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 6:30 p.m. by Wendy Presler, Chairman.

MEMBERS PRESENT: Mark Billingsley Chris Guinn
Eric Muehling Mindy O’Neall
Robert Peterson Wendy Presler
Patricia Thayer Charles Whitaker

MEMBERS ABSENT: David Brandt Mike Stepovich
John Perreault

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Stacy Wasinger, Planner
Manish Singh, Planner
Don Galligan, Transportation Planner
Wendy Doxey, Assistant Borough Attorney
Laura McLean, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

Ms. Presler calls all Commissioners’ attention to written testimony provided in their packets.

2. Commissioner’s Comments

Ms. Thayer commented that she would like to see future agendas indicate when a Commissioner has an excused absence that the agenda be reflected to show the absence as being excused.

Ms. Thayer drew attention to Section F of the Agenda and noted it appeared from the sign in sheets for the Quasi-Judicial Hearings that a majority of people in attendance wished to speak on item number (F)(3), the next amount were for (F)(2), and no one signed in for (F)(1), she therefore recommended to change order to (F)(3) first, (F)(2) second, and (F)(1) third.

3. Communications to the Planning Commission

Ms. Nelson introduced new Community Planning staff members – Don Galligan, Transportation Planner and Nicole Nordstrand, Planning Administrative Assistant.
Ms. Nelson drew attention the new quasi-judicial forms for interested persons, telephonic testimony, and affidavit testimony for review. Ms. Presler indicated the forms did not make it into their folders. Ms. Nelson advised the forms would be sent electronically.

Ms. Nelson addressed the appeals matrix provided and indicated that an additional appeal had been filed, however, was a marijuana retail zoning permit off Chena Hot Springs Road, and would not involve the Planning Commission.

Ms. Nelson commented that the latest code enforcement ordinance which broadened whose able to make complaints, has impacted the workload of the Community Planning Staff – 30 complaints already in the first half of May; most involving junkyards. Respectively, only a total of 40 complaints were received during the entire 2016 fiscal year. Community Planning will be addressing this with the Administration and may bring it to the attention of the Borough Assembly.

Ms. Nelson reminded the Commissioners to identify themselves or have the Chair call on them by name when speaking, making it easier to identify whose speaking when transcribing minutes.

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

No one requested to speak.

5. Disclosure & Statement of Conflict of Interest

No disclosures or conflicts of interest.

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, Consent Agenda and reorder sequence of the Quasi-Judicial Hearings in reverse order with CU2017-019 held first, CU2017-015 held second, and CU2017-018 held third by Ms. Presler, seconded by Mr. Guinn.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from April 4, 2017 and April 18, 2017 PC Meeting
E. CONSENT AGENDA ITEMS

1. *HP2017-004:* Gold Mine Trail Road Upgrades – A request by the Department of Transportation and Public Facilities for local planning authority approval of the Gold Mine Trail Road Upgrades project. This project proposes to upgrade approximately 4,000 feet of Goldmine Trail Road with a new surface and safety improvements.

F. QUASI-JUDICIAL HEARING

1. **CU2017-019:** A request by John Manthei for conditional use approval for a vocational school in the Rural Estates 2 (RE-2) zone on Lot 27, Koponen Homestead Subdivision (located at 2860 Roland Road, on the north side of Roland Road, west of Chena Pump Road).

OATH GIVEN

Ms. Wasinger presented the staff report with assistance from Mr. Galligan on the transportation section. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the conditional use permit request for a vocational school on Lot 27 in the RE-2 zone with six (6) conditions.

Mr. Guinn inquired if the preponderance of the events scheduled are spread throughout the year.

Ms. Wasinger replied it appeared from the application there would be more activity during the summertime, but activities are spread throughout the year, but further deferred to the applicant.

Mr. Muehling questioned the trip generation chart and method, specifically, comparing a school with scheduled activities to a B&B, duplex and/or Church.

