A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Chris Guinn, Chairman.

MEMBERS PRESENT:  
Chris Guinn  
Mark Billingsley  
Michael Stepovich  
Pat Thayer  
Charles Whitaker  
Wendy Presler  
John Perreault

MEMBERS ABSENT:  
Robert Peterson  
Mindy O’Neill  
Eric Muehling  
David Brandt

OTHERS PRESENT:  
Christine Nelson, Director of Community Planning  
Manish Singh, Planner  
Stacy Wasinger, Planner  
Bridget Hamilton, Permit Tech  
Wendy Doxey, Asst. Borough Attorney  
Laura McLean, Administrative Assistant

A. ROLL CALL

Mr. Guinn commented that his term as Chair of this Commission has expired. In order to run the meeting tonight, the Planning Commission Rules (Rule 1) will have to be suspended.

MOTION: A motion to suspend Planning Commission Rule #1 was made by Ms. Thayer, seconded by Mr. Billingsley, to allow Mr. Guinn to sit as Chair and Ms. Thayer to sit as Vice-Chair for the January 2017 meeting.

ROLL CALL

Seven (7) in Favor: Mr. Billingsley, Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Stepovich, Ms. Thayer, and Mr. Guinn

Zero (0) Opposed:

MOTION CARRIED

B. MESSAGES

1. Chairperson’s Comments

None
2. Commissioner’s Comments

Mr. Perrault commented that he did recruit a member of the public to fill a vacancy on this Commission but that person was not selected.

Ms. Nelson stated that for the first time in quite a while, this Commission does not have a vacancy.

3. Communications to the Planning Commission

Ms. Doxey communicated that there was an ordinance change that went through several months ago that effects how conflicts of interest are determined for this Commission. Rather than the body determining if there is a conflict of interest, the Chair will now make that determination. If the body disagrees with the Chair, there would have to be a motion to overrule that determination and then a vote on that motion.

Ms. Nelson commented that there are two (2) Worksessions being scheduled for the February 7, 2017 Planning Commission meeting. The first is Green vs. Grey and the second is Walkability.

Ms. Nelson announced that Tanya Hughes, the Administrative Assistant to the Planning Commission has resigned. She urged the Planning Commission to be patient with the Department while they recruit for a replacement.

4. Citizen’s Comments – limited to three (3) minutes

None

5. Disclosure & Statement of Conflict of Interest

Ms. Thayer addressed the Commission. She stated that she does not feel it is a conflict, but she has worked in the past with Mr. King (RZ2017-002) and considers him a friend.

Mr. Guinn commented that he does not feel that Ms. Thayer has a conflict. He further added that he too knows Mr. King.

Ms. Doxey inquired of Ms. Thayer if she had any financial interest. Ms. Thayer responded that she did not.

Ms. Doxey asked Mr. Guinn if he had any financial interest. Mr. Guinn responded that he did not.

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.
MOTION: To approve the Agenda and Consent Agenda by Ms. Thayer, seconded by Ms. Presler.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from November 8, 2016 PC Meeting

   Mr. Perrault brought up one minor error within the minutes that will need to be corrected.

MOTION: To approve the amended minutes of November 8, 2017 by Ms. Thayer, seconded by Mr. Perrault.

CARRIED WITHOUT OBJECTION

E. CONSENT AGENDA ITEMS

   NONE

F. QUASI-JUDICIAL HEARING

   1. CU2017-009: A request by Renee Rember for conditional use approval of a veterinary clinic in the Multiple-Family Residential/Professional Office (MFO) zone on Lot 2, Herman Subdivision (located at 1830 Second Avenue, on the north side of Second Avenue, west of Lathrop Street). (Staff Contact: Stacy Wasinger).

   OATH GIVEN

Ms. Wasinger presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the conditional use request with the following seven (7) conditions of approval and three (3) Findings of Fact:

Conditions for approval

1. The applicant or holder of this conditional use permit shall comply with all applicable local, state, and federal laws.

2. A sight-obscuring barrier, such as slats in the existing chain-link fence or vegetation planted outside the fence line, shall be constructed around the yard area proposed to be utilized for animal patients of the clinic. If the sight-obscuring barrier is vegetation, a landscape plan shall be submitted to the Community Planning Department for approval.

3. Animal waste shall be picked up daily from the yard area and disposed of off-site in an appropriate waste disposal site. No animal or other solid waste shall be disposed of in the adjacent river area.
4. No animals shall be maintained outside on the site between the hours of 6 pm and 8 am or overnight and no more than five (5) animals shall be allowed in the fenced yard area at any given time.

5. No large animals shall be maintained on the site.

6. Outdoor lighting shall meet FNSBC 18.96.140 such that “lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare, general illumination originates.”

7. If any modifications are made to the proposed location, site plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the veterinary clinic, an amendment to the conditional use permit may be required pursuant to FNSBC 18.104.050 (D).

