

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

**REGULAR MEETING
THURSDAY, JUNE 15, 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
Lisbeth Jackson
John Murphy
(Vacant)

Absence(s) excused without objection:

Linda Combs
Kristy Thom-Bernier

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.

[Murphy, Jackson, Mosher, Peterson; *Absent:* Combs, Thom-Bernier]

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
4. Regular Meeting of April 20, 2023 - pending

G. REPORTS:

Staff Report: Director Hanson:

- Director Hanson reported regarding status of the library noting decisions will be made soon as to repairing, renovating, or replacing the library expected to be announced at the June 27 City Council meeting.

G. AUDIENCE PARTICIPATION: None.

H. PUBLIC HEARINGS:

1. **Resolution No. 23-004:** A Resolution of the Palmer Planning and Zoning Commission

Recommending City Council Approve a Zoning Map Amendment to expand the Public Use (P) Zoning of Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 for establishment of an Emergency Medical Facility building to include Fire and Telecommunication services, Located in Section 29, Township 18 North, Range 2 East, Seward Meridian.

Chair Peterson confirmed there were no *ex parte* contacts related to this public hearing.

Staff Report: Director Hanson provided a staff report including site location and information including its history, to expand the public use zoning to include fire and telecommunications on Tract 5, Cedar Hills, Unit 2, Phase 1. The applicant is the Matanuska-Susitna Borough. Notification and publication requirements pursuant to code have been met. On May 30, 2023, 205 public hearing notices were mailed to property owners within 1200' of the site. A total of 7 written comments were received in response, with 4 in favor, 3 opposed, and 0 no objection. He outlined the considerations and code requirements. See area map in packet on page 10.

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:

- Chapter 5, Transportation, Goal 1, states, "Shape the character and use of the Glenn Highway."
- Chapter 6, Land Use, Goal 3, Objective A states: "Provide for the continuation and expansion of Palmer's traditional role as a center for institutional and governmental users for the Mat-Su Borough and State."
- Chapter 4, Public Services, Facilities & Infrastructure, Goal 1, Objective B states, "Fire & Emergency Services – Provide adequate fire protection measures and services in Palmer to respond to current and future anticipated emergency service needs."
- Chapter 7, Economic Vitality, Goal 1, states: "Strengthen Palmer's competitiveness as the region's institutional center."

Staff finds the following facts in support:

- a) Tract 5 is large enough to support the development of an EMS, Fire and telecommunications building and achieve sufficient setbacks from the residential development to the west and future medium density residential development to the north.
- b) Accomplish objective of monitoring the needs of existing institutional uses and working with the organizations to meet their needs.
- c) Mat-Su Borough provides emergency medical services for the City of Palmer, and the City of Palmer provides fire and rescue. Locating the facility on the Glenn Highway will provide for faster and more efficient response times for medical emergencies. Fire response times will be improved if Dan Contini Fire Station (Palmer Fire and Rescue station 3-1) continues to operate.

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

Staff finds:

- a) Tract 5's original use was a nursery. Nurseries are a permitted use within the agriculture district, which can have a higher intensity of use than low density residential. The property has had limited

use since 1966. Tract 5's previous zoning of Commercial Limited (CL) indicated the property was to be developed to a higher intensity than low density residential. Tract 5 has been rezoned from CL-Commercial Limited to P-Public with the use limited to an emergency medical facility building (EMS) since June 2020. Expanding the use to include Fire and telecommunications is compatible with the current zoning designation and will continue to be compatible with surrounding zoning districts.

- b) The land is surrounded on the south by a working farm and to the east by commercial and a church. The expansion of the public use of an EMS building to include Fire and Telecommunications would be an acceptable use of property considering land use patterns around the property are as high of an intensity as a public use zone.
- c) Public use (P) zones are compatible with surrounding zoning districts because of the safeguards established in Palmer Municipal Code 17.40.050 requiring commission approval to ensure compatibility. The petitioner has provided a site plan, by Architects Alaska, showing orientation of the building, setbacks, snow storage, access and a parking plan for review and approval, if appropriate, by the Commission as required by PMC 17.40.050.
- d) Tract 5 contains a 30' wide greenbelt buffer along the west and north side of the property along with appropriately orienting the placement of the building to minimize the impacts to the low density residential to the west as shown on the submitted site plan.

