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.

Roll Call, Opening Statements, Agenda and *Consent Agenda.

Commissioners Present:    Charles Whitaker  Chris Guinn
                          Doug Sims         Mindy O’Neall
                          Eric Muehling     David Brandt
                          Wendy Presler     Mike Stepovich

Commissioners Absent & Excused:  John Perreault   Robert Peterson
                                Patricia Thayer

*CONSENT AGENDA ITEMS

1. *HP2018-004 Tanana Loop and South Chandalar Intersection Improvements: A request by the Alaska Department of Transportation and Public Facilities for local planning authority approval to reconstruct the intersections of Tanana Loop/Alumni Drive, Tanana Loop/South Chandalar Drive, and Salcha Street/South Chandalar Drive including the portions of South Chandalar Drive between the intersections and up to Ambler Lane on the University of Alaska Fairbanks campus. The project will realign Tanana Loop Road and South Chandalar Drive to improve vehicular and pedestrian safety, and will also modify the layout of two existing intersections to improve sight distance for roadway users and pedestrians and enhance American Disabilities Act accessibility by rebuilding existing sidewalks, and installing new sidewalks in areas where pedestrian facility gaps exist. (Staff Contact: Don Galligan)

Audio Track 2

AGENDA AND CONSENT AGENDA APPROVED

QUASI-JUDICIAL HEARINGS

1. CU2018-005: A request by Audrey Ranstead, DBA Baked Alaska Edibles, on behalf of S. Corp Inc., for conditional use approval of a marijuana product manufacturing facility, limited in the General Use 1 (GU-1) zone on Lot 21, Fairbanks Industrial Park Subdivision (located at 2745 Hanson Road, on the south side of Hanson Road, between Commerce Street and Deere Street). (Staff Contact: Manish Singh)

Audio: Track 2

Conditions of Approval

1. Prior to the commencement of marijuana product manufacturing operation, 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 product manufacturing facility.
b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the City of Fairbanks Building and Fire Departments 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 the wastewater storage tank and shall comply with all recommendations and/or requirements resulting from the plan review.

2. Indoor product manufacturing rooms or portions of the building where marijuana or marijuana products will be prepared, processed, packaged or stored shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the product manufacturing facility.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, 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 'Light Industrial Area' comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development 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 facility will have a 2,500 gal. tank and a contract with 'Water Wagon', a water delivery service, to meet the water supply needs for marijuana product manufacturing.
b. The facility has an onsite septic system for domestic wastewater and will have a storage tank for the nondomestic wastewater. With the conditions imposed, the facility will have the nondomestic wastewater hauled to the Golden Heart Utilities Wastewater Treatment Plant according to the state regulations.

c. The facility is served by the City of Fairbanks Fire Department for emergency fire response is served by City of Fairbanks Police Department for law enforcement.

d. The facility is currently connected to the GVEA grid which will provide sufficient energy supply for product manufacturing activities.

e. Three (3) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.

f. The subject property is accessible from Hanson Road. Hanson Road is a local road, maintained by the City of Fairbanks. Hanson Road can accommodate the small number of trip ends generated by the proposed facility.

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 GU-1 zone (FNSBC 18.84) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana product manufacturing facility.

   a. With the conditions imposed, security systems, alarms, 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 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 in the product manufacturing facility.

   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 product manufacturing operation would be minimal and it would not negatively impact the neighboring residential property owners 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 product manufacturing hours of operation will not negatively impact the neighboring residential property owners because the neighborhood has already developed with industrial and commercial uses.

   APPROVED

2. CU2018-006: A request by Jessica Dance, DBA Barefoot Grow Company LLC, for conditional use approval of a marijuana cultivation facility, indoor large, in the General Use 1 (GU-1) zone on Lot 1-A, Block 1, Waller Subdivision (located at 940 Star Court, on the south side of Badger Road, at the end of Star Court). (Staff Contact: Manish Singh)

Audio: Track 2

POSTPONED TO JANUARY 16, 2018 – APPLICANT NOT IN ATTENDENCE
PUBLIC HEARING (continued from November 14, 2017; audio of the November 14, 2017 hearing)

1. **RZ2018-003**: A request by Northland Surveying & Consulting LLC, on behalf of Ainley International Memorial Fund, to rezone approximately 218 acres from Two-Family Residential (TF), Single-Family Residential (SF-10), Multiple-Family Residential (MF), General Commercial (GC), Light Industrial (LI), Outdoor Recreation (OR), and Multiple-Family Residential/Professional Office (MFO), and Waterway Setback Designation (WS) overlay zone, all with the Groundwater Damage Protection overlay (GWP) to Two-Family Residential (TF), Multiple-Family Residential (MF), General Commercial (GC), and Light Industrial with Special Limitations (LI/SL), all with the Groundwater Damage Protection (GWP) overlay zone and a 25' Waterway Setback Designation (WS) overlay zone from Beaver Springs Creek or other appropriate zone. The proposed rezone boundary includes parcels described as all of North Star II Subdivision and all of North Star II Buzby Subdivision (located southwest of the Richardson Highway, west of Buzby Road, east of the Alaska Railroad and Old Richardson Highway). (Staff Contact: Stacy Wasinger)

Audio Track 3

**Revised Findings of Fact**

1. The subject parcels contain multiple zones split across existing and proposed parcel lines. Split zones are difficult to administer and do not facilitate the intended development of the subject area.