Findings of Fact for approval

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the MFO zone.
   a. The purpose of Title 18 will be met because the Fairbanks North Star Borough Comprehensive Plan Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. With the conditions as proposed, the conditional use is compatible with the existing land uses. The conditional use is also consistent with the Urban Area designation.
   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. The Applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. 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 conditional use will be served by community sewer and water, and animal waste will be removed from the site to appropriate disposal transfer sites. Medical waste will be handled by a certified local agency and disposed of according to OSHA regulation and industry standards.
   b. The site is within the City of Fairbanks and is served with police, fire, and other services.
   c. The site will be connected to the GVEA grid which will provide sufficient energy supply for the veterinary clinic.
   d. The site is served by Second Avenue, an AK DOT & PF maintained road.
   e. The veterinary clinic is not expected to generate as many vehicle trips as other permitted uses and does not impede vehicular and pedestrian traffic on the surrounding roads.
With the conditions imposed, the conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the MFO zone (FNSBC 18.56) as well as other federal, state and local requirements for a veterinary clinic.

- The existing vegetation and added screening will create a buffer and minimize the visual impact of the proposed conditional use. Additional sight-obscuring elements will create a visual barrier from adjacent public uses.
- Noise impacts are expected with the operation of the veterinary clinic. A sight-obscuring barrier and prohibiting the maintenance of animals outside overnight will minimize noise impacts on the surrounding neighborhood.
- Odor impacts involving the animal use of the yard area will be minimized with the removal of animal waste daily.
- Outdoor lighting will not be directed toward or impact neighboring properties.
- The applicant will comply with all other local, state, and federal laws.
- The existing structure is not in the floodplain or floodway.

The Planning Commission questioned the following items:

Mr. Perrault questioned where the yard was proposed to be. Ms. Wasinger defined this. Mr. Perrault queried if the sidewalk was along the street. Ms. Wasinger confirmed this.

Mr. Whitaker questioned if it were typical for a landscape plan to be submitted to the Planning Department. Ms. Wasinger stated that if anything were to be alter on the site plan, Planning does ask that something be submitted so that they can see if it complies with the requirements of the Conditional Use permit.

Mr. Whitaker questioned who in the department makes the decision whether the landscape plan was appropriate. Ms. Wasinger stated that staff would make that decision.

Ms. Thayer queried if the public dog park in the vicinity (two lots down) has a landscape requirement like the one being recommended in this case. Ms. Wasinger replied that it does not but that that lot does not have a Conditional Use permit. One was not required. Also, the dog park does not abut the river.

Mr. Billingsley questioned what “large” would be when referring to Condition number 5. Ms. Wasinger stated that in discussions with the applicant, she does make house or farm calls for large animals such as horses. Ms. Wasinger deferred any additional questions regarding large animals to the applicant.

Mr. Billingsley questioned if Ms. Wasinger informed the applicant of the conditions that are being recommended. Ms. Wasinger stated that they did discuss the conditions with the applicant. The applicant did have a few concerns regarding the sight obscuring fencing requirement. However, both the applicant and the property owner did express that they could comply with the conditions.

Ms. Presler inquired if “sight-obscuring” would have to be vegetation or could it be fence slats. Ms. Wasinger replied that slats could be used. That is how the condition reads.

Renee Rember, the applicant, addressed the Planning Commission and stated that she did not have any questions of staff or the staff report.
Ms. Rember spoke to the Planning Commission and stated that they are a predominantly small animal clinic. It is their desire to relocate into town from Chena Ridge Road.

Ms. Rember clarified that with regard to animals in the yard, those animals are patients of the clinic and normally do not present a disturbance. They are under supervision of the clinic staff as well as being leashed at all times. They do not ever have dogs just running loose in the yard as you would have at the dog park. Ms. Rember stated that she understands the concerns of the neighbors and she is happy to comply with the conditions.

As for waste disposal, part of the clinics’ daily routine is to clean up after each animal each time they utilize the yard. That is standard practice for all veterinary hospitals.

With regards to business hours, the clinic closes at 6:00 pm each evening. Any need for veterinary care after hours is referred to the local after hours veterinary clinic. Therefore, there will not be animals in this yard between 6:00 pm and 8:00 am.

Ms. Rember stated that they do house calls for larger animals such as horses and cows. She has had the occasional goat in the clinic, but they are small and usually contained on a leash. Goats are a rare event.

Ms. Rember informed the Commission that she has a Masters in Chemical Oceanography and therefore, is very passionate about water quality. They will not be dumping any waste or contamination into the river. Because of her high regard for the river, she stated that she does not have a problem with sight obscuring the fencing on the sides and front of the property, but would like to leave the fencing along the river alone so that they can enjoy the view of the river as well. They will leave the vegetation along the river alone and utilize that for sight obstruction.

Meg Nordale, representative for the property owner, addressed the Planning Commission. She stated that it was not part of the original plan to modify the landscaping. If this request were to be approved, they will engage a design firm and will finish the design to a level that will allow them to apply for a City of Fairbanks building permit, which will include a landscape review as part of the permitting process.

Ms. Nordale continued that when the Montessori school was in the building, they added additional plantings as the City required. It is not their plan to remove any of the planting. There are some natural barriers along the riverbank. There is a natural strip of vegetation that is on the Park side of their fence that separates the Park from their yard. Adding slats to the fencing would not be a problem.

Also, there is currently lighting around the building. That lighting was placed there for the Montessori school. This lighting is not directed in a manner that would be outside of what has been asked for here by staff.

Ms. Rember added that she did have the opportunity to speak to the neighbor across the street who submitted written testimony. She feels that the conversation was productive and that a lot of the neighbors’ concerns have been addressed.