Mr. Galligan replied that the method utilized attempts to show anticipated trip generation for land uses already permitted in the area versus anticipated trip generation by the Folk School. He further explained the trip generation manual and how it was applied to his determination; including other factors in the use determination process.

Mr. Muehling questioned the hours of operation, specifically, the hours of operation during the construction phase of project.

Ms. Wasinger replied that the way the condition is currently written; construction is included in the 8 a.m. to 8 p.m. limitation. She explained the basis of determination.

Ms. Presler requested clarification that the initial class offerings will only be one class per day with up to a maximum of ten (10) students.

Ms. Wasinger confirmed and pointed out that there is some growth anticipated, however, if it deviates from what was presented in the application materials, it would constitute an operational change and potentially require additional review.

Ms. Presler inquired if there is a point in the growth that would require the applicant to come back for review.
Ms. Wasinger replied that there is no specific number in the condition, but the Planning Commission could put a number as a condition. As submitted, the application indicated there would be up to 5-10 cars or people on site on average, but up to 40 for the special events.

Mr. Muehling questioned the setback requirement from a property line to a parking lot; essentially how close they can be to a neighbor.

Ms. Wasinger replied that Title 18 specifically says that parking can be in the setback, so technically it is zero. The Planning Commission could impose a setback requirement. In Title 18, the side-yard setback requirement for a structure on site is 25 feet.

Mr. Whitaker asked for confirmation that the site distances of 305 feet, and that if a current property owner wanted to have a duplex, Church or B&B, they could and would not have to do anything.

Ms. Wasinger replied it would require a zoning permit, but they would not have to do anything about site distances.

Mr. Manthei addressed the Planning Commission and questions Ms. Wasinger’s focus on the current class and traffic projections. He reiterated that the application shows projections through 2027. Based on growth, daily car increase (currently at 5-6), might increase to 24 daily by 2027. He further stated that it is difficult to categorize as a “vocational” school; it is a Folk School with different activities/classes offered from day to day. The current typical classes are at random times throughout the day and are very small and the traffic pattern is reflected. Summer does not generate more attendance/traffic because programs are held off-campus, making it generally quieter. He mentioned that during the summer, “day camps” are held at one week intervals, a couple of times throughout the summer, generating potentially 30 kids at each session. He indicated that taken everything into consideration for traffic and growth, by 2027, the Folk School would like to offer 2 classes per day, 365 days per year, resulting in potentially 24 cars per day.

Mr. Schuttner addressed the Planning Commission and reiterated, that it is not a typical school with buses going in and out nor are there kids running around screaming and yelling or even recess held. He advised that he lives on the property adjacent to the current Folk School location, and their driveway is on another border of his property. He indicated when he is on his deck, he is unaware they even exist. He further indicated that during the summertime there is more noise because of the outdoor projects, but it is confined to 8 a.m. and 5 p.m, and during the winter, he wouldn’t even know they are there. He commented that he has never noticed any traffic issues.

Mr. Manthei expressed concern that the contents of the application may not have been read or interpreted correctly because it focused only on the current 5-6 car traffic.

Ms. Presler clarified that if he felt something was not accurate, he now has the opportunity to clarify on the record.

Mr. Manthei commented that it is likely difficult to grasp the concept of a Folk School. He drew attention to the application at attachment H concerning the 2016 events held at their current location, which indicates the variety of event types and size, including the public use of the facility for events which are small in nature due to the facility size.
Mr. Schuttner advised the Planning Commission that he co-authored the application and, until he began working on the application, he was unaware of all the events occurring on the property.

Mr. Manthei addressed the issue of possible noise from activities, and indicated there is some noise when doing outdoor activities; mainly from carpentry tools and children playing, but that events are contained to a small area. He further advised they do hold musical events, but that they are not amplified, and that overall it is a pretty low key operation.

Mr. Schuttner pointed out, anecdotally, that when the Folk School first began, it had a spotlight which shined toward his house. He indicated he brought it to Mr. Manthei’s attention, and within a day the situation was corrected.

