

Introduced by: City Manager Healy  
 Date: September 23, 2003  
 Action: Removed as an introduction,  
 scheduled for work session on  
 October 15, 2003, at 7:00 p.m.  
 Introduction Date: April 27, 2004  
 Public Hearing: May 11, 2004  
 Action: Adopted  
 Vote: Unanimous

## CITY OF PALMER, ALASKA

### ORDINANCE NO. 606

AN ORDINANCE REGARDING LARGE RETAIL ESTABLISHMENTS (LREs): ADOPTING PALMER MUNICIPAL CODE SECTION 17.08.047 (DEFINITION OF LRE), AMENDING 17.28.040 (PROHIBITING LREs IN THE LIMITED COMMERCIAL DISTRICT), AMENDING SECTION 17.32.020 (MAKING LREs A PERMITTED USE IN THE GENERAL COMMERCIAL DISTRICT), ADOPTING SECTION 17.32.025 (STANDARDS FOR AN LRE), ADOPTING 17.32.026 (PROCEDURES FOR AN LRE) AND ADOPTING SECTION 17.68.065 (LIMITED APPLICATION OF NONCONFORMING USE STATUS TO EXISTING LREs)

#### THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Section 17.08.047 is hereby adopted to read as follows:

**17.08.047 Large retail establishment.**

"Large retail establishment" means one or more buildings located on a single parcel that are used or intended for use principally for the retail sale of merchandise, and whose total building(s) footprint exceeds 20,000 square feet. Large retail establishment includes without limitation general merchandise retailers, warehouse and club retailers, superstores, discount stores, outlet stores, second-hand stores, and thrift stores.

Section 4. Section 17.28.040 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

**17.28.040 Prohibited uses.**

Prohibited uses and structures in the C-L district are all uses and structures not specified as

permitted outright, including for example large retail establishments and the outside storage of heavy equipment, such as tractors, graders or trucks, used for gain.

Section 5. Section 17.32.020 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

~~28. Accessory uses customarily incidental to any of the above uses.~~

28. Large Retail Establishments

29. Accessory uses customarily incidental to any of the above uses.

Section 6. Section 17.32.025 is hereby adopted to read as follows:

**17.32.025 Standards for a large retail establishment permit.**

A. Intent. The standards in this section govern development plans and their review, promote architectural variety, access amenities, site improvements, and mitigation of community impacts. Where these standards conflict with other provisions of this title, these standards and the terms of the development plans approved under this section shall govern.

B. Traffic impacts.

1. Vehicular access. There shall be a minimum of two primary vehicular accesses.

Primary and secondary vehicular access shall be from a street designated collector or greater on the City's most recent traffic study or analysis.

2. Traffic impact analysis

a) The developer shall submit a traffic impact analysis prepared by an engineer licensed by the State of Alaska under AS Title 8. Operational analysis and determination of level of service (LOS) for the traffic impact analysis prepared under this section must be in accordance with the Transportation Research Board's publication Special Report 209, Highway Capacity Manual (most current version).

b) The minimum acceptable LOS at intersections and on road segments both on the development's opening date and ten years after the development opens is:

i) LOS C, if the LOS on the date of application is LOS C or better; or

ii) LOS D, if the LOS on the date of application is LOS D or poorer.

iii) If the LOS is poorer than LOS D, a lower minimum LOS is acceptable if the operation of the road does not deteriorate more than 10 percent in terms of delay time or other appropriate measures of effectiveness from the LOS before the development's opening date.

c) The traffic impact analysis must address the following.

i) Intersections on roads where traffic to any approach is expected to increase as a result of the proposed development by at least five percent of the approach's capacity.