Mr. Guinn inquired if the fenced yard was for a play area for children when the Montessori school occupied the building. Ms. Nordale indicated that it was.
Mr. Whitaker asked if there were willows planted along the river between the river and the fenced yard. Ms. Rember stated that it is fairly natural vegetation including willows and other grasses. It is a pleasant view. Additionally, there are large spruce and birch trees in the back yard as well.

Mr. Guinn questioned whether slats in the fencing along the river would be a “deal breaker” for the applicant. Ms. Rember replied that it would not be a deal breaker. She understands the concerns, but would like to have the fencing along the river free of slats so that they may also enjoy the view.

**Interested Person Testimony Opened**

Karl Gohlke, interested person, addressed the Planning Commission. He stated that he is a neighbor of this property. They are located next door in the Mechanical Contractors of Fairbanks building.

Mr. Gohlke stated that the first item that they have an issue with is parking. He feels that there will be some disruption at least twice a month with sharing the parking area. They hold scheduled meetings at noon and then again at 5:00 pm. Additionally, they may hold additional unscheduled meetings when required. Mr. Gohlke described the parking area to the Planning Commission. It is a shared parking area. He did reiterate that the situation may not be an issue on a daily basis, but does feel that it can be an issue on certain days of the month.

Mr. Gohlke also conveyed to the Planning Commission that he feels that there may be an issue with people bringing their pets in and out of the clinic and the animals relieving themselves on the grasses and shrubbery. He feels that this is a concern. During the summer months, they take pride in their lawn and he gets upset when a disrespectful pet owner allows their pet to do their business on his lawn. These are just a few of their concerns.

Mr. Guinn questioned Mr. Gohlke regarding the parking lot. He wanted to know who owns the shared parking. Mr. Gohlke stated that both properties own part of the parking lot and that there is a shared parking agreement.

Mr. Whitaker inquired if there was ever a conflict with the Montessori school occupied the building. Mr. Gohlke stated that it was before his time so he dealt with it as best he could.

Mr. Whitaker inquired if there was onstreet parking adjacent to the properties. Mr. Gohlke replied that there is limited street parking along 2nd Avenue on the other side of the street.

Mr. Gohlke stated that they have 14 Members in their organization and 40 Associated Members. Once a month they have been utilizing the parking areas in the main parking lot as well as those on the east side of the parking lot and in the street as well. These meetings start at 6:00 pm.

Ms. Thayer questioned where the front entrance to Mr. Gohlkes’ property is. Mr. Gohlke described for her where the entrance is located. Ms. Thayer queried what the area behind the parking area was utilized for. Mr. Gohlke replied that it is a patio area used for barbecuing.

Ms. Thayer questioned if his parking area could be expanded into this area. Mr. Gohlke replied that originally the parking for this lot was along the street. When 2nd Avenue was improved,
there was a contention, and this is where the agreement came in, to create the existing parking lot to be shared by both properties.

Ms. Thayer asked Mr. Gohlke how many parking spaces are needed for him to operate. Mr. Gohlke stated that their meetings are sporadic. Once a month they utilize all of the parking including the other property owners' spaces. Twice a month they utilize a majority of all of the parking spaces.

Ms. Thayer inquired if the parking agreement includes the parking spaces to the East of the former Montessori school. Mr. Gohlke replied that it does not. Ms. Thayer questioned how many spaces the parking agreement guarantees during normal business hours. Mr. Gohlke stated that he does not know.

Mr. Perrault asked if they have ever approached the theatre to see if they would allow parking on their property. Mr. Gohlke stated that they have been approached. Some members of the theatre are easy to talk to, others not so. They do utilize the theatre parking lot after hours when needed.

Ms. Rember queried how often the noon meetings are held. Mr. Gohlke stated that typically they meet on the first Monday of the month with a following Wednesday.

Ms. Rember inquired if Mr. Gohlke would be amenable to moving forward with her phone number and working with Ms. Nordale and she to come up with an agreement that would work for all. Mr. Gohlke responded that he worked with the Montessori school. He further commented that he would prefer not to work with Ms. Nordale as she is busy. He stated that he would work with Ms. Rember to resolve this issue.

Ms. Rember stated that this is agreeable to her. She would like to work with Mr. Gohlke. Mr. Gohlke stated that he would like to work with Ms. Rember.

Mr. Guinn asked Ms. Rember if she had reviewed the parking agreement. Ms. Rember stated that she has not. She was informed by the owner that there is an agreement and they would “shake it out” as they moved forward.

Ms. Doxey commented that there seems to be a lot of concern regarding the shared parking. She suggested that the Commission focus on the number of spaces needed by the Mechanical Contractors to determine the need for parking during any given day. Mr. Guinn added that he would like to see the agreement.

Mr. Perrault queried how many parking spaces are currently being utilized at Ms. Rembers current location. Ms. Rember stated that worse case she could see all of their parking spaces within the shared parking lot for her staff and the other lot near the Park for clients. At the busiest time, there may be four cars in the clients parking area.

Mr. Perrault stated that this seems like something that could be worked out between property owners rather than by Conditional Use conditions.

Mr. Guinn queried of Ms. Doxey if a postponement would be appropriate at this time to allow the parking agreement to be examined. Ms. Doxey responded that it could however staff may already have the answers to his questions.
Ms. Wasinger stated that they do not have the answers and would need additional information from the adjacent property owner to make a determination.