Mr. Williams addressed the Planning Commission and indicated he is a board member of the Folk School. He opined on the value of the classes offered by the Folk School and the variety of traditional skill classes to the greater community, advising that the new location will allow growth in offerings to the community.

Mr. Guinn inquired whether, based upon the projections for 2027 traffic, imposed any conditions that prevent expansion.

Ms. Wasinger clarified that the traffic impact and parking on site was all considered in context of the projections and conditions. She further clarified that if something changes from what was presented in the current application packet, the Folk School would be required to resubmit for review.

Mr. Guinn then questioned that there is a cap, so the issue could be revisited at a later date.

Ms. Wasinger replied that is correct if their use exceeds the growth anticipated in the application or deviates from the operation plan, it would need to come back before the Community Planning Department.

Mr. Guinn asked Mr. Manthei if he saw eye-to-eye with the Staff Report.

Mr. Manthei responded that he did if Ms. Wasinger’s projections were based on 24 cars per day.

Ms. Wasinger clarified that their method of calculating was done differently, but utilized the information provided in the application for maximum use.

Mr. Manthei commented that even at half their projection, they are only at half of Mr. Galligan's projections for that one projection.

Mr. Williams commented that there is the average use and then there is the peak usage. The average (24 vehicles per day) is what is being discussed today, but it doesn’t preclude having occasional events once every month or 3 months which would peak at 40-45 cars.

Mr. Billingsley clarified that the Folk School is okay with all conditions proposed by Community Planning Staff.
Mr. Manthei answered affirmatively.

Mr. Muehling questioned whether the permit allows for expansion of parking or additional buildings.

Ms. Wasinger clarified that parking would likely be allowed, but a new site plan would need to be submitted, so parking alone may not require the matter to come back to the Planning Commission, however, adding additional buildings (usage), may trigger additional review if it exceeds the growth usage anticipated in the application.

Mr. Manthei asked if he could ask a question.

Ms. Presler advised that he could not at this time, but could later.

Mr. Muehling asked Mr. Manthei to state his question.

Mr. Williams asked for clarification that the documents submitted included an initial building envelope and the additional outbuildings to be added at later times.

Ms. Wasinger confirmed that this permit application, if approved, includes all planned buildings listed in the application.

Mr. Manthei commented that that would also apply to parking as the plan currently includes graveled parking with overflow onto grass, and that as money develops, the parking would be developed.

Ms. O’Neall noted that there was a previous permit proposing another location for the school that was retracted and wondered if the numbers in the current application reflected the increased traffic that was of concern in the previous application.

Mr. Manthei replied that it certainly was, and noted that the parking at their current location and the proposed location are hugely different than proposed in the retracted permit, and both offer better access.

Ms. O’Neall indicated her understanding there may be special events held throughout the year at the proposed site, including weddings and other outdoor activities, which could generate 40-45 vehicles. She questioned whether there was a contingency plan to notify neighbors of increased traffic.

Mr. Manthei replied that there have been discussions on handling those types of events and using the grass area for overflow parking or employing a shuttle service from another location. He indicated that at the present time it is hard to visualize big events, but the Folk School could become a “big deal”.

Ms. O’Neall asked if the property was being leased or if it was owned by the school.

Mr. Manthei responded they are in the process of purchasing the land.

Mr. Muehling asked if the high estimate of where they’d like to be in enrollment represents a cap or is that a condition that can be placed on the use permit.
Ms. Wasinger responded that the proposed conditions are based on information submitted in the applicant's packet and if it changes, they would be required to resubmit to the Community Planning department for review and it could potentially result in an amendment to the conditional use permit. She emphasized that as written there was no numerical cap placed, but the Planning Commission could impose a cap.

Mr. Williams re-emphasized that their numbers are an average, but they do track enrollment and attendance, so while the peak usage might be on average 24 cars, the next day they might have 30 cars, and the day after that only 10 cars. He indicated that if a cap were imposed, they would need guidance on determining average and over what period of time.

