for Lots 8 and 9, Colony Fair, is consistent with and in conformance with the Palmer Comprehensive Plan.

If following the Public Hearing, the Commission finds that the applicant's proposal conforms to the Palmer Comprehensive Plan and Zoning Code provisions, then staff recommends that the Commission approve this request for zoning map amendment for Lots 8 and 9, Colony Fair from R-4, High Density Residential to C-L Commercial Limited and forward a recommendation for approval to the City Council.

If the final vote of the Commission is not to approve the rezone, the Commission's decision is final unless the initiating party or property owner files a written statement with the City Clerk within 20 days of the Commission's decision requesting that the zoning map amendment be considered by the City Council.

**Public Hearing:** Chair Peterson opened the public hearing at 6:25 p.m.

**Applicant's Presentation:**

Barbara Gerard, co-owner/applicant, testified in favor of the requested rezone and responded to Commissioner questions. (Written owner/applicant testimony is contained in the packet (pp. 24-29).

There being no others coming forward to testify, Chair Peterson closed the public hearing at 6:29 p.m. and brought the matter back before the Commission. Director Hanson responded to Commissioner questions regarding the process going forward.

<b>Main Motion:</b>	<b>For approval of Resolution No. 23-001 for Zoning Map Amendment for Lots 8 &amp; 9, Colony Fair Subdivision, to be rezoned from R-4, High Density Residential, to C-L Limited Commercial, located in Section 32, Township 18 North, Range 2 East, Seward Meridian, including Staff Findings of Fact and Recommendation, as presented, and move forward to City Council with a recommendation for approval.</b>
Moved by:	Mosher
Seconded by:	Thom-Bernier
Vote:	Unanimous [Thom Bernier, Murphy, Jackson (via Zoom), Mosher, Peterson]
Action:	Motion Carried by roll call vote.

Director Hanson recited the right to appeal process.

**2. Resolution No. 23-002:** A Resolution of the Palmer Planning and Zoning Commission Granting a Variance to PMC 17.20.060(C)1) Minimum Setback Requirements in the R-1 District to allow for a 15-foot reduction to the required 25-foot front yard setback located on Lot 2, Promissory Point, in Section 5, Township 17 North, Range 2 East, Seward Meridian.

Director Hanson provided a staff report informing that the applicant/owner of the property is Noel Kopperud and that on January 30, 2023, 53 public hearing notices were mailed to property owners within 1200' of the site. Notification and publication requirements pursuant to code have been met. One written response was received which was read into the record (not in favor). He provided background including site information, parcel size, existing zoning, surrounding land uses, considerations, and code requirements.

Findings of Fact for Granting a Variance pursuant to PMC 17.76.020:

**A.** That there are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action;

Staff Findings:

1) The applicant entered into an agreement with the City of Palmer and executed a Deed for Easement for sewer and water mains and services to run along the north 30' of the lot increasing to 50' in certain areas. Unlike other properties in the vicinity, Lot 2, Promissory Point, is burdened by this easement.

2) Due to the easement along the north side of the property, the steep 40' elevations along the south and southeast portion of the property and the required 25' front yard setback lying to the west of the property, these conditions create an unreasonable hardship to develop the remaining triangular shaped area to be utilized for a single-family dwelling.

3) Multiple conditions consisting of unusual lot shape, topographic conditions and required setbacks, combine to create the unusual circumstances applying to this property that do not apply to the surrounding properties in the area.

**B.** That strict interpretation of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title.

Staff Findings:

1) Other properties in the R-1 district have 25' front and rear setbacks with either a 6' or 10' side yard setback.

2) The strict application of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title if Lot 2, Promissory Point was developed in compliance with PMC 17.20.060(C)1) Minimum Setback Requirements. Minimum setback requirements would deny the applicant of having as much useable lot space as commonly enjoyed by owners of lots with similar dimensions in this area because of peculiar topography of the lot and an easement uniquely applying to this lot.

**C.** That the authorization of the variance will not be injurious to nearby property nor harmful to the public welfare.

Staff Findings:

1) There is no evidence to support a finding that granting the variance will be injurious to nearby property or harmful to the public welfare as the lot is set apart from neighboring properties due to elevation on one side and being adjacent to the rear yards of a recently created but undeveloped subdivision on the other side.

**D.** That the granting of the variance will be in harmony with the objectives of this title and the comprehensive plans.

Staff Findings:

1) The intent of the R-1 district is to establish a district in which the principal use of land is for single-family dwellings and to encourage construction of and use of the land for single-family dwellings.