Ms. Thayer asked if the Mechanical Contractors Association owns or leases their property. Mr. Gohlke replied that they own the property. Ms. Thayer questioned what the square footage of the structure on his property. Mr. Gohlke replied he was not sure but gave the dimensions of the building. He also stated that there are 2 employees at this property, himself and an accountant that comes in one day a week.

Ms. Thayer requested that Ms. Wasinger identify the square footage of the Mechanical Contractors building based on the FNSB Assessing database.

Ms. Nordale asked Mr. Gohlke if he had seen or read a copy of the parking agreement. Mr. Gohlke replied that he has not. Ms. Nordale continued that the agreement spells out when the parking spaces are available to each property. Mr. Gohlke confirmed that he is not aware of the specifics of the agreement between the two properties.

Mr. Guinn inquired if Ms. Wasinger was aware of a parking agreement. Ms. Wasinger stated that she was not aware of the agreement and that it was not provided with the application materials.

Ms. Thayer inquired if Ms. Nordale if the agreement was filed with the Borough or with the Recorders office. Ms. Nordale replied that she believes it is filed with the Recorders office. It was in place prior to G h e m m Company purchasing the building. It was an agreement between the former owners of both properties.

Ms. Nordale commented that there has always been a cooperative spirit between tenants of both properties, therefore allowing overlap during the day to evening hours. When the Montessori school was their tenant, they were never made aware of any comments about parking.

Mr. Guinn announced a 10 minute recess at this time.

Ms. Wasinger provided the Planning Commission with building details of the Mechanical Contractors building. Mr. Guinn noted that, including the basement, the Mechanical Contractors building is approximately 3,300 square feet. Mr. Guinn queried what parking requirements would be for a structure of this size. Ms. Wasinger responded that there are two standards used for this. There is 840 square feet that is designated as office space and that would allow one parking space for every 200 square feet. That would equal four parking spaces. Title 18 does not have a specific use for a club house, so Borough parking standards state that it would be three spaces per four employees for that portion of the square footage.

Mr. Guinn asked how many parking spaces are proposed by the veterinary clinic. Ms. Wasinger stated that they have a maximum of eight employees which would require six spaces. When factoring in spaces for the public, the standard is based on square footage so an additional four spaces would be required for a total of ten parking spaces.

Mr. Guinn inquired if each building has enough parking to meet minimum parking requirements. Ms. Wasinger responded that by Title 18 standards they do.
Mr. Guinn inquired of Ms. Rember if she and Mr. Gohlke were able to come to an understanding during the recess. Ms. Rember indicated that they did and they will work together to move forward. Mr. Gohlke confirmed that they have come to an agreement.

Mr. Guinn read into the record the following from Ms. Pamela Zaborske, an interested party that received a DPO letter but was not able to attend the meeting in person. Ms. Zaborske applied for and received approval to submit written testimony on this case by Mr. Guinn.

“We are residents located across the street from the proposed location of the veterinary clinic. I would like to go on record for concerns regarding noise (barking) and the increase in traffic. The school which previously occupied the space had moderate traffic early in the morning and then at 6:00 pm for pick-up of children. I think that there will be a considerable increase in traffic for the proposed veterinary clinic being located there.”

Pam Zaborske

Mr. Guinn questioned if Ms. Rember had spoken with Ms. Zaborske and the outcome of any conversations. Ms. Rember stated that they discussed her concerns and the noise issue. Ms. Rember advised Ms. Zaborske that a majority of her patients are sick and not making a lot of noise. Ms. Zaborskes’ major concerns were after hours and if there would be any unattended animals there. Ms. Rember assured her that there would not be animals at the location overnight. If an animal needs to be kept overnight, they go to the Emergency clinic.

Ms. Rember stated that with regard to traffic, she feels that the Montessori school had more traffic issues in the morning and at night. She feels that her clinic would generate more traffic staggered throughout the day. Ms. Rember and Ms. Zaborske came to the understanding that this is probably a non-issue. As for barking, the animals are inside and are not being maintained outdoors. Ms. Rember invited Ms. Zaborske to call on her if she has any further concerns. Ms. Rember stated that she feels comfortable that Ms. Zaborskes’ concerns have been addressed and they will move forward as good neighbors.

Tammy Antolik, client of Dr. Rember, addressed the Planning Commission. Mr. Guinn inquired if she had received a DPO letter. She stated that she did not. She was here to show support for Dr. Rember and the veterinary clinic. Mr. Guinn advised Ms. Antolik that she would not be able to give public testimony as she did not receive a Dear Property Owner letter.

Dianne Sandberg, interested person, addressed the Planning Commission. She stated that Ms. Zaborske is her sister. They have concerns regarding the noise as well as odors.

Ms. Sandberg noted that the recommended conditions do address the waste clean-up in the back yard but does not address waste in the front yard along 2nd Avenue. Another issue is barking of the patients.

Mr. Guinn asked Ms. Sandberg if she had spoken to her sister since Ms. Zaborske had spoken to Ms. Rember. Ms. Sandberg stated that she had but she still feels that there may be some areas that have not been resolved.

Ms. Rember assured Ms. Sandberg that part of their daily operations is to clean up all areas of the property. Ms. Rember also offered to set up “potty areas” for clients to utilize. This area would be cleaned daily as well.

