

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

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**REGULAR MEETING  
THURSDAY, APRIL 20, 2023  
6:00 P.M. - COUNCIL CHAMBERS**

**A. CALL TO ORDER:**

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

**B. ROLL CALL:**

Present and constituting a quorum were Commissioners:

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

Absence(s) excused without objection:

Linda Combs  
Lisbeth Jackson

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 without objection by all members present.  
[Thom Bernier, Murphy, Mosher, Peterson; *Absent:* Combs, Mosher]

**E. MINUTES OF PREVIOUS MEETING(S):**

1. Regular Meeting of October 20, 2022 – pending
2. Regular Meeting of January 19, 2023 – pending
3. Regular Meeting of March 16, 2023 - pending

**G. REPORTS:**

Staff Report: Director Hanson:

- Updated regarding status of the Library, hopefully to be reopened at its temporary location on about May 1<sup>st</sup>;
- Updated with regard to the Railroad Right-of-Way;
- Announced City of Palmer Cleanup Day will be May 9-13, 2023;
- Announced and described all the activities of the upcoming Great Alaska Aviation Gathering on the weekend of May 5, 6, and 7;
- Inquired of the Commission if they find the subscription of the Zoning Bulletin of value and whether they would want to continue to receive it considering the increased cost;
- Responded to Commissioner questions.

**G. AUDIENCE PARTICIPATION:** None.

**H. PUBLIC HEARINGS:**

- 1. Resolution No. 23-003:** A Resolution of the Palmer Planning and Zoning Commission Granting a Conditional Use Permit to Operate a Residential Care Facility for Five Residents in an R-2, Low Density Residential District at 267 South Cobb Street, Palmer, Located on Lots 10 & 11 (10-1), Block 3, ARRC #1.

Chair Peterson inquired and confirmed there has been no *ex parte* communication on this topic involving any members of the commission.

Director Hanson provided a staff report on Resolution 23-003, summarizing the Applicant, Giant Cabbage Properties, LLC and Owners Jerod T. Perron & Kara C. Kusche, have applied for a conditional use permit to operate a residential care facility for five residents/patients; reported the request is a permitted use in an R-2 by obtaining a CUP. Community Development recommends approval of this request with certain conditions which are listed in the Resolution. He provided background, site information, and other considerations itemized in the packet. Notification and publication requirements pursuant to code have been met. A total of 17 written comments were received in response with 15 in favor, 0 opposed, and 2 no objection.

Findings of Fact: PMC 17.72.050 in granting a conditional use permit, the Commission must make the following findings:

**Fact 1)** The conditional use will preserve the value, spirit, character and integrity of the surrounding area.

- Chapter 6, Land Use, of the Comprehensive Plan Goal 2 of the Comprehensive Plan encourages maintaining high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer; and
- Chapter 6, Goal 2 under Objective A recommends promoting a diverse range of quality housing, from attractive higher density housing in or near downtown, to outlying housing in more rural settings; and
- Chapter 6, Goal 2 under Objective C speaks of encouraging infill and higher density housing in and around downtown, and to prepare new zoning standards and design guidelines to ensure higher density housing is high quality, to benefit the residents and the community.

Staff finds the following facts support a finding that this conditional use will preserve the value, spirit, character and integrity of the surrounding area:

- a) Based on the CUP application, the proposed residential care facility for five residents will be maintained by the property owner; provide staff 24 hours per day and will be properly licensed by the State of Alaska.
- b) The proposed conditional use permit for a residential care facility does create an opportunity to meet a need that is in high demand for those residents in our community who are developmentally delayed and will help support families desiring to stay in close proximity to their loved ones in Palmer. The property is located within the central business district near downtown, in a safe neighborhood that benefits the public infrastructure and has access to sidewalks, nearby parks, and open space.

- c) The property is surrounded by R-2 Low Density residential and R-4 High Density residential uses which will be compatible with the use of the structure for a residential care facility thereby preserving the value, spirit, character and integrity of the surrounding area.

**Fact 2)** The conditional use fulfills all other requirements of this title pertaining to the conditional use in question.

Staff finds the following facts support a finding that this conditional use fulfills all other requirements of this title pertaining to the conditional use in question:

- a) PMC 17.24.030 allows for a residential care facility for four or fewer patients through a conditional use permit in the R-2 Low Density Residential District; the applicant is applying for a conditional use permit for a residential care facility for five patients/residents in an R-2 Low Density Residential District.
- b) The proposed residential care facility for five residents fulfills all other requirements of this title pertaining to the conditional use in question as the parking requirement of four spaces will not change with the proposed conditional use. Landscaping is not required for parking lots for single-family and two-family dwellings. The proposed residential care facility will be located within the existing residential structure and does not change the existing setbacks and building height.
- c) The proposed residential care facility will be located within the existing residential structure that was built across the property line and met the minimum required lot size of 7,200 square feet and lot width of 60 feet at the time of construction as required by the zoning code.
- d) An ADU permit was approved on May 27, 2021, to convert the attached garage into a two-bedroom accessory dwelling unit. One of the conditions of the ADU permit is that the owner may not receive any rent from the owner-occupied unit. The ADU permit will need to be revoked upon final inspection of the residential care facility from the Building Inspector because the conversion of the principal dwelling unit (owner-occupied) into a residential care facility will prohibit the owner from receiving any rent from the residential care facility.