Mr. Billingsley asked what portion(s) of the adjacent lots are already developed.

Mr. Manthei replied that to the East there are 4 to 5 developed lots with residences, to the West is a conservation easement owned by a Kopenen, and to the North he believes is undeveloped Kopenen land.

Mr. Billingsley asked about Roland Road.

Mr. Manthei replied that there were houses.

Mr. Billingsley asked if the Kopenen Homestead Phase II is going to be turned into a neighborhood at some point.

Mr. Manthei replied that would be everything to the North.

Mr. Billingsley questioned then that it is expected to be turned into a neighborhood at some point.

Mr. Manthei stated it would be subdivided.

Mr. Guinn interjected that his understanding was that when that area was surveyed, there was a large conservation area that was not going to be subdivided. He believes the undeveloped area is part of the conservation area.

Mr. Manthei responded that that is correct and is represented on the map as the blue area and then there is the other public use area of the extensive set of trails that goes throughout the Homestead.

Mr. Billingsley asked the applicant if there are any other conditional uses in the area.

Mr. Manthei replied none that he knew about.

Mr. Muehling stated that his question about growth is how it will impact neighbors and so it seems there will need to be a limit to the growth. He asked the applicant what limits their growth.

Mr. Manthei responded that Fairbanks and its small size will limit potential growth along with the physical size of the facility. He further indicated that at some point quality of life for volunteers are impacted if it becomes a “big business”.

Interested Person Testimony Opened

OATH GIVEN

Mr. Erich Ott talked about being a strong proponent of education; however, he does not support the Folk School’s proposed location because he believes it is not appropriate to put, what he believes, is basically a commercial operation in a residential area. He feels the uncertainty of growth could result in property owners having to deal with major issues in the future. He feels that those currently living in the area chose their property because of its remoteness.

Mr. Whitaker stated that he missed Mr. Ott’s address.

Mr. Ott restated his address.

Mr. Whitaker inquired if he was an adjoining landowner.

Mr. Ott replied that he was not, but his property was across the road.

Mr. Whitaker queried if it was across East Chena Hills.

Mr. Ott replied that it was to the West of the blue properties shown on the map and across the street.

Mr. Whitaker inquired if Mr. Ott was in the room when Staff talked about existing permitted uses on properties.

Mr. Ott responded that he had heard and felt it was a scare tactic. He feels that once approved, it could lead to further growth which could have additional traffic impacts.

Mr. Tim Wingerter stated his non-support and expressed his concerns of increased traffic on Roland Road which has no guardrails and is very narrow, and newcomers are unfamiliar with the road, that the school will not be a taxpayer contributing to road maintenance, that the noise generated with be disruptive, and that once allowed, he will be stuck with whatever comes in its place should the school vacate.

Mr. Manthei responded that the conditional use permit sets the parameters, so if there are changes, he indicated they would need to bring it back before the Planning Commission.

Mr. Wingerter stated “maybe, maybe not, depends on what is approved”.

Ms. Dana Truffer-Moudra requested to testify, however, it was determined her property was outside the 2,000 foot requirement for being an interested party.

Ms. Presler determined that Mr. Leonard Kamerling, as a Board Member of the Folk School, has a property interest, and therefore was allowed to provide testimony.

Mr. Leonard Kamerling addressed the Planning Commission and provided background on the founding of the folk school concept from the 1830’s.

Ms. Presler determined that Mr. Bruce Campbell, as a Board Member of the Folk School, has a property interest, and therefore was allowed to provide testimony.
Mr. Bruce Campbell addressed the Planning Commission and talked about his involvement in the Folk School and shared an example of the pack rafts his students build.

Mr. Muehling inquired on the number of board members there and term.

Mr. Campbell responded that that his term is 2 years, and there are 8 or 9 other board member, but not positive.

Ms. Patti Moss testified she is not in favor of the Folk School at the proposed site. She indicated concerns with traffic on Roland Road, specifically how dangerous it is and the it is without a bike or walking path, and the Folk School not being a contributor to the area road maintenance.

