FNSB PLANNING COMMISSION
BOROUGH ASSEMBLY CHAMBERS
April 18, 2017 ACTION MEMO
6:00 pm

Please refer to Planning Commission Rule #25: Any action taken during this meeting is subject to reconsideration during this meeting or at the next. A request for reconsideration at the next meeting must be submitted in writing by a Planning Commissioner (who voted on the prevailing side) by the close of business the day following the meeting.

Opening Statements, and Consent Agenda

Audio Track 1, Track 2

APPROVED

CU2017-014: A request by Aaron J Ross DBA Treat Yo’ Self on behalf of Kevin Tennant for conditional use approval of a marijuana product manufacturing facility, limited in the General Commercial (GC) zone on Lot 16, Block 2, Kris Kringle Subdivision First Addition (located at 2632 Mistletoe Drive, on the north side of Mistletoe Drive, south of Kris Kringle Drive). (Staff Contact: Manish Singh).

Audio: Track 3, Track 4

CONDITIONS

1. Prior to the commencement of operations, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure that the site meets all licensing requirements for a commercial marijuana product manufacturing facility.

   b. The applicant or holder of this conditional use permit shall comply with all recommendations and/or requirements resulting from the State of Alaska Department of Environmental Conservation (ADEC), Food Safety and Sanitation Department plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation (ADEC), Division of Water, Wastewater Discharge for their non-domestic wastewater discharge proposal and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   e. The applicant or holder of this conditional use permit shall obtain a formal plan review by Alaska Department of Transportation and Public Facilities (ADOT&PF) for the driveway and shall comply with all recommendations and/or requirements resulting from this review or provide documentation that a review for the driveway is not required.
2. Indoor product manufacturing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the manufacturing facility.

3. If any modifications are made to the site plan, floor plan, or other FNSB required documents, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

FINDINGS OF FACT

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with 'Urban Area' comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the redevelopment of this site as a marijuana product manufacturing facility.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The site has a 75 gal. fresh water tank and a 120 gal. wastewater water tank.
   b. The site has access to a shared restroom in 'Expressway Auto' business located 160 feet west of the proposed marijuana manufacturing structure on Lot 15.
   c. The site is served by North Star Fire Service Area and Alaska State Troopers.
   d. The site is connected to the GVEA grid.
   e. With the conditions imposed, the site will have a DOT approved driveway on Mistletoe Drive.
   f. Three (3) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.
   g. Traffic generated by the proposed use will have relatively little impact on Mistletoe Drive which is maintained by ADOT & PF and has adequate capacity for the additional trips generated.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GC zone and Standards for Commercial Marijuana Establishments (FNSBC 18.64 and 18.96.240, respectively) as well as state requirements for a commercial marijuana product manufacturing facility.
a. With the conditions imposed, security systems, alarms, locks, cameras and lighting will meet state regulations required to obtain a commercial marijuana product manufacturing license.

b. With the conditions imposed, any solid or liquid waste including marijuana plant waste and non-domestic wastewater will be disposed of according to state and local regulations.

c. With the conditions imposed, marijuana odor will be mitigated with appropriately sized odor filtration systems.

d. All marijuana and marijuana products would be secured inside the building to ensure the general public does not have access to them.

e. The noise generated from this manufacturing operation would be negligible because the operation is completely indoors.

f. The outdoor lighting would point downwards and would not negatively impact adjacent residential zones.

g. The hours of operation do not negatively impact the neighborhood because the facility is located along Richardson Highway, an interstate type roadway, which has developed commercially in this area.

APPROVED

CU2017-016: A request by Brandon Roybal DBA AK Aurora Blooms, LLC on behalf of Double G Investments, LLC for conditional use approval of a marijuana cultivation facility, indoor unlimited in the Light Industrial (LI) zone on Lot 1, Block 8, Cartwright Air Industrial Park Subdivision and TL-2040, Section 20, T1S-R1W, F.M. (located at 2693 Arla Street, on the east side of Worrell Avenue, south of Arla Street). (Staff Contact: Manish Singh).

Audio: Track 5, Track 6

CONDITIONS

1. Prior to the commencement of operations, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana cultivation facility.

   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. If any improvements are made to the existing building, the applicant or holder of this conditional use permit shall obtain all applicable permits to continue to comply with Title 15 Floodplain Management Regulations.
2. Indoor cultivation, drying, and processing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the cultivation facilities.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

**FINDINGS OF FACT**

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18, Title 15 and of other ordinances and state statutes:
   
a. The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Heavy Industrial Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the redevelopment of this site as a marijuana cultivation facility.
   
b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   
c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.
   
d. The purpose of Title 15 will be met because with the conditions imposed, the conditional use will meet Floodplain permitting requirements and will help minimize flood losses and promote health, safety and welfare.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The site has an onsite septic system. With the conditions imposed, this onsite septic system will be adequate to receive the non-domestic wastewater generated from the cultivation facility.
   
   b. The site is served by University Star Fire Service Area for fire protection and rescue services and by Alaska State Troopers for law enforcement.
   
   c. The site is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.
   
   d. Sixteen (16) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   
   e. The traffic generated from the proposed marijuana cultivation use will not further degrade Worrell Avenue and Arla Street, and will have a negligible, if any, effect on nearby Peger Road, a minor collector.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the LI zone (FNSBC 18.72) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana cultivation facility.
a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation license.
b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.
c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems on cultivation, drying, and processing facilities.
d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
e. The noise generated from this cultivation operation would be minimal because the operation is completely indoors.
f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.
g. The hours of operation do not negatively impact the neighborhood because the facility is located in a commercial and industrial neighborhood with other businesses having similar hours of operation.

APPROVED

Closing Comments and Adjournment.

Audio: Track 6

Further information may be obtained from FNSB Department of Community Planning at 459-1260