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

Staff finds:

- a) Public facilities such as schools and utilities are established in Cedar Hills. A facility will have access to city sewer and water. Gas and electric are accessible to the property.
- b) The current approved zoning of Public for this property limits the use to an emergency medical facility. The expansion of use to include Fire services is conditional on plan review from all city Departments and any required necessary upgrades to water or sewer services to be provided by the applicant as required by City of Palmer Public Works Director.
- c) Facility vehicular access points will need approval from the Alaska Department of transportation Public Facilities (AK DOT/PF). The City of Palmer recommends acceptance of access as described in the rezone application.
- d) On June 7, 2023, State of Alaska Department of Transportation and Public Facilities (SOA DOT&PF) requested agency comments for the Glenn Highway, Arctic Avenue to Palmer-Fishhook Road Safety and Capacity Improvements project upgrades. The project includes acquisition of the Glenn Highway of up to 300'. Currently, there is 70' from the centerline of the Glenn Highway to Tract according to Plat No. 2017-60. Additional site plan review will be warranted if SOA DOT&PF has any taking of Tract 5.

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

Staff finds:

- a) Improvements to the Glenn Highway have spurred development in the area around Marsh Road. A proposed development of an emergency medical facility with fire and telecommunication services that is well conceptualized and appropriately placed will serve the greater Palmer community.
- b) Residential growth on Fishhook Roads and Farm Loop roads has necessitated the evaluation of how emergency services can better serve the public and the placement of facilities.
- c) Recent improvements to the Glenn Highway have increased safety for ingress and egress onto the highway.

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 map amendment is consistent with the public welfare as an appropriately placed facility will improve efficiency and response times for EMS and fire services.
- b) The map amendment request to expand the current public use for an emergency medical facility building to include Fire and telecommunications services does not grant a special privilege to the owners as this 5.72-acre parcel is large enough to sufficiently minimize impacts on non-compatible uses.

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 expand the Public Use (P) of the property for an establishment of an Emergency Medical facility building to include Fire and telecommunication services to be located on Tract 5, Cedar Hills #2 Phase 1, is consistent with, and in conformance with the Palmer Comprehensive Plan. Pursuant to PMC 17.40.050, site plans have been provided showing side, front, and rear yard setbacks, landscaping, off-street parking, snow storage access for review and approval by the Planning and Zoning Commission.

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 to expand the Public Use (P) of the property for an establishment of an Emergency Medical facility building to include Fire and telecommunications services for Tract 5, Cedar Hills #2 Phase 1 with the following considerations and forward a recommendation for approval to the City Council:

- A. The Public Use (P) of the property is limited to the establishment of an emergency medical facility, Fire and telecommunications building that is oriented in such a way that provides access to the Glenn Highway, as outlined in applicant's response.
- B. Development is limited to site plan provided that has been reviewed and approved by the Planning and Zoning Commission; any changes in setbacks, access, paring, building footprint or landscaping requires reevaluation by the City of Palmer Planning and Zoning Commission pursuant to PMC 17.40.050.
- C. The expansion of use to include Fire services is conditional on plan review from all city Departments and any required necessary upgrades to water or sewer services to be provided by the applicant.
- D. On June 7, 2023, State of Alaska Department of Transportation and Public Facilities (SOA DOT&PF) requested agency comments for the Glenn Highway, Arctic Avenue to Palmer-Fishhook Road Safety and Capacity Improvements project upgrades. The project includes acquisition of the Glenn Highway of up to 300'. Currently, there is 70' from the centerline of the Glenn Highway to Tract according to Plat No. 2017-60. Additional site plan review will be warranted if SOA DOT&PF has any taking of Tract 5.

Public Hearing: Chair Peterson opened the public hearing at 6:15 p.m.

Applicant's Presentation: Matanuska-Susitna Borough

Lisa Gray, Land Management Agent,
Ken Barkley, Emergency Services Director, and

Don Gibbs, Project Manager

- Testified or were present to answer any questions concerning the proposed project to establish an all-inclusive Emergency Medical Facility building located on the corner of Marsh and the Glenn Highway to include EMS, fire, and telecommunications;
- New facility will serve Palmer, Greater Palmer, Butte, Knik River Road, Sutton, and surrounding areas;
- Responded to Commissioner questions concerning the increased amount of traffic on the Glenn, whether there would be a traffic light, and DOT's plans to widen the highway.

There being no others coming forward, Chair Peterson closed public testimony on this topic at 6:28 p.m. and called for the motion.