Interested Person Testimony Closed
Ms. Rember stated in rebuttal that a lot of the concerns expressed are a mute point. They do not have a high volume of patients on any given day. Their focus is for longer appointment times and a small family feel. They do not do high volume, in and out business. That should dissuade a lot of the concerns about volume and noise. Further, she stated that she has every intention of maintaining a highly aesthetic front and back. As for loose dogs entering or exiting the building, Ms. Rember stated that she encourages her pet owners to utilize leashes at all times.

Mr. Billingsley inquired if it was the position of the Department of Community Planning that the vegetation on the back side of the building along the river is inadequate. Ms. Wasinger stated that they do not know. Due to this time of year, it is difficult to tell what is there.

Ms. Rember did not have rebuttal to Mr. Billingsley's question.

MOTION: To approve CU2017-009 with seven (7) conditions, adopting the staff report, and three (3) findings of fact in support of approval by Ms. Presler, seconded by Mr. Billingsley. Furthermore, Ms. Presler stated that she would like to amend Condition #3 to read “animal waste shall be picked up daily from the site and disposed of off-site in an appropriate disposal site. No animal or other solid waste shall be disposed of in the adjacent river area.”

Mr. Billingsley stated that this request seems to meet the requirements of Title 17 and that it favors public health, safety and welfare. It is a good use for the property. It is not anymore of an imposition on the community than the Montessori school that was there before. The applicants seem very conscientious of their neighbors. He further commented that this is not the venue to address the parking agreement.

Ms. Presler concurred with Mr. Billingsley and added that she does not feel that this use is going to result in an increase of traffic in the neighborhood. She also commented that she feels the shared parking seems adequate and that any outside events are beyond what this Commission should be concerned with.

Mr. Guinn added that he too agrees with Mr. Billingsley. He commented that he sees no impediment to this use as far as the health and general welfare of the community and neighborhood are concerned.

ROLL CALL

Seven (7) in Favor: Mr. Stepovich, Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Billingsley, Ms. Thayer, and Mr. Guinn

Zero (0) Opposed:

MOTION CARRIED
2. **CU2017-006**: A request by Sherry Gilbert and Laurence Bento, Arctic Greenery, LLC DBA Chena Cannabis on behalf of CGH Holdings, LLC for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on Lot 1, Midway Industrial Park Subdivision (located at 1725 Richardson Hwy, on the south side of Richardson Hwy, between El Paso St and Sinclair Ave). *(Staff Contact: Manish Singh)*.

**OATH GIVEN**

Mr. Singh presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the conditional use permit request for retail marijuana store in the GU-1 zone with the following three (3) Conditions and three (3) Findings of Fact.

**Conditions for approval:**

1. 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 retail marijuana store.
   b. The applicant or holder of this conditional use permit shall comply with all recommendations and/or requirements resulting from the plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau).
   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 (DEC) and shall comply with all recommendations and/or requirements resulting from the plan review. Alternatively, applicant or holder of this conditional use permit shall provide documentation from DEC supporting that a formal plan review is not required.

2. No outdoor storage of marijuana, marijuana products and hazardous substances shall be allowed pursuant to FNSBC 18.96.240 (A) (4). All marijuana or marijuana products shall be stored inside secure facilities.

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 permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the retail marijuana store, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050 (D).

**Findings of Fact:**

1. 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 Fairbanks North Star Borough Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a retail marijuana store.

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. 3 AAC 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 subject structure has obtained a FNSB Flood Plain Permit and a Certificate of compliance.

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 commercial well and a septic system

b. The site is served by North 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 and will provide sufficient energy supply for the conditional use.

d. Four (4) off-street parking spaces and a shared loading area have been provided on-site, which are adequate for the proposed retail marijuana store.

e. Richardson Highway is an interstate type roadway maintained by the Alaska Department of Transportation and Public facilities. Traffic generated by the retail conditional use is expected to be limited and Richardson Highway has sufficient capacity to accommodate the additional trips generated by this conditional use.

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, Title 15 Floodplain Management Regulations and Standards for Commercial Marijuana Establishments (FNSBC 18.84, FNSB 15.04 and 18.96.240, respectively) as well as state requirements for a retail marijuana store.

a. Security systems, alarms, locks, cameras and lighting will meet state regulations required to obtain a retail marijuana store license.

b. The outdoor lighting would not negatively impact neighboring properties because of the store’s distance from the property lines and the wooded tree buffers.

c. The retail marijuana store will not produce any noise or odor and will not affect the water quality because they do not plan to conduct any packaging in the retail store.

The Planning Commission questioned the following items:

Mr. Guinn commented that he recalls that there are substantial improvements planned for the frontage road at this location. He questioned if these improvements were taken into consideration when Mr. Singh wrote the staff report and recommended approval. Mr. Singh responded “Yes.”
Mr. Perrault questioned if there was any information regarding the operating hours of the mini storage facility that operated at this location prior to these applicants. Mr. Singh stated that he did not have that information.

The applicants did not have questions of the staff report.

Lawrence Bento, applicant, addressed the Commission and stated that he did not have anything to add. He commented that Mr. Singh did an excellent job with his evaluation and determination.

Jim Chumbley, property owner, addressed the Commission and stated that prior to entering into a lease arrangement with Arctic Greenery, LLC, he had partners that ran the storage units. For several years it has been a losing situation. They were unable to maintain the property in any sort of condition as they did not have the funds to do so. Since Arctic Greenery has been at this location, they have made major capital improvements and have improved and upgraded the property so that they are providing a benefit to the neighborhood. He looks forward to this being a very viable economic opportunity for the neighborhood and Fairbanks in general.