2. The North Pole Land Use Plan, an element of the FNSB Regional Comprehensive plan, assigns ‘High-density Residential’, ‘Mixed Commercial/Residential/Office’, and ‘Open Space Natural Area’ land use designations to the subject properties. These residential and commercial land use designations envision a mix of higher-density residential and commercial uses. The MF zone is more consistent with the ‘Open Space’ land use designation than the existing LI zone in that area. The current multiple split zones may be partially compatible with the land use designation. The property owner intends this property to be developed as a mix of residential and nonresidential and requests the rezone to ensure compatible uses and subdivision lot lines following along the new zoning lines. As such, the rezone is more compatible with the proposed use of the subject parcel by the property owner and with the land use designations.

   a. The special limitations on the LI zone make the LI zone compatible with the ‘Mixed Commercial/Residential/Office’ land use designation because they limit the uses predominately to those that are permitted in the GC zone while also allowing the property owner the option to apply for a conditional use for resource extraction. The gravel pit will help serve the future subdivision and community by providing material to help build roads for future housing, including housing to serve anticipated expansions. The proposed use of the LI/SL area is consistent with Comprehensive Plan Land Use Goal 3, Strategy 8, Action B and Land Use Goal 4, Strategy 10, Action B. This use would require a conditional use permit that will include more detailed review of the use and could include additional limitations.
and conditions that make it more compatible with the surrounding land uses and zoning, such as hours of operation, length of use, and additional buffers. Other intensive uses allowed in the LI zone would not be allowed because of the special limitations. The adjacent residential zone would establish a 15 foot side and rear yard setback in the LI/SL zoned area.

3. The rezone is consistent with FNSB Comprehensive Plan goals:

   a. Land Use Goal 1, Strategy 3; to work to reduce to the fullest extent possible the natural conflict that develops between private property right and community needs and interests.

   b. Land Use Goal 3, Strategy 6; to provide a variety of residential land use opportunities.

   c. Economic Development Goal 1, Strategy 5; recognize and promote the economic importance of the military’s presence.

   d. Transportation and Infrastructure Goal 2, Strategy 7; encourage the expansion of utility services to accommodate existing and future development.

   e. Environment Goal 3, Strategy 7; support efforts to connect waterways.

   f. Community and Human Resources Goal 1, Strategy 3; provide opportunities for community recreation.

4. The rezone is consistent with several goals of the North Pole Land Use Plan and North Pole Comprehensive Strategic Plan.

5. The rezone does not make any of the existing or proposed lots, structures or uses within the proposed rezone boundary nonconforming because most of the subject property is currently vacant. The existing City of North Pole well has a conditional use permit.

6. A 50 foot WS overlay from Beaver Springs Creek currently exists in the rezone area. A 25 foot WP overlay from Beaver Springs Creek provides additional benefits, including the requirement to obtain a CUP to clear natural vegetation. The WS overlay allows clearing of vegetation to the bank. Maintaining 25 feet of natural vegetation is more beneficial to both riparian habitat and recreation uses of the creek than 50 feet of cleared open space or lawn.

7. The rezone to TF, MF, GC, LI/SL with the GWP overlay and a 50 foot WS 25 foot WP overlay zone from Beaver Springs Creek and Pond conforms to the public health, safety or welfare because:

   a. It is compatible with the existing surrounding land uses.
b. There is an estimated traffic impact of an additional approximately 172 to 684 vehicle trips per day created by the increase in allowed residential density between the TF and MF zones. However, because there is no development to create specific trip generating potential or safety hazards from this rezone, the adequacy of the roads to accommodate traffic does not change with the proposed rezone.

c. Each proposed zone establishes minimum required setbacks. These setbacks will help provide fire separation between buildings on adjacent properties and allow additional privacy for each lot. The WS WP overlay establishes a 25 foot buffer from the meander line of Beaver Spring Creek to help maintain the riparian buffer and natural vegetation setback from the ordinary high water mark of Beaver Springs Creek for structures, helping to protect the bank from construction. The GWP prevents construction of basements below grade because of the elevated groundwater table in the area.