There was discussion regarding DOT planned improvements for the Glenn and expression of understanding for those who have submitted comments in opposition, but most felt it was important for the community as a whole.

Main Motion: For approval of Resolution No. 23-004, A Resolution of the Palmer Planning and Zoning Commission Recommending Approval of a Zoning Map Amendment to expand the Public Use (P) Zoning of Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 for establishment of an Emergency Medical Facility building to include Fire and Telecommunication services, located in Section 29, Township 18 North, Range 2 East, Seward Meridian, including Staff Findings of Fact 1-5, Staff Recommendation as presented, and move forward to City Council with a recommendation for approval.

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

2. **Resolution No. 23-005:** A Resolution of the Palmer Planning and Zoning Commission Granting Conditional Use Permit to Construct an Electrical Substation in an R-1, Single-family Residential District at 1424 South Margaret Drive, Palmer, Located on Lot 2, Lucas Acres Subdivision.

Chair Peterson confirmed there were no *ex parte* contacts related to this public hearing.

Staff Report: Director Hanson provided a staff report including site location and information for a conditional use permit to construct an electrical substation in Lucas Acres Subdivision. The applicant/owner is R&M Consultants, Inc. on behalf of Matanuska Electric Association, Inc.

Notification and publication requirements pursuant to code have been met. On May 30, 2023, 158 public hearing notices were mailed to property owners within 1200' of the site. A total of 2 written comments were received in response, with 1 in favor, 0 opposed, and 1 no objection. He outlined the considerations and code requirements. See area map on page 54 of the packet.

Findings of Fact:

Pursuant to PMC 17.72.050, in the granting of 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.

Staff finds the following support in the Comprehensive Plan:

- Chapter 6, Goal 1 speaks of guiding growth to make Palmer an increasingly attractive place to live, invest, work and visit; and
- 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.

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) The property is surrounded by the remaining 19 acres of a gravel operation to the north and west, and 47 acres of undeveloped commercial land to the south. Within the nearby vicinity are the residential neighborhoods of Brittany Estates Phase 1, Greatland Terrace and Hidden Ranch. The proposed electrical substation will provide a more reliable service and increase capacity for the surrounding areas and for future growth to promote continued development of new places to live, work, and invest in Palmer.
- b) The proposed electrical substation will be screened with appropriate landscaping to provide stabilization and minimize any visual impact thereby preserving the value, spirit, character and integrity of the surrounding area.
- c) The use/development of Lot 2 is limited due to the lot being platted as a utility lot with no water or septic on the lot, and the southern 60 feet of the lot being encumbered by an electric right of way easement. Permitting the lot to be used for the construction of an electrical substation through the conditional use permit process will allow the Commission to incorporate any safeguards that are necessary to preserve 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) The proposed electrical substation fulfills all other requirements of this title pertaining to the conditional use in question as there is ample space on the property to meet setback requirements.
- b) In accordance with PMC 17.72.030, a detailed site plan was provided showing the proposed location of all buildings and structures on the site, access points, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the use. Landscaping requirements will be met with the screening vegetation being provided around the substation.
- c) Per PMC 17.20.050, the maximum building height in the R-1 district is 25 feet, excluding chimneys, steeples, antenna, and similar appurtenances which have no floor area. Appurtenances may not exceed 35 feet in height. This project does not include any enclosure that would exceed 25 feet in height. There are steel pole and multi-pole structures with a designed height of 51 feet above grade within the substation fence and transmission structures with a design height of 84 feet above grade located outside the substation fenced area. The pole and multi-pole structures are required as part of the utility substation, necessary to transmit/distribute electricity.

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 lighting plan and fencing around the proposed substation are safeguards to ensure the public health and safety of the neighborhood.
- b) The proposed electrical substation will not be harmful to the public health, safety, convenience, and comfort of the neighborhood because it will not increase the demand on public services such as sewer, water, traffic and public schools.
- c) The proposed electrical substation will be operated in compliance with the standards and conditions outlined in this conditional use permit and any applicable codes, laws and regulations.
- d) As commented by City of Palmer Fire Chief, the roadway to the location will need to meet the requirements to be a "Fire Apparatus Access Road" as described in the International Fire Code, Appendix D.