Mr. Perrault inquired of Mr. Chumbley if the mini-storage had 24 hour access. Mr. Chumbley stated that it did. He further commented that locks were not placed on the fencing and people were free to come and go.

Mr. Perrault inquired about the lighting at the mini-storage. Mr. Chumbley stated that they had minimal lighting at the mini-storage.

Ms. Presler questioned if there was a lot of traffic when this was a mini-storage facility. Mr. Chumbley stated that he did not manage the property so he does not know what the traffic was. He did add that people did access their units at all hours.

Ms. Presler asked if there was any vandalism to the property when it was a mini-storage facility. Mr. Chumbley replied “Yes.”

Mr. Perrault inquired if the access issues that resulted in vandalism have been addressed. Mr. Chumbley replied that he feels the vandalism issues were a result of the unlocked gates in the fencing. Since Arctic Greenery has improved the fencing and added locks and security cameras, security at this location has improved immensely.

Mr. Perrault questioned if the outdoor lighting at this facility has been brought up to marijuana cultivation standards. Mr. Bento responded that they have added motion sensor lights that are currently in place at the retail store but they plan to add motion sensor lighting around the perimeter on the fencing.

Ms. Doxey clarified for the record that this Conditional Use application is for the retail store and not the cultivation facility.

Ms. Gilbert commented that once they became involved in the partnership with Mr. Chumbley the completely fenced in the building with 6’ of chain link fencing and three strands of barbed wire at the top. They also added a gate in the back and all of the gates are chained and locked.

Mr. Perrault asked if the retail facility is located inside of the fencing. Ms. Gilbert replied that it sits outside of the fencing.
Interested Person Testimony Opened

Roger Holland, interested person, addressed the Planning Commission. He stated that he is opposed to this conditional use permit. He feels that there will be an increase in crime activity in the area and this concerns him as he lives next door.

Mr. Perrault inquired if Mr. Holland has noted any crime activity since these tenants have made security improvements to the cultivation facility. Mr. Holland responded he has not noticed anything other than locking the gates in the fencing.

Mr. Perrault question if Mr. Holland had noted any changes with the lighting at this property. Mr. Holland replied that he has not noted any changes other than the motion sensor lighting.

Iris Holland, interested person, addressed the Planning Commission. She stated that she is opposed to this conditional use permit. She feels that there will be an increase in crime activity in the area and this concerns her as she lives next door. Furthermore, she has concerns regarding the amounts of cash at the property and what it will do for the resale value of her property when she and Mr. Holland decide to sell.

Oona Bell, interested person, addressed the Planning Commission. She stated that she is in support of this request. She feels that this is good for the economic development of the neighborhood. Ms. Bell added that she is a cannabis user and has seen the benefits of medicinal cannabis. In conclusion, with regards to traffic, Ms. Bell commented that she does not feel that there would be any more increase in traffic with a cannabis retail facility at this location than if it were a liquor store.

Mr. Bento spoke to the Commission and stated that they did not have rebuttal.

Interested Person Testimony Closed

MOTION: To approve CU2017-006 with three (3) conditions, adopting the staff report, and three (3) Findings of Fact in support of approval by Mr. Perrault, seconded by Ms. Presler.

The Planning Commission discussion included the following items as a basis for decision:

Mr. Guinn commented that he will be voting in favor of this request. He feels that the DOT project at this location will substantially change this neighborhood and that the frontage road will accommodate the increased traffic.

Mr. Billingsley commented that he voted against this last time and he intends to vote against it again given the proximity to adjacent residents’ properties.

Mr. Perrault stated that he motioned for this and he plans to vote in support of it. He feels that the development of the frontage road is not only to provide improvements for the residential neighborhoods accessed off of the frontage road but to also provide for increased commercial uses in the area. He also commented that with the higher security at the property, observant tenants and the security requirements of the State he feels that crime is not an issue at this time.
ROLL CALL

Five (5) in Favor: Mr. Perreault, Ms. Presler, Mr. Whitaker, Ms. Thayer, and Mr. Guinn
Two (2) Opposed: Mr. Billingsley, and Mr. Stepovich

MOTION CARRIED

3. CU2017-007: A request by J. Grant, OHWWHO, LLC DBA ONE HIT WONDER on behalf of Valley Marketers, Inc. for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-9, USMS (located at 3025 Parks Hwy, on the south side of Parks Hwy, between milepost 353 and milepost 354). (Staff Contact: Manish Singh).

OATH GIVEN

Mr. Singh presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the conditional use permit request for retail marijuana store in the GU-1 zone with three (3) Conditions and three (3) Findings of Fact.

The Planning Commission questioned the following items:

Ms. Thayer inquired of Mr. Singh who was responsible for measuring the 506’. Mr. Singh replied that the application does not include this information. He deferred this question to the applicant.

James Grant, applicant, addressed the Planning Commission stating that he did not have anything additional to add and was available for questions. He further commented that he has live in this area for 43 years. With regards to the trailers, Mr. Grant confirmed that there are no tenants living in the trailers.