Mr. Peterson asked if the road service area had been approached about widening or otherwise improving the road.

Ms. Moss stated that they had, but declared that money was not available.

Mr. Peterson further inquired if grants had been sought from the Borough.

Ms. Moss replied that they have done that too, but due to substandard roads being built in the area, funds are not available.

Mr. Manthei commented that the greatest traffic increase would be only about 3% or less.

Ms. Moss remarked that 3% is a lot, especially when not contributing to maintenance of the road and stated that although they indicate their operation is quiet, it may not be quiet as defined by another.

Ms. Presler determines that, although Ms. Pat Moss received a “Dear Property Owner” letter, her property is outside the 2,000 square foot radius of the proposed property and as such would not be allowed to testify.

Ms. Linda Wies testified she does not support the proposed location of the Folk School due to traffic issues related to Roland Road, specifically, that there has been major growth in the area and there is potential for two new subdivisions (65 lots) which all will feed into Roland Road. She expressed concern of existing poor visibility to and from Roland Road from feeder roads and additional bottlenecking, if the larger events become weekly, and it being just too much for the neighborhood. She further expressed concern that if the Folk School is allowed, but doesn't make it, questions whether the new owners will be good neighbors.

Mr. Muehling asks what is the location of the future development which would feed into Roland Road.

Ms. Wies indicates it is beyond the Kopenen land.

Mr. Muehling asks Community Planning staff about information on future development in the area.

Mr. Kellen Spillman answered that all final phases of Kopenen subdivisions are completed that have been received.
Mr. Muehling inquired of those, how much development is completed.

Mr. Spillman indicated that qualitatively, slightly half or a little more, but it changes as lots are sold, and the majority of the lots have been sold.

Ms. Presler asked Mr. Spillman to point to the area on the map being discussed.

Mr. Spillman pointed to the area on the map illustrating the majority of the lots accessed via Harmon Street which is dedicated to the boundary of the subdivision.

Mr. Peterson queried whether the conditional use permit would extend to a new owner.

Mr. Spillman replied it would if they met all conditions in proposal and could abide by all conditions and original application, but if use changed (for example a K-9 or other type of school) or new owner wanted to expand, it would have to be reevaluated.

Mr. Whitaker inquired if the Platting Board had any concerns when it approved the lots.

Mr. Spillman indicated that they did, but explained that the Platting Board is more constrained in their considerations.

Ms. Margret Heidel addressed the Planning Commission with her biggest concern being traffic on Roland Road and reiterated concerns already expressed of Roland Road’s narrowness, lack of guardrails, icy in winter, no shoulder, no walking or bike paths, and a cliff on one side. She expressed additional concerns on noise carrying, and neighborhood safety with the influx of strangers.

Mr. Muehling asked, hypothetically, if in ten years Roland Road were improved, would that change Ms. Heidel’s opinion.

Ms. Heidel replied that it would, however, she indicated her uncertainty if it could be improved.

Ms. Carol Scott expressed concern over the sanctuary of her home as the Folk School will literally be in her backyard. She further testified on concerns about the noise generated by outdoor activities, parking on nearby roads and walking along Roland Road as growth in public gatherings occurs, and risk of wildfires with open fires at the school.

Mr. Whitaker questioned if Ms. Scott is on the road service commission.

Ms. Scott replied that she is not, but attends meetings

Mr. Whitaker then inquired if there were any commissioners in the room.

Ms. Scott stated there were not.

Mr. Whitaker asked that if at their last meeting, were there discussions about improving Roland Road.

Ms. Scott responded that there was extensive discussion on the safety issues presented tonight, but due to current road design and limitations of existing easements, it would be unlikely anyone can come up with the money.
Ms. Thayer asked Ms. Scott to quantify an “incredible amount of money”.

Ms. Scott responded, with the help of others in attendance, that it is in the millions of dollars.

