

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

**SPECIAL MEETING
THURSDAY, MARCH 4, 2021
6:00 P.M. - COUNCIL CHAMBERS**

A. CALL TO ORDER:

The Special Meeting of the Planning and Zoning Commission was called to order by Chair Peterson at 6:00 p.m.

B. ROLL CALL:

Constituting a quorum, present in person were Commissioners:

Casey Peterson, Chair
Josh Tudor, Vice Chair (late arrival at 6:53 pm)
Linda Combs
Lisbeth Jackson

Present via Zoom video/teleconference were Commissioners:

Kristy Thom Bernier
Pamela Melin
Sabrina Shelton (late arrival at 6:59 pm)

Also present were:

Brad Hanson, Community Development Director
Nichole Degner, Community Development Specialist
Pam Whitehead, Recording Secretary (via teleconference)

C. PLEDGE OF ALLEGIANCE: The Pledge was performed.

D. APPROVAL OF AGENDA:

The agenda was unanimously approved, *as amended*, by roll call vote, revising the order of business for this and all future meetings, moving item L Staff Report to item F to be known as *F Reports*, followed by *G Audience Participation*, *H Public Hearings*, *I Unfinished Business*, *J New Business*, *K Plat Reviews*, *L Public Comments*, *M Commissioner Comments*, and *N Adjournment*. There were no objections.

[Thom-Bernier, Melin, Jackson, Combs, Peterson (Tudor, Shelton not yet present)]

E. MINUTES OF PREVIOUS MEETING:

The minutes of the **January 21, 2021 Regular Meeting** and minutes of the **February 18, 2021 Postponement to March 4, 2021** were unanimously approved as presented.

[Thom-Bernier, Melin, Jackson, Combs, Peterson (Tudor, Shelton not yet present)]

F. REPORTS:

Director Hanson:

- Reported that the City Council adopted the Central Business District and all amendments to the Commercial District.

G. AUDIENCE PARTICIPATION:

Noel Kopperud, Palmer resident/property owner, submitted comments *via email* Memorandum dated March 3, 2021, expressing concerns on the proposed Green Acres Subdivision Master Plan (Case #2021-006), primarily relating to water surface drainage.

(Ms. Degner read Mr. Kopperud's email in its entirety into the record.)

H. PUBLIC HEARINGS:

1. **IM 21-001:** Amending Palmer Municipal Code Chapter 17.32 to allow retail marijuana as a permitted use and amend 17.36 and 17.57 to allow marijuana cultivation, testing and manufacturing as a permitted use.

Staff Report: Director Hanson summarized the current status of the proposed text amendment. Under review are Ordinance No. 21-0XX Enacting standards for marijuana businesses, Draft CC Ordinance No. 21-0XX, and Chapter 7 of 3 AAC 306 Regulations for the Marijuana Control Board. The recommendation for adoption to the City Council is one of the necessary steps to implementing the ballot proposition; other considerations are taxation and licensing or permitting requirements. The Commission is to review and if approved, move forward to the City Council recommending adoption.

Public Hearing:

Chair Peterson opened the hearing for public testimony.

Stephanie Allen, Palmer resident, *via email*, submitted testimony regarding IM 21-001, noting agreement with prohibition of on-site consumption, raising concerns about cancer-causing substances and toxins in second-hand marijuana smoke, and asked the Commission to consider revising the buffer zones for all marijuana businesses to 1000 feet.

(Ms. Degner read Ms. Allen’s email in its entirety into the record.)

There being no others to testify, the public hearing was closed and the matter brought back before the Commission.

Chair Peterson called for a motion to put the matter on the table for discussion:

Main Motion: For adoption of IM 21-001, amending PMC 17.32 to allow retail marijuana as a permitted use and amending 17.36 and 17.57 to allow marijuana cultivation, testing and manufacturing.

Moved by:	Jackson
Seconded by:	Melin

Commission discussion topics:

- Whether to allow in the Central Business District;
- Director Hanson responded to Commissioner questions providing clarification on some of the issues and definitions;

Primary Amendment: To amend the Ordinance to allow marijuana retail establishments within the Central Business District (CBD).

Moved by:	Melin
Seconded by:	Jackson

[Commissioner Tudor joined the meeting at 6:53 p.m.]

Discussion on the amendment:

- Commissioner Combs spoke to concerns relayed to her by many of the business owners located within the Central Business District, noting they appreciate the CBD for many reasons, but they *are*

not in favor of retail marijuana establishments within the CBD.

- Commissioner Melin also had concerns about allowing retail marijuana within the CBD; that it would be better received if it were in the Commercial District.
- Commissioner Jackson spoke to the will of the people when they voted to allow marijuana shops in downtown Palmer where other retail shops are located.
- Chair Peterson noted he feels strongly in agreement with Commissioner Jackson, comparing it to bars being allowed downtown; that when the people voted, they weren't considering sections of Palmer to be excluded.
- Commissioner Tudor spoke in agreement to allow downtown as well as the CBD.

[Commissioner Shelton joined the meeting at 6:59 p.m.]

Director Hanson suggested an additional amendment to incorporate 17.28 Commercial Land Use Matrix, explaining that at the time this ordinance was written, the Council had not yet passed the Land Use Matrix; it has since passed and should now be incorporated into Section 8 of this ordinance.