Mr. Billingsley asked how Mr. Grant could know that there is no one living in the trailers. Mr. Grant stated that he runs his dogs through this area as well as skis in the area. There are no tenants in living in the trailers. Mr. Billingsley inquired when the last time was that someone was living in the trailers. Mr. Grant replied “A long time.”

Mr. Billingsley commented that based on code, this item should not be before the Planning Commission because it is not “adjacent to a lot upon which a principle building used as a dwelling…” He feels that since no one is living in the trailers and have not lived in the trailers for a long time, it is not a principle dwelling unit.

Mr. Perrault commented “when isn’t a mobile home a building whose purpose is for a dwelling, whether or not it is being used as such at this time”. Mr. Billingsley countered that “used” is an active verb in that sentence.

Ms. Thayer added that there are two living quarters located above this facility. Mr. Grant replied that the building has been empty for a long time. No one lives at the facility.

Mr. Guinn commented that a “dwelling” whether vacant or not is a dwelling.
Mr. Singh stated that he referred to the definition of “dwelling” in Title 18 when writing his staff report.

Mr. Guinn queried Mr. Singh if he measured the 506’ measurement. Mr. Singh stated that he did not measure the 506’ measurement.

Ms. Thayer questioned Mr. Grant as to who measured the 506’ measurement and what type of instrument did they use. Mr. Grant responded that he cannot answer that question.

Mr. Perrault queried where the photo with the 506’ measurement depicted come from. Mr. Grant replied that he does not know who measured the 506’ measurement.

Mr. Singh added that on page 182 of the packet there is a footnote from the company that created the map. It states that the map was created by Compass Rose Cartography on May 29, 2016. They also listed their phone number for additional information.

Mr. Guinn commented that the Planning Commission could still vote on this application with the condition that the applicant must physically measure the distance.

Mr. Perrault added that part of the condition of any of these facilities is that it conforms to standards so if it is found to be non-conforming under a different measurement there is a condition that would apply to that.

Ms. Doxey clarified that Mr. Perrault is trying to say that Title 17 says that this facility cannot be within a certain distance of certain sensitive uses. If it is within the 500’ distance it is illegal. There is already a condition drafted that says that the applicant must comply with Title 17.

Mr. Perrault encouraged the applicant to double check this measurement. Mr. Grant countered that having lived in the area for quite some time he is comfortable stating that it is more than the distance required by Title 17 or the distance measured by Compass Rose Cartography.

Interested Person Testimony Opened

No one asked to speak to this item.

Interested Person Testimony Closed

MOTION: To approve CU2017-007 with three (3) Conditions, adopting the staff report, and three (3) Findings of Fact in support of approval by Mr. Billingsley, seconded by Mr. Whitaker.

The Planning Commission discussion included the following items as a basis for decision:

Mr. Billingsley commented that if there wasn’t anybody living there, there is an argument that this request would not have to come before the Planning Commission but the conservative thing to do would be to approve the Conditional Use Permit. Furthermore, he commented that even if it is more than the required 500’, he would be hesitant to have a facility such as this so close to a half-way house except that next door to the half-way house is a liquor store and there is also a bar across the highway from the half-way house. Otherwise, it is in an appropriate area and complies with Title 17.
Ms. Presler commented that she believes that the applicant has shown that there are adequate facilities. Also, DEC has approved the Sani-Can. She further commented that she does not believe that the proposed use will create traffic concerns. She concurs with Mr. Billingsley regarding the logic of putting this facility near a half-way house but it is probably as appropriate for the area as the other businesses there. She intends to vote in favor of this request.

Mr. Guinn stated that he intends to vote in favor of this request. He feels that it meets the requirements of the Comprehensive Master Plan for land uses in the area.

ROLL CALL

Seven (7) in Favor: Mr. Billingsley, Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Stepovich, Ms. Thayer, and Mr. Guinn

Zero (0) Opposed:

MOTION CARRIED

G. PUBLIC HEARING

1. RZ2017-002: A request by Galen King to rezone approximately 4.82 acres from Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential/Airport Noise Sensitive Area (RR/ANSA) or other appropriate zone. The proposed rezone boundary includes parcels described as TL-1347, TL-1300, TL-1301, and TL-1302 Section 13, T1S R2W, F.M. (Located at and near 2253 King Road, east of King Road and northeast of Airport Way and Dale Road, south of the Chena River). (Staff Contact: Stacy Wasinger).

Ms. Wasinger presented the Staff Report. Based on the Staff Report, the Department of Community Planning recommended approval of the requested rezone from Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential/Airport Noise Sensitive Area (RR/ANSA).

The Department of Community Planning further recommends adoption of the staff report and the eight (8) following findings of fact in support of APPROVAL:

1. The FNSB Regional Comprehensive plan assigns the Urban Area land use designation to this area. The proposed RR zone would be more compatible with this designation because the subject parcels are served by community water and sewer and the residential land use will not be changed.

2. The current RE-2 zone is no longer appropriate for this area because community water and sewer systems are now available.

3. The proposed rezone will allow the property owner to pursue a platting action that will resolve several lot size and setback non-conformities to Title 18 numerical standards.
4. The request is consistent with the goals and policies of the Comprehensive Plan, specifically Land Use Goal 3, Strategy 7, which is to provide for a variety of residential land use opportunities; and Land Use Goal 4, Strategy 11, which is to encourage effective and harmonious resolution of community land use conflicts.