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 proposed electrical substation will exceed the required minimum setbacks of 25' front and rear yard and 10' side yard for the R-1, Single-family Residential District.
- b) Lot 2 exceeds the required minimum lot width of 60 feet and the required minimum lot area of 8,400 square feet for the R-1, Single-family Residential District.
- c) The landscaping and fencing will provide a visual and physical buffer to the proposed substation. Additional safeguards being provided will include administrative controls to prevent unauthorized entry; grid design to mitigate electrical touch potential hazards to the public and workers; and improved equipment safety, clearances and controls.
- d) The view of the utility substation will be obscured by the natural topography of the property and adjacent properties.

Fact 5) If the permit is for a public use or structure, is the proposed 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 property is under the private ownership of Matanuska Electric Association.

Staff Recommendation:

A utility substation is a Conditional Use allowed in an R-1, Single-family Residential District. Based on our review of the request, Community Development recommends approval of the Conditional Use Permit to allow for the construction of an electrical substation in an R-1, Single-family Residential District, with the following conditions:

- 1) All development must comply with all federal, state and local regulations.
- 2) Obtain all necessary building permits from the City of Palmer.
- 3) Remain in compliance with the quiet hours established in Palmer Municipal Code Chapter 8.36.025.
- 4) The roadway to the location will need to meet the requirements to be a "Fire Apparatus access Road" as described in the International Fire Code, Appendix D.

It is recommended that the Planning Commission adopt the Staff’s analysis and findings and grant the requested Conditional Use Permit. The permit would allow the construction of an electrical substation in an R-1, Single-family Residential District.

Public Hearing: Chair Peterson opened the public hearing at 6:47 p.m.

Applicant’s Presentation: Matanuska Electric Association

Tim McCullough, Project Lead for MEA, and

Van Le, representing MEA for the CUP for Lucas Avenue Substation relocation and upgrade

- Testified in support and responded to Commissioner questions concerning the project.
- Noted the upgrade will replace the aging infrastructure and improve overall grounding, safety, and system reliability.
- Testified that she and the MEA team agree with staff recommendations.

There being no others coming forward to testify, Chair Peterson closed public testimony at 7:03 p.m.

Main Motion: For approval of Resolution No. 23-005, granting a Conditional Use Permit to Construct an Electrical Substation in an R-1, Single-family Residential District at 1424 South Margaret Drive, Palmer, located on Lot 2, Lucas Acres Subdivision, including both Staff Findings of Fact 1-5 and Staff Recommendation as presented.

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

Director Hanson recited the appeal process for the Commission’s action pursuant to PMC 17.98 within 20 calendar days of the decision.

I. **UNFINISHED BUSINESS:** None.

J. **NEW BUSINESS:**

1. **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 open and ease of discussion regarding IM 23-007.

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

[The Commission entered Committee of the Whole at 7:10 p.m.; exited at 7:52 p.m.]

Director Hanson summarized the need to upgrade the language in Title 17 regarding residential care facilities in residential districts and recommended a review of the code and provide comments and feedback should further action be requested. (See PMC Title 17.08 Definitions, packet pp. 77-105) The Commission

was asked to review and provide feedback.

Somewhat lengthy committee of the whole open discussion took place regarding the differences between residential care facilities, assisted living, childcare facilities, etc. and compliance with federal regulations. The Commission was requested to review and be prepared for input at the next meeting.

[Chair Peterson declared exit of Committee of the Whole at 7:52 p.m.]

K. PLAT REVIEWS:

1. **IM 23-009:** Abbreviated Plat Review – To create two lots from Parcel 1, Waiver 99-36-PWm (Tax Parcel A39) in Section 32, Township 18 North, Range 2 East, Seward Meridian, to be known as Breezy Meadows, located outside Palmer city limits.

Director Hanson directed attention to packet p. 116, map showing close proximity to city limits and packet p. 111 for City Department comments by Community Development and Fire Chief. Other City Departments had no comments.

The Commission had no additional comments.

L. PUBLIC COMMENTS: None.

M. COMMISSIONER COMMENTS:

Commissioner Jackson:

- Inquired about the BED status of the Railroad Right-of-Way and expressed encouragement for it to move forward;
- Also inquired about MEA current substation and neighboring storage, if they have plans to relocate it away from the city center.

Commissioner Peterson:

- Commented in appreciation for staff's work on tonight's Resolutions;
- Inquired if there will be a joint City Council/P&Z meeting this year.

N. ADJOURNMENT:

There being no further business, the meeting adjourned without objection at 8:00 p.m.

APPROVED by the Planning and Zoning Commission this ____ day of July, 2023.

Casey Peterson, Chair

Brad Hanson, Community Development Director