**Fact 3)** Granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort of the neighborhood.

Staff finds the following facts support a finding that this conditional use permit will not be harmful to the public health, safety convenience and comfort of the neighborhood:

- a) The proposed residential care facility for five patients/residents will be located within the existing five-bedroom structure and will not be harmful to the public health, safety, convenience and comfort of the neighborhood because it will not increase the demand on the public services, such as sewer, water, traffic and public schools.
- b) The proposed residential care facility will be operated in compliance with the standards and conditions outlined in this conditional use permit, and any applicable codes, laws and regulations.
- c) The existing access will be sufficient for the proposed residential care facility use as the change of use from a five-bedroom residential dwelling into a residential care facility for five patients will not cause an increase in the amount of traffic.
- d) To ensure the safety, convenience and comfort of the neighborhood is preserved, all parking is required to be located on the east side of the property adjacent to the alley. No parking is permitted within the right-of-way of S. Cobb Street or W. Birch Avenue.

**Fact 4)** Sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the

conditions.

Staff finds the following facts support a finding that sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions:

- a) The existing structure built in 1963 across lots 10 & 11 meets the setback requirements for the R-2, Low Density Residential District; no building expansion is proposed for the residential care facility.
- b) The existing structure met the required lot area of 7,200 square feet and the required minimum lot width of 60 feet in accordance with the zoning code at the time of construction. However, the current code requirement for minimum lot size for two dwelling units is 10,000 sf. No further expansion of the structure in its entirety for additional dwelling units will be permitted due to lot area requirements.
- c) Open space requirements do not apply since the structure was built prior to January 17, 1978, and the footprint has not been significantly altered.
- d) The use of the structure is a single-family residence with the allowance of up to five residential care patients plus required staff. Once the ADU permit has been revoked, the converted garage will not be eligible to become an additional rental unit. If the converted garage is to be used as a part of the Residential Care Facility, it will be subject to a Fire and Life Safety Plan Review.

**Fact 5)** If the permit is for a public use or structure, is the public use or structure located in a manner which will maximize public benefits.

Staff finds:

- a) The requested conditional use permit is not for a public use or structure as the proposed residential care facility and property is under the private ownership of Jerod T. Perron and Kara C. Kusche.

Staff Recommendation:

A residential care facility for four or fewer patients is a Conditional Use allowed in an R-2, Low Density Residential District. The applicant has applied for a conditional use permit to operate a residential care facility for five patients in an R-2, Low Density Residential District. Based on our review of the request, Community Development recommends approval of the Conditional Use Permit to allow for the operation of a residential care facility for five patients/residents in an R-2, Low Density Residential District, with the following conditions:

- 1) All development must comply with all federal, state and local regulations.
- 2) Obtain all necessary building permits and Fire and Life Safety Plan Review from the City of Palmer Building Department.
- 3) Remain in compliance with the quiet hours established in Palmer Municipal Code Chapter 8.36.025.
- 4) Accessory Dwelling Unit Permit will be revoked after all permitted work has been completed and final inspection of residential care facility from City of Palmer Building Inspector.
- 5) The use of the structure is a single-family residence with the allowance of up to five residential care patients plus required staff. Once the ADU permit has been revoked, the converted garage will not be eligible to become an additional rental unit. If the converted garage is to be used as a part of the Residential Care Facility, it will be subject to a Fire and Life Safety Plan Review.
- 6) No further expansion of the structure in its entirety for additional dwelling units will be permitted

due to lot area requirements.

- 7) To ensure the safety, convenience and comfort of the neighborhood is preserved, all parking is required to be located on the east side of the property adjacent to the alley. No parking is permitted within the right-of-way of S. Cobb Street or W. Birch Avenue.

It is recommended that the Planning Commission adopt Staff’s analysis and findings and grant the requested Conditional Use Permit. The permit would allow the operation of the residential care facility for five residents in an R-2, Low Density Residential District.

Public Hearing: Chair Peterson opened the public hearing at 6:24 p.m.

Applicant’s Testimony:

Kara C. Kusche, Co-Applicant/Property Owner, on behalf of herself and her husband Co-Applicant/Property Owner, Jerod T. Perron, testified in support of the requested Conditional Use Permit to operate a Residential Care Facility (synonymous with an assisted living facility). They are also owners of Grand Cabbage Properties. They propose to open an assisted living home for five intellectually and developmentally delayed adults. She described the 5-bedroom home setting, one adult in each bedroom. The home will be fully licensed by the State of Alaska, Department of Health, Division of Senior & Disability Services, and operate within the high standards. They will also hold Medicaid certification. She and Jerod will continue to live on the property with at least one of them there at all times with the residents. At some point in time months down the road after opening, they may consider hiring staff to assist. She described how assisted living homes operate and the services offered in the home with normal everyday living and household tasks. She also itemized services not provided, highlighting they are not a medical or nursing facility, or mental health or counseling facility, and residents will receive medical care at providers within the community. She is ready to submit the various plans needed for State Licensing. They are also prepared to submit a Fire and Life Safety Plan to the City and subsequently install the approved sprinkler system. In speaking with her neighbors, they have been met with only positivity and support with no expressed concerns or opposition. She concluded by addressing the Findings and Conclusions in Resolution 23-003 and believes they support approval of the Conditional Use.