5. The proposed rezone conforms to the public health, safety, and welfare because it improves access for the subject lots by enabling a replat that includes dedication of King Road, does not create any detrimental traffic impacts, maintains a 25 foot required setback that helps provide a buffer to the adjacent Chena River, and will allow the lots to be reconfigured to meet RR setbacks to maintain fire separation of structures from adjacent lots.

6. The Rural Residential zone will not make any of the existing uses further nonconforming. The triplex and single-family residence on TL-1300 received an affirmative recognition of legal non-conforming use status pursuant to FNSBC 18.108.030.

7. The proposed rezone is not a spot zone because:
   a. It is consistent with the Comprehensive Plan Land Use Goal 3, Strategy 7 and Land Use Goal 4, Strategy 11, as well as the Urban Area designation on the subject parcels;
   b. It benefits the existing and surrounding properties owners to allow the subject area to be rezoned so that it can be subdivided to resolve existing non-conformities to Title 18.
   c. The total area of the four parcels within the proposed rezone boundary is 4.82 acres but is directly adjacent to RR zoned land.

8. This rezone request extends the existing RR zone boundary on the west and north sides of the proposed rezone area.

Mr. Billingsley inquired if the other adjacent properties were asked if they wanted to rezone to RR zoning. Ms. Wasinger deferred to the applicant.

Ms. Nelson added that this subject is often discussed with applicants as Community Planning prefers to process larger parcels or groups of parcels for rezoning. She further added that Community Planning is looking at various neighborhoods in the Borough to pursue rezoning like what was done to Smith Ranch in August.

Galen King addressed the Planning Commission. He stated that he recognizes that most of the lots in the neighborhood are non-conforming. He is proposing a replat in conjunction with this rezone to bring his lots into compliance. Without this rezone, he cannot do the replat. Mr. King made himself available for any questions the Commission may have.

The Planning Commission did not have any questions of Mr. King.

Ms. Wasinger did not have any questions of Mr. King.

Public Hearing Open

No one requested to testify on this item.
Public Hearing Closed

MOTION: To approve RZ2017-002, adopting the staff report, and eight (8) findings of fact in support of approval by Ms. Thayer, seconded by Ms. Presler.

Ms. Doxey suggested that the Planning Commission add a finding of fact regarding the reverse spot zone issue which was mentioned in the Staff Report.

The Commission took a 5 minute recess to discuss this additional Finding of Fact.

MOTION: To add the following Finding of Fact in regards to the reverse spot zone as clarified by staff, by Ms. Thayer, seconded by Ms. Presler:

9. The rezone does not create a reverse spot zone for the following reasons:
   a. The rezone is consistent with the comprehensive plan because community water and sewer is available to these parcels and the RE zone is not intended for areas where water and sewer are available;
   b. The rezone does not create any detriment to adjacent landowners and there is a benefit to adjacent landowners and the community due to the dedication of the road and decreasing the nonconformities; and
   c. The remaining RE-2 zone is of a size that does not raise spot zone concerns relative to the size of the parcels in that zone; 11 parcels will remain zoned RE-2, which is a compatible neighboring zone to RR.

ROLL CALL

Seven (7) in Favor: Mr. Billingsley, Mr. Stepovich, Mr. Perreault, Ms. Presler, Mr. Whitaker, Ms. Thayer, and Mr. Guinn

Zero (0) Opposed:

MOTION CARRIED

H. APPEALS

None

I. UNFINISHED BUSINESS

None

J. NEW BUSINESS

Election of Chair and Vice-Chair

Mr. Guinn announced that the terms of the Chair and Vice-Chair will run from February 2017 through January of 2018.

Ms. Thayer suggested not placing specific years but rather to state that the terms will run for 12 consecutive months. Mr. Guinn concurred.
Mr. Whitaker nominated Ms. Thayer for the position of Vice-Chair. There were no other nominations for the position of Vice-Chair.

Mr. Whitaker nominated Ms. Presler for the position of Chair. There were no other nominations for the position of Chair.

**MOTION:** A motion was made by Mr. Perrault, seconded by Mr. Whitaker to nominate Ms. Thayer for the position of Vice-Chair and Ms. Presler for the position of Chair.

**VOTE:** All were in favor. There were no objections. Ms. Thayer will serve as Vice-Chair and Ms. Presler as Chair for the next 12 months

**K. EXCUSE ABSENT MEMBERS**

The absences of Ms. O’Neall, Mr. Peterson, Mr. Muehling and Mr. Brandt were excused.

**L. COMMISSIONER’S COMMENTS**

1. **FMATS**

   Ms. Nelson relayed information regarding ongoing projects at FMATS.

2. **Alaska APA Conference**

   Ms. Thayer reported on the Alaska APA Conference that she attended recently. She highly recommended that any Commissioner who has the opportunity to attend in the future do so.

3. **Ms. Nelson** announced that on February 1, 2017, there will be a webinar on Parliamentary Procedure. The webinar is scheduled for 9:00 – 10:30 a.m. and it will be held in the Borough Assembly Chambers. Any Commissioner interested in attending is welcome to do so.

4. Ms. Thayer inquired what the policy was for the Planning Commission in inclement weather. Ms. Doxey replied that there is not an operational closure policy for cold weather. Theoretically everything will proceed as planned unless there is an event that would close the building down.

**M. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:35 p.m.