Ms. Thayer asked if that was just for the guardrail or all road upgrades for safety.

Ms. Scott responded that those are the upgrades needed. She reiterated that there are no shoulders.

Ms. Thayer replied that that figure includes shoulders, guardrails and is the whole safety issues.

Ms. Scott indicated that they said Roland Road was not meant for what it is now. She further addressed the earlier testimony that the statement of a neighbor who claimed he does not even know they are having outside activities. She pointed out that his property is heavily vegetated with trees as a barrier whereas her property is not due to a wildfire that burned a lot of the spruce trees.

Ms. Presler asked how close Ms. Scott’s outdoor screened area is to the proposed school building.

Ms. Scotts replied that she could throw a tennis ball onto it.

Ms. Presler asked for confirmation that the vegetation in the winter time is very sparse and that the structure can be easily seen.

Ms. Scott affirmatively responded.

Ms. Presler inquired from Ms. Scott what the vegetation would look like in the summer.

Ms. Scott responded that between her and the building, the birch trees are about 6 feet high. She further stated that the maps in the packet are not accurate and do not reflect the trees taken out by the fire near her property which were primarily spruce trees.

Mr. Manthei stated his concern that the growth projections for the classes are also being used as projections for the public events which is not necessarily the same.

Ms. Scott responded that she only had the numbers provided to go on and large events will have significant impacts.

Mr. Ron Ashcraft reiterates concerns expressed by others not supporting in the proposed location for a Folk School. He further pointed out that everyone keeps saying Roland Road is an accident waiting to happen, he pressed, “it has happened”.

Mr. Billingsley asked if he purchased his property from the Kopenens.

Mr. Ashcraft replied yes. He bought lot 5 from the Kopenens.

Mr. Billingsley queried which parcel is being bought.

Mr. Ashcraft confirmed the lot being purchased.
Mr. Billingsley questioned by the Kopenens would want to encourage a school to move into a neighborhood that they are trying to build; presumably in a positive way.

Mr. Ashcraft indicated he cannot think for the Kopenens and does not want to express his opinions.

Ms. Raelene Wentz stated to the Planning Commission that her property is not within the allowable area, but believes she can show why she should be allowed to testify.

Ms. Presler asked her to state why her property interests are different than others in her area.

Ms. Wentz testified that she owns property outside the interested party area, and intends to start a non-profit organization on her property which is complimentary and compatible to the Folk School and its mission.

Ms. Presler determined the proposed business interests have a compatible relationship with the proposed school and, as such, allowed Ms. Wentz’ testimony.

Ms. Wentz testified that she is forming a non-profit organization that will build a tool library for Chena Marina and Chena Ridge residents. She reports the idea is built similar to the Folk School on influencing the children in the community to be self-reliant.

Mr. Billingsley asked if she anticipates if it will require a conditional use permit.

Ms. Wentz reported they are currently in the process right now, and her property is zoned general use 1.

Mr. Billingsley asked if it is a t-o-o-l library.

Ms. Wentz responded that it is essentially like a book library, but in this case, people wanting to do projects any maybe not having the necessary tools, can come in a check them out at the tool library.

Mr. Billingsley asked for confirmation that they are looking to get a conditional use permit for their general use lot.

Ms. Wentz replied that that is correct.

OATH GIVEN TO BARBARA ANDERSEN

Ms. Barbara Andersen stated that she reiterates the concerns of others by the proposed Folk School in a residential neighborhood. She further comments that the neighborhood is growing with the additional traffic from Pickering and Chena Hills funneling to Roland Road creating a heavy impact. She further stated her concerns on drainage and land erosion that may occur and if the Folk School intends to utilize the trails in the neighborhood, she worries about garbage, sewage and increased noise. She mentioned a potential concern of signage is placed on Roland Road and what it may do to visibility and brush clearing.

Interested Person Testimony Closed

Ms. Presler stated for the record that three (3) individuals provided written affidavits to the Planning Commission.
Mr. Manthei commented that all the issues raised by residents are issues they have tried to address in their proposal and feels the application addressed most, if not all of them.