ii) Segments of roads between intersections where total traffic is expected to

- increase as a result of the proposed development by at least five percent of the segment's capacity.
- iii) Each driveway or approach road that will allow egress from or ingress to a road for the proposed development.
  - iv) Parking and circulation routes within the proposed development to the extent necessary to ensure that traffic does not back up onto a roadway.
  - v) Pedestrian and bicycle facilities that are part of the road network affected by the development.
- d) For a development expected to generate less than 250 vehicle trips during the peak traffic hour of an adjacent road, the traffic impact analysis must consider the following:
- i) Projected traffic as the development's anticipated opening date, excluding the traffic generated by the development; and
  - ii) Projected traffic at the development's anticipated opening date, including the traffic generated by the development.
- e) For a development expected to generate more than 250 vehicle trips during the peak traffic hour of an adjacent road, in addition to the projected traffic volumes before and after the completion of the proposed development, the traffic impact analysis must consider the:
- i) Projected traffic ten years after the development opens, excluding traffic generated by the development; and
  - ii) Projected traffic ten years after the development opens including the traffic generated by the development.
- f) A traffic impact analysis prepared under this section must identify the following:
- i) Locations where road improvements are necessary to mitigate traffic impacts, including locations where the LOS is less than acceptable under subsection B above (i) due to the development at either the opening date or ten years after the development opens or (ii) at either the opening date or ten years after the development opens without the development and what improvements are necessary to prevent the LOS from deteriorating further.
  - ii) Road improvement alternatives that will achieve an acceptable LOS or minimize degradation of service below an already unacceptable LOS (i) on the opening date of the development and (ii) ten years after the development opens for a development expected to generate 250 or more vehicle trips during the peak hour of the adjacent road on the opening date of the development.
  - iii) Bicycle or pedestrian improvements necessary to accommodate bicycle and pedestrian traffic as negotiated between the city and the applicant; and
  - iv) Improvements needed for internal circulation and parking plans.
- g) The city will review and comment upon a traffic impact analysis prepared and submitted under this section. The city will, in its discretion, request clarification or further analysis of the impacts that it considers necessary to adequately consider the risks presented to the traveling public by the proposed

development. If alternative means are proposed by an applicant for mitigation of the traffic impacts of a proposed development, the city will select the alternative that provides the greatest public benefit, at the least private cost, and that meets the appropriate LOS on an impacted city road. If the city accepts a means of mitigation, the mitigation must be successfully completed before an occupancy certificate is granted.

#### C. Traffic impact mitigation

1. Developments expected to generate 250 or more vehicle trips during the peak hour of the adjacent road on the opening date of the development shall make improvements as follows:
  - a) Improvements to a road or intersection shall be made to maintain an acceptable LOS if a road or intersection has an acceptable LOS under PMC 17.32.025(B)(2)(b) without traffic generated by the development and an unacceptable LOS under PMC 17.32.025(B)(2)(b) with traffic generated by the development at the opening date of the development or ten years after the development opens.
2. If a road has an unacceptable LOS under PMC 17.32.025(B)(2)(c) without traffic generated by the development, either at the opening date of the development or ten years after the opening of the store, the developer shall make improvements to the adjacent roads so the operation of the roads does not deteriorate more than 10 percent in terms of delay time or other appropriate measures of effectiveness with the addition of the traffic generated by the development at the opening date of the development or ten years later.
3. A development for which a traffic impact analysis report has been approved shall use signs and markings on approaches to highways within the development that conform to the Alaska Traffic Manual. The City adopts by reference the Alaska Traffic Manual, consisting of the Manual on Uniform Traffic Control Devices for Streets and Highways, 1988 edition, including revisions 1 through 7, issued by the United States Department of Transportation, Federal Highway Administration, and the State of Alaska Supplement, as revised as of January 27, 1992. Internal circulation and parking layout must provide sufficient queuing distance within the development between the road and potential internal block points to ensure no traffic backs up onto the highway, including bicycle or pedestrian facilities.
4. If a traffic impact analysis discloses impacts upon pedestrian and bicycle traffic, a developer shall take steps to mitigate the impact.
5. The City will, in its discretion, relax the requirements for mitigation under this section, if it finds in writing that the
  - a) Roads only marginally achieve an acceptable LOS without the traffic generated by the development and would likely fall below an acceptable LOS within five years.
  - b) Traffic generated by the development results in an unacceptable LOS and the cost of mitigating the impacts is disproportionate to the cost of the development.

- D. Landscaping and screening. The landscape plan shall provide for landscaping that reasonably reduces visual, sound, and/or traffic distraction impacts of vehicular movements. The variety of materials selected shall be compatible with the climate, planting location, and landscaping function.
1. Landscaping shall be equal to 15% of the total lot area.
  2. Landscaping shall consist of a combination of components such as lawn area, landscape beds, ground cover plants, shrubs, evergreen trees, deciduous trees, earthen berms and wooden fences. No single landscaping component may occupy more than 50% of the area to be landscaped.
    - a) Evergreen and deciduous trees shall be planted at intervals no greater than fifteen feet on center and shall be a minimum of three feet in height at planting.
  3. All parking lots visible from public rights-of-ways shall be screened with a combination of trees, shrubs or other plant materials, possibly in combination with fences and berms.
  4. Where a side, or portion thereof, of an LRE parcel is adjacent to a residential zone, an earthen berm, no less than six feet in height, with evergreen trees planted at intervals of 15' on center shall be provided on such side or portion thereof. A solid wooden fence, no less than six feet in height, may be substituted for the berm. Due to the high winds in Palmer, an interlap fence (alternating board on each side) may also be used, and may be preferable to solid. For purposes of this subsection, adjacent means touching or across from an alley or residential street. Adjacent does not mean across from a commercial, collector, or arterial street.
  5. All landscaping structural requirements (e.g. drainage grading, concrete, rock or keystone bed structures, sidewalks) must be met at occupancy. Topsoil addition and final grading and seeding and all plantings of flora must be met within twelve months of occupancy, or within the first growing season after occupancy, whichever comes first. The owner, lessee, etc. shall continue to meet such requirements thereafter and replace all dead shrubs and trees to maintain the landscaping in good condition.
  6. Grassy areas shall be maintained according to standard turf practices, which include regular mowing, fertilizing and watering.
- E. Set backs. The minimum setback for any building shall be thirty-five feet from the nearest property line.
- F. Parking.
1. A detailed parking plan shall address the convenience and safety of patrons, adequate winter lighting, landscaping amenities, and the configuration of parking spaces, walkways, and other amenities. Aesthetic features, landscaping, and the design of parking areas shall, wherever practicable, reduce the appearance of large expanses of parking from neighboring streets and enhance the view of the establishment from its principal point(s) of access.
  2. No more than sixty (60) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the