There being no others coming forward to speak, Chair Peterson closed the public hearing at 6:38 p.m.

**Main Motion: For approval of Resolution No. 23-003, A Resolution of the Planning & Zoning Commission granting a Conditional Use Permit to Operate a Residential Care Facility for Five Residents in an R-2, Low Density Residential District at 267 South Cobb Street, Palmer, located on Lots 10 & 11 (10-1), Block 3, ARRC #1, including Staff Findings of Fact 1-5, Staff Recommendation with conditions 1-7, as presented.**

Moved by:	Mosher
Seconded by:	Murphy
Vote:	Unanimous [Murphy, Mosher, Peterson, Thom-Bernier [Absent: Combs, Jackson]
Action:	Motion Carried.

Director Hanson recited the appeal process.

**I. UNFINISHED BUSINESS:** None.

**J. NEW BUSINESS:**

1. **IM 23-006:** Annual Review of Accessory Dwelling Units (ADUs).

Director Hanson directed attention to packet p. 67, for the Accessory Dwelling Unit List, noting of the two listed, number 1 was closed, and number 2 was approved.

2. **Committee of the Whole:** Discuss IM 23-007, Review PMC Title 17 Zoning code language regarding Residential Care Facilities in residential districts (Note: Action may be taken by the Commission following the committee of the whole.)

**Main Motion: To enter Committee of the Whole for Review of PMC Title 17 Zoning Code language regarding Residential Care Facilities in residential districts.**

Moved by:	Thom-Bernier
Seconded by:	Mosher
Vote:	Unanimous [Murphy, Mosher, Peterson, Thom-Bernier [Absent: Combs, Jackson]
Action:	Motion Carried.

[The Commission entered Committee of the Whole at 6:47 p.m.; exited at 6:54 p.m.]

Director Hanson recommended to review and update, if needed, PMC Title 17 Definitions and code portions regarding Residential Care Facilities in residential districts and provide comments and feedback should further action be requested.

Chair Peterson called exit to Committee of the Whole at 6:54 p.m.

**Main Motion: To allow Staff to update PMC Title 17 definitions, code language, and other administrative language in ADA Informational Handouts, R-1, R-2, R-3, R-4 and R-1E Residential Care Facilities in residential districts.**

Moved by:	Mosher
Seconded by:	Thom-Bernier
Vote:	Unanimous [Murphy, Mosher, Peterson, Thom-Bernier [Absent: Combs, Jackson]
Action:	Motion Carried.

3. **Committee of the Whole:** Discuss IM 23-008, Matanuska-Susitna Borough establishment of Metropolitan Planning Organization in an urbanized area (Note: Action may be taken by the Commission following the committee of the whole.)

**Main Motion: To enter Committee of the Whole to discuss IM 23-008.**

Moved by:	Thom-Bernier
Seconded by:	Murphy
Vote:	Unanimous [Murphy, Mosher, Peterson, Thom-Bernier [Absent: Combs, Jackson]
Action:	Motion Carried.

[The Commission entered Committee of the Whole at 6:55 p.m.; exited at 7:28 p.m.]

Director Hanson directed attention to material in the packet concerning Metropolitan Planning

Organization (MPOs), and gave a presentation informing that communities with populations over 50,000 are required by the Federal Government to form an MPO. As a result of the 2020 US Census parts of the Mat-Su Borough meet that criteria and must form an MPO. No action is required at this point and the discussion tonight is meant to keep P&Z updated with the latest information.

While in Committee of the Whole, the Commission had open discussion regarding MPOs discussing the information contained in the packet.

Chair Peterson called exit to Committee of the Whole at 7:28 p.m.

**K. PLAT REVIEWS:** None.

**L. PUBLIC COMMENTS:** None.

**M. COMMISSIONER COMMENTS:**

**Commissioner Thom Bernier:**

- Commented the Alaska State Fair is still looking for a CEO; currently a previous CEO, retired, is serving as an interim CEO.
- The Air Show will be taking place the first weekend May, 2023.
- Discussed renovations taking place on the Fairgrounds.
- Announced she will be terming off the Board on May 17, 2023 after 11 years.

**N. ADJOURNMENT:**

There being no further business, the meeting adjourned without objection at 7:37 p.m.

**APPROVED by the Planning and Zoning Commission this \_\_\_\_ day of \_\_\_\_\_, 2023.**

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Casey Peterson, Chair

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Brad Hanson, Community Development Director