Mr. Schuttner added that from the testimony he heard a lot of fear on the school’s growth potential, but felt those fears may not be warranted because there will be constraints to limit uncontrolled growth from the conditions placed on the school.

Mr. Whitaker stated that the real concern appeared to be the size of events; and asked if a size and number of events limitation were placed would the school survive.

Mr. Manthei indicated that generating income is necessary to stay afloat. He reiterates the infrequency of the public events and that they are generally small in size.

Mr. Muehling asked Mr. Manthei to speculate on the event and parking size they could live with.

Mr. Manthei deferred to a board member.

Mr. Williams indicated his awkwardness in responding to the question without consulting the members of his board, however, indicated he personally believed it would be desirable to have a maximum of 150 people (fundraiser) maybe twice a year. He further stated that it would be easier for them if a limitation on number of events per year were imposed, but that space itself will limit numbers and the 150 people is at the very high spectrum. He stated if the Commission placed limitations on renting out to the public, they could live with that.

Mr. Guinn commented that fundraising events could be held at other venues, including public buildings at a nominal cost.

Mr. Williams responded that they could, but it is desirable to hold these events at their home to show potential donors what they are actually contributing to by donating.

Mr. Whitaker asked how many people they generally get for the Alaska Cello Institute.

Mr. Manthei responded that they are lucky if they get 20.

Ms. Thayer stated that there is limited access from the lot, but also #16, and inquired if there are any covenants limiting structure size.

Mr. Williams indicated none that he is aware of.

Mr. Manthei interjected that what they are proposing to build is smaller than the residences in the area.

Ms. Thayer rephrased and asked do the protective covenants restrict in any way.

Mr. Manthei replied that he was not aware of any.

Ms. O’Neall asked whether alternate routes to access the property have been considered.

Mr. Manthei responded that there were discussions with the Kopenens about an easement North of the property because the Kopenens desire to subdivide their parcel into two lots, but he is not sure that would be any better and believes it may even have a greater impact.
MOTION: To approve a ten (10) minute break by Mr. Guinn, seconded by Mr. Whitaker.

MOTION CARRIED WITHOUT OBJECTION

MOTION: To approve CU2017-019 for a vocational school on Lot 27 with six (6) Conditions, adopting the staff report, and three (3) Findings of Fact in support of approval by Mr. Thayer, seconded by Mr. Whitaker.

Mr. Guinn requested to ask a question of Staff.

Ms. Doxey indicated that the Chair could allow it, but then Mr. Manthei would be able to offer rebuttal.

Ms. Presler allowed the question.

Mr. Guinn asked Mr. Spillman if the Roland Road service area has brought the issue of Roland Road to FMATS.

Mr. Spillman replied that Roland Road is relatively new to FMATS, and that in 2012 the MPO boundary was updated which brought the majority of Roland Road into FMATS boundary, so it could potentially be eligible for funding.

Ms. Thayer inquired from Ms. Doxey whether in considering public safety and health, etc., when the Commission has no control over a road, can the road be taken into consideration.

Ms. Doxey informed the Commission that they can look at impacts of the proposed conditional use on existing facilities, so they can consider the condition of Roland Road and its use.

Mr. Muehling commented that the character of the neighborhood is residential and although does allows other uses that may impact neighbors, the issues appear to be is it a “Folk School which equals classes” or is it an “Events Center”. He believes the perception and impacts change if it becomes an events center like the Carlson Center.

Ms. Doxey clarified that if the use being characterized (event center) is an accessory use to the trade/technical school, then it would be allowed for consideration, but if it is not an accessory use, then it cannot be considered. She read into the record, the definition of “use, accessory” from Title 18.

Ms. Thayer stated that if she interpreted it correctly, then an example would be if Woodriver School held an event in the evening that was part of the school, it would be no different than the Folk School holding an event that was part of its custom.

Ms. Doxey clarified that the Woodriver is a traditional school and this is a technical/trade school.