2) The strict application of PMC 17.20.060(C)(1) Minimum Setback Requirements would significantly impact the development of the lot for residential purposes.

3) Granting of the variance will be in harmony with the City of Palmer Comprehensive Plan which states in Chapter 6, Land Use, Goal 2, "Maintain high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer."

**E.** That the application is due to unusual lot shape, topographic condition or governmental action or regulations which render the property unusable.

Staff Findings:

1) The variance application of Lot 2, Promissory Point is due to unusual triangular lot shape, topographic conditions showing contours of 40' elevations on majority of the property and required setbacks which combine to significantly impact the development of the lot for a single-family dwelling. As a result of the topographical conditions on Lot 2, the 33,304sf lot is reduced to a buildable area of approximately 4,000sf based on information provided by the applicant.

**F.** That the granting of the variance will not permit a land use in a district in which that use is prohibited.

Staff Findings:

1) The granting of this variance will permit a land use that is a permitted use in the R-1 Single-family Residential District by relaxing the terms of this title relating to required setbacks to encourage the use of the land for construction of a single-family dwelling.

Staff Recommendation:

A variance must meet each requirement under PMC 17.76.020. Staff recommends granting of the variance for Lot 2, Promissory Point, reducing the minimum front yard setback required by PMC 17.20.060(C)(1) from 25 feet to 10 feet based on the following conditions:

1) Development is limited to a single-family residential dwelling with provision of adequate off-street parking area in compliance with PMC 17.64; no parking shall be allowed within the reduced 10' front yard setback; and

2) All development must comply with all city, borough, state, and federal rules, laws and statutes.

Director Hanson responded to Commissioner clarification questions.

**Public Hearing:** Chair Peterson opened the public hearing at 6:53 p.m.

**Applicant's Presentation:**

Noel Kopperud, owner/applicant, testified in favor of the requested variance and responded to Commissioner questions.

Gena Ornuist, Palmer resident, gave testimony regarding her concerns related to the requested variance.

There being no others coming forward to testify, Chair Peterson closed the public hearing at 7:15 p.m., and brought the matter back before the Commission with a call for the motion.

Prior to adopting the following amended motion, Commissioner Thom-Bernier offered a motion for approval of Resolution 23-002, but it did not include the Commission's approval of Staff Findings and Recommendation. Therefore, prior to completion of the vote, she amended the motion to include same as follows:

<b>Main Motion, as amended:</b>	<b>For approval of Resolution No. 23-002, Granting a Variance to PMC 17.20.060(C)(1) Minimum Setback Requirements in the R-1 District to allow for a 15-foot reduction to the required 25-foot front yard setback located on Lot 2, Promissory Point, in Section 5, Township 17 North, Range 2 East, Seward Meridian, including Staff Findings of Fact A-F and Staff Recommendation to grant the variance with Conditions 1-2, as presented.</b>
Moved by:	Thom-Bernier
Seconded by:	Mosher
Vote:	Unanimous [Thom-Bernier, Murphy, Jackson (via Zoom), Mosher, Peterson]
Action:	Motion Passed by roll call vote.

Director Hanson recited the rights to appeal of the Commission's action pursuant to code.

**I. UNFINISHED BUSINESS:** None.

**J. NEW BUSINESS:** None.

**K. PLAT REVIEWS:** None.

**L. PUBLIC COMMENTS:** There were no additional public comments.

**M. COMMISSIONER COMMENTS:**

**Chair Casey:**

- thanked those who offered testimony during the public hearings;
- commended Commissioner Thom-Bernier for her expertise in putting forth the motion for approval.

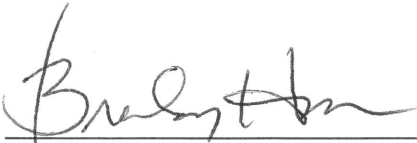
**Commissioner Thom-Bernier:**

- announced the concerts slated for the upcoming Alaska State Fair; checkout [alaskastatefair.org](http://alaskastatefair.org) for information and tickets.

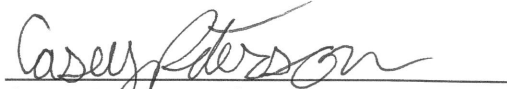
**N. ADJOURNMENT:**

There being no further business, the meeting adjourned without objection at **7:28** p.m.

**APPROVED** by the Planning and Zoning Commission this 16<sup>th</sup> day of March, 2023.



Brad Hanson, Community Development Director



Casey Peterson, Chair