front façade of the large retail establishment and the abutting streets (the Front Parking Area).

3. The minimum number of parking spaces is determined by 17.64.010. Additional landscaping and community space may be required where the applicant wishes to provide parking that exceeds 115% of the minimum standards of this title.
  4. The owner and lessees shall prohibit storage or overnight camping of trailers or recreational vehicles.
- G. Pedestrian access. The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, and abutting residential and commercial areas. Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot. Sufficient sidewalks or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passages. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage and to provide a buffer for pedestrians from vehicular traffic.
- H. Outdoor lighting. A photometric and outdoor lighting plan to mitigate negative impacts on adjacent uses shall be submitted for approval. Outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine unreasonably into the sky or onto adjacent property. This reasonableness standard may consider the zoning and uses of the adjacent parcels.
1. The outdoor lighting plan shall contain the following information:
    - a. Plans to indicate the location, type, intensity, and height of luminaries including both building and ground-mounted fixtures,
    - b. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provide as catalogue illustrations from the manufacturer.
    - c. Photometric data, such as that provided as catalogue illustrations from the manufacturer, showing the angle of light emission and the foot-candles on the ground.
- I. Outdoor storage or display areas. Products stored or displayed outside shall not be visible from abutting property. Areas for the outdoor storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. The height of stored materials shall not exceed the height of the screening wall or fence. Materials, colors, and the design of screening walls and/or fences and their covers shall be complementary to those used as predominant materials and colors on the building.
- J. Trash collection and recycling. Trash handling and recycling shall be screened from public streets and pedestrian ways, internal pedestrian sidewalks, and residentially used or residentially zoned property by landscaping or architectural features in conformity with the external design and materials used by the establishment. Screening shall be designed to abate noise and to confine loose trash. The routes and hours of trash

collection may be limited as necessary to reduce the effects of noise or traffic on surrounding residential areas.

- K. Snow storage or removal. A plan for snow storage or removal from the site shall be submitted and approved. Use of sidewalks, circulation drives, and landscaped areas for snow storage shall be prohibited.
- L. Community spaces. In large retail establishments over 70,000 square feet, appropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax. Public areas shall be no less than three percent (3%) of the square footage of the structure.
- M. Delivery and loading spaces. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts on adjacent R-zoned property. Routes and hours may be limited as necessary to reduce the effects of noise or traffic on surrounding residential areas. Commercial trailers, shipping containers, and similar equipment used for transporting merchandise, shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes.
- N. Aesthetic characteristics.
  - 1. Facades and exterior walls, including side and back walls. The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls shall be broken up with projections or recessions.
  - 2. Detail features. The design shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive scale effect by breaking up the building wall, front, side, or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.
  - 3. Roofs. The roof design shall provide variations in roof lines and heights to add interest to, and reduce the massive scale of, large buildings. Parapet walls shall be architecturally treated to avoid a plain or monotonous style.
  - 4. Materials and colors. The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall development plan. Construction material shall provide color, texture and scale. Predominant exterior building materials shall not include smooth-faced concrete block or pre-fabricated steel panel.
  - 5. Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather. Each entrance shall be clearly defined, highly visible customer entrance featuring no less than three of the following: canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms, arches, outdoor patios; display windows; architectural details such as tile work and moldings which are integrated into the building structure and

design; integral planters or wing walls that incorporate landscaped areas and /or places for sitting.