8. The rezone is not a spot zone because:

a. It is consistent with the FNSB Comprehensive Plan goals and the North Pole Land Use Plan ‘High-density Residential’ and ‘Mixed Commercial/Residential/Office’ land use designations. The MF zone is more consistent with the ‘Open Space Natural Area’ land use designation than the existing LI zone in that area. The rezone is also consistent with several goals in the North Pole Land Use Plan and the North Pole Comprehensive Strategic Plan.

b. (1) The rezone benefits the property owner because it would allow for a mix of residential and nonresidential development of the property and facilitate a future platting action; (2) The proposed rezone will have benefits for the surrounding properties because the rezone provides additional residential opportunities, retains the GWP and WS overlays, and maintains the natural character of Beaver Springs Creek; (3) The proposed rezone would have benefits for the community because it would provide additional variety of housing options, clean up several split zones, maintain the GWP overlay, and provide a WS overlay for Beaver Springs Creek.

c. The total area of the proposed rezone boundary is approximately 218 acres. The proposed TF zone is 19.2 acres, the MF zone is 125.9 acres, the MFO is 7.7 acres, the LI/SL is 40.6 acres, and the GC is 25.4 acres. This rezone would not constitute a reverse spot zone because it does not leave adjacent parcels as small remainder of any zone.

APPROVED
APPEALS

1. **GR2018-042:** An appeal by Andrew Lyon of the denial of a request for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing duplex residence with a nonconforming south side-yard setback of approximately 4 feet to the building and 0.5 feet to the roof overhang instead of the required 5 feet to the building and 3 feet to the roof overhang and an east front-yard setback of 5 feet instead of the required 20 feet in the Two-Family Residential (TF) zone for the property on Lot 1, Block 6, Riverside Park Subdivision (located at 1120 Park Drive, on the west side of Park Drive, north of Airport Way). (Staff Contact: Stacy Wasinger)

**Audio Track 4**

**Findings of Fact**

1. The subject parcel contains a two-family residence with an attached garage in the Two-Family Residential (TF) zone. This structure does not comply with TF zoning setbacks because the garage has a south side-yard setback of approximately 4 feet to the building wall with 0.5 feet to the roof overhang instead of the required 5 feet to the building wall and 3 feet to the roof overhang. The east front-yard setback to the garage is approximately 11 feet instead of the required 20 feet. The east front-yard setback for the covered porch is 5 feet instead of the required 20 feet. The eaves of the covered porch would be permitted to project 2 feet into the required 20 foot setback for a setback of 18 feet, but the covered porch is further in the yard than this exemption would allow.

2. FNSB Assessor records estimate that the single-family residence was constructed in 1966 without a garage. An FNSB Assessor file photo dated March 7, 1967 shows the structure under construction.

3. The subject parcel was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. The UU zone had no required setbacks.

4. The subject property was rezoned from UU to General Residential (R2) with the adoption of Ordinance No. 70-33 on September 10, 1970. The R2 zone established front yard minimum required setback was 20 feet and the side and rear yard minimum required setback was 15 feet, "except that building is permitted up to one interior lot line or each of two intersecting interior lot lines if under common ownership and simultaneous development."

5. Ordinance No. 82-36, adopted on April 8, 1982, changed the R2 required side-yard setback became 5 feet, with no provision for building to interior lot lines. Title 49 from October 1, 1983 to January 24, 1985 listed a required 5 foot side-yard setback.

6. The applicant states that an addition was made to the structure in 1984 for the garage in question.

7. A City of Fairbanks building permit was issued for the attached garage addition on September 26, 1984. The plans submitted with this permit show the south side yard setback at 5 feet for the garage addition but do not indicate the front-yard setback to the garage. There is a note of 45 feet to Park Drive, but not the property line. The covered porch attached to the garage was not included in this permit.
8. FNSB Assessor records indicate that a garage addition to the structure was noted during a site inspection on January 31, 1985. At this time, the required side-yard setback was 5 feet and the required front-yard setback was 20 feet.

9. The subject property was rezoned to Two-Family Residential (TF) with the adoption of Ordinance No. 88-010, effective on April 25, 1988. The required front yard setback and side and rear yard setbacks remained 20 feet and 5 feet, respectively.

10. FNSB Assessor records note a new “CRF” during a site inspection on June 4, 1993. This notation refers to the covered porch. At this time, the required front-yard setback was 20 feet.

11. No FNSB zoning permits were issued for the garage addition or the covered porch addition.

**APPEAL DENIED / ADMINISTRATIVE HEARING OFFICER’S DECISION UPHELD**

New Business, Excuse Future Absences, Commission’s Comments and Adjournment.

Audio: Track 5

**NEW BUSINESS**

1. Election of Chair and Vice-Chair for 2018. Commissioner Mindy O’Neall appointed Chair and Commissioner Eric Muehling appointed Vice Chair

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