Amendment to Primary Amendment: To also incorporate into Section 8, marijuana retail into 17.28, Commercial Land Use Matrix.

Moved by:	Combs
Seconded by:	Shelton
Vote:	Unanimous
Action:	Motion Carried by roll call vote.

Discussion continued:

- Commissioner Shelton, although personally would want to limit it to outside the CBD, she will defer to the wishes of the community as a whole because of the majority vote to allow retail marijuana within the City.
- Commissioner Thom Bernier reported that quite a few businesses reached out to her recently with concerns about marijuana retail businesses on our main street; noted she appreciated Stephanie Allen's comments requesting alternate locations for the retail establishments and expanding the buffer to 1000 feet; spoke in appreciation of the concerns of the local downtown long-time Palmer business owners and she shares those concerns, that Industrial or other areas would be better suited; also spoke raising concerns about marijuana signage.

Vote on Amendment as Amended (to allow within the CBD):

Moved by:	[Melin]
Seconded by:	[Jackson]
Vote:	4 Yes (Peterson, Jackson, Shelton, Tudor) 3 No (Combs, Melin, Thom Bernier)
Action:	Motion Carried by roll call vote.

Vote on Main Motion for Adoption of IM 21-001, As Amended:

Moved by:	[Jackson]
Seconded by:	[Melin]
Vote:	4 Yes (Peterson, Jackson, Shelton, Tudor) 3 No (Combs, Melin, Thom Bernier)
Action:	Motion Carried by roll call vote.

I. UNFINISHED BUSINESS: None.

J. NEW BUSINESS: None.

K. PLAT REVIEWS:

1. **IM 21-007:** Pre-application request to create 35 lots by a three-phase master plan from Tax Parcel C30 to be known as Green Acres Master Plan.

Staff Report: Director Hanson reported comments were due to the Borough on February 11, 2021; that staff comments have already been submitted, which included:

- Subdivision Agreement has to be reached between the City and the Petitioner prior to any construction;
- There were also some drainage issues that were cited by Public Works.

Commissioner Comments:

- Commissioner Melin, who lives on Felton, commented the neighborhood has a number of concerns including depreciation of home values, the volume of traffic and speeds on Felton.
 - Commissioner Tudor added he also has heard a lot of negative feedback in the neighborhood against this subdivision expansion primarily because of the lot sizes.
 - Commissioner Melin read an email received from Noel Kopperud addressed to the Members of the Palmer Planning & Zoning Commission, dated March 3, 2021, expressing concerns regarding the Proposed Green Acres Subdivision Master Plan in its entirety, concerning potential overflow of water drainage onto his property.
 - Commissioner Jackson commented on how small the lots were compared to the surrounding areas but it should be approved if meets what is legal.
 - Director Hanson explained it is the Borough that has the Platting Authority; that the Commission only reviews and submits comments, that the Subdivision Agreement addressing the issues is the next step;
 - Commissioner Combs further explained the process addressing some of the issues.
 - Commissioner Tudor confirmed he heard the Borough approved the platting this morning.
2. **IM 21-008:** Pre-application request to create 83 lots and two open space tracts by a five-phase Master Plan, from Tract J, Cedar Hills Unit #2, Phase 1, Plat No. 2000-66 and Tracts 1, 2, & 3, Cedar Hill Unit #2, Phase 1, Plat No. 2017-15, to be known as Cedar Park Master Plan, containing approximately 90.2 acres.

Chair Peterson suspended formal rules to allow public comment. There were no objections.

Connie Yoshimura, owner of Cedar Hills Subdivision, addressed the Commission to provide additional information regarding the Proposed 83 Large Lot Subdivision with variances. She has been a residential land developer for over 30 years in Anchorage and has been an investor in Cedar Hills Subdivision for over 20 years and is currently the sole owner of Cedar Park, LLC consisting of 89 acres plus an R-2 tract of approximately 10 acres. Ms. Yoshimura described the details of the proposed Cedar Park development including the variances requested and provided a spiral booklet to the Commission containing the content of her presentation. Gary LoRusso, assisted in the presentation.

Staff Report: Director Hanson complimented the presenters on the fantastic job describing the

development and reported the current status of the process with respect to the City. The Subdivision Agreement along with the variance requests will be going before the City Council.

Commission Comments:

- Commissioners Jackson and Melin spoke in appreciation of the presentation;
- The presenters responded to questions regarding well and septic and timeline.

L. PUBLIC COMMENTS: None.

M. COMMISSIONER COMMENTS:

Commissioner Melin:

- Spoke on the topic of public comments encouraging that they be made to the Commission as a whole as opposed to through individual commissioners. She was hoping to hear more public input tonight on the issues, that perhaps there might be a better way to promote public comment.

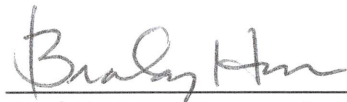
Commissioner Tudor:

- Apologized for being late tonight.

N. ADJOURNMENT:

There being no further business, the meeting adjourned without objection at 8:09 p.m.

APPROVED by the Planning and Zoning Commission this 15th day of April, 2021.



Brad Hanson, Community Development Director



Casey Peterson, Chair