- a) Structures over 80,000 square feet shall have a minimum of two entry ways.
- 6. Screening of mechanical equipment. Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. Ground-mounted mechanical equipment shall be screened. The screen shall be of such material and be of sufficient height to block the view and noise of the equipment.
- O. The development plan for a large retail establishment shall include, and govern the improvement of, the entire commercial parcel.
- P. Northern design elements. Provision of design elements may be required that address Palmer's distinct geography, low light angles, length of days, cold temperatures, wind, snow and ice.
- Q. Construction shall not commence without a large retail establishment permit signed by the city manager.

Section 7. Section 17.32.026 is hereby adopted to read as follows:

**17.32.026 Procedures for a large retail establishment permit.**

- A. Application. A developer must apply to the City for a large retail establishment (LRE) permit. The application shall include a site plan and all components of the development plan. The application fee is \$500.
- B. Public meeting. The City Manager or designee will review the plans with the applicant against the standards set in this section, and the applicant may make necessary amendments to the site plan and development plan. A public meeting shall be held where the applicant shall display all plans and public comments shall be received on the development plans. The meeting shall be advertised in the newspaper of general circulation in which the city regularly advertises its council meetings. The public notice shall run at least once a week for two weeks, with the first publication at least ten days before the date of the meeting.
- C. Response to public comments. After the public meeting, the applicant and the city manager shall duly consider the public comments and the applicant may make amendments to the site plan and development plan.
- D. City manager review. When the city manager determines the application and plans meet the requirements of 17.32.025, the manager will give tentative approval, subject to such special limitations as the manager may deem reasonable arising out of the comprehensive plan, mitigation of adverse impacts of the project on the neighborhood



or public facilities, or the public health and safety.

- E. Objections to Special Limitations. If the applicant objects to any of the manager's proposed special limitations, the applicant may request review of the special limitations by the City Council. The applicant shall clearly denote each objection and state why the applicant objects to it. The applicant's objections shall be forwarded to the City Council with the manager's proposed special limitations.
- F. Public hearing. The council shall hold a public hearing regarding the manager's tentative approval, the manager's proposed special limitations, and the applicant's objections. Notice for the public hearing shall be given in accordance with 17.80.030, as if the LRE were a zoning map amendment.
- G. Council determination. After the public hearing the council shall determine whether the permit shall be approved. After due consideration of the public input, the council may approve the permit if the applicant's plans meet the requirements of 17.32.025, subject to such special limitations as the council deems are reasonably related to the comprehensive plan, mitigation of adverse impacts of the project on the neighborhood or public facilities, or the public health and safety.
- H. Effective permit. The permit shall not be effective until signed by the city manager and also signed by the applicant agreeing to comply with the plans approved by the council and such special limitations as set by the council. A copy of the plans and limitations shall be attached to the permit.

Section 8. Section 17.68.065 is hereby adopted to read as follows:

**17.68.065 Large retail establishments.**

- A. A large retail establishment existing on or before May 11, 2004, shall be deemed to be a permitted large retail establishment and not a nonconforming use or structure, provided that the structure was not otherwise a nonconforming structure. The provisions of this chapter notwithstanding, the expansion, reconstruction, renovation, or remodeling of a large retail establishment existing on the effective date may be allowed only after a limited development plan approval is granted by the city manager. This section shall not, however, apply to the interior remodeling, renovation, or repair to interior portions of large retail establishments existing on the above effective date. In approving limited development plans under this subsection, the city manager shall apply the standards set out in 17.32.025 in a manner proportionate to the extent of the expansion, reconstruction, renovation, or remodeling proposed. The cost of compliance with the standards set forth in 17.32.025 shall not exceed ten percent of the cost of the expansion, reconstruction, renovation, or remodeling. In determining the degree to which the standards set out in 17.32.025 shall apply to the expansion, reconstruction, renovation, or remodeling proposed, the city manager shall also consider:
  - 1. Whether strict application of any standard of 17.32.025 would result in peculiar or

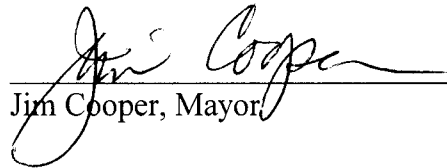
exceptional practical difficulties or work an undue hardship on the owner of the property;

2. Whether the proposed design and development plan satisfies the intent of this section as well or better than would strict compliance with standards set forth in 17.32.025;
3. Whether relaxation of any requirement of 17.32.025 would impose any significantly greater negative impact on surrounding property; and
4. Whether the proposed design and development plan brings the site into greater compliance with the standards set forth in 17.32.025 than the existing structure.

B. Applications for limited development plan approval under this subsection shall be processed in the same manner as applications for a development plan approval required for new establishments.

Section 9. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption.

Adopted by the City Council of the City of Palmer, Alaska, this 11<sup>th</sup> day of May, 2004.

  
Jim Cooper, Mayor

  
Janette M. Persinger, City Clerk