Mr. Billingsley asked then if then, the only thing they are approving would be conditional use of the vocational school and accessory uses that are permitted.

Ms. Doxey indicated that anything that falls within the scope of a trade/vocational school is what could be a conditional use. She further stated that if something is proposed that is not actually
part of the school and not an allowable use (either outright or as a conditional use permit), it’s not an allowed use and not before the Commission.

**Mr. Billingsley** stated that accessory uses are permitted uses under RE-2.

**Ms. Doxey** responded affirmatively, and stated that if you can characterize what is being proposed and what Mr. Manthei has characterized as an event center as an accessory to a vocational school it would be approved with the conditional use by the Commission, but because it is being characterized as an “event center”, is that part of the vocational use or a separate use that is not even permitted by the zone.

**Mr. Billingsley** stated he believed that would be a question of law.

**Ms. Doxey** indicated it is a fact-based consideration. She further stated that Title 18 has a use that is an event center use, and that is not a listed allowed use in the zone, but just because we call it an event center does not mean it is actually something that falls within the vocational school definition.

**Mr. Billingsley** inquired why a distinction would be made.

**Ms. Presler** stated that if trying to define accessory use. She re-read use, accessory.

**Mr. Billingsley** stated then that narrows the scope of the analysis to vocational school and they should ignore an event that is not an accessory use.

**Ms. Presler** stated that memorial services, weddings, and those kinds of events, according to definition, would not be allowed under a conditional use permit anyway.

**Mr. Muehling** asked if we could set for the purpose of maintaining residential character to the neighborhood health, safety, welfare, asks to go back to limiting the size of events that are customary to a trade school.

**Ms. Presler** inquired from Ms. Doxey if she would like to answer the question.

**Ms. Doxey** stated she thinks it is a question for the body to consider based on what has been heard and can conditions adequately be made to make the use suitable for the neighborhood.

**Mr. Guinn** stated that it bothers him that the service area was asked to respond and didn’t and feels it sends the message that they do not really care.

**Ms. Presler** clarified for the record that Mr. Guinn is saying that in their packet he saw correspondence to the road service from staff and they the road service neglected to respond.

**Mr. Guinn** replied affirmatively, and stated they did not send anyone to attend or respond by letter.

**Mr. Peterson** stated that the people that live in the area are the road service area, and they are present in the room, so he stated he would disagree even though the Commissioner of the road service area, the residents have shown up and made their opinion clear.
Mr. Billingsley indicated he found it notable that Linda Harriger, who received a DPO, said she was strongly in favor or the conditional use and Chena Newman, who received a DPO, said she was in favor as well.

Ms. Presler pointed out that those were affidavits received.

Mr. Billingsley suggested someone might want to propose an amendment to cap attendance or number of cars.

**MOTION:** To amend and add a Condition number 7 restricting the number of attendees 50 people per event and limiting events to 10 per year, by Mr. Muehling, seconded by Mr. Whitaker.

**Discussions on the Motion to Amend**

Ms. Thayer questioned whether the amendment also included a limitation on off-road parking.

Ms. Doxey expressed concern about enforceability of off-road parking and suggested utilizing language requiring adequate parking.

Ms. Thayer indicated that looking at the subdivision plat; it states a specific location of access point.

Mr. Muehling clarified that the amendment does not say anything about parking.

Mr. Billingsley expressed concern that if we deem events as accessory uses then they are already permitted, so can the Commission regulate a permitted activity.

Ms. Doxey responded that when considering conditional use and impacts, the Commission should look at the proposed use of lot and evaluate impacts of the use and whether it's appropriate.

Mr. Billingsley replied that the Commission can only regulate the conditional use (vocational school), and not events which are accessory because they are already authorized.

Mr. Doxey stated that when evaluating impacts to determine if appropriate to even grant the conditional use, the entire proposal as a whole should be considered.

Mr. Muehling responded that the intent of the amendment is for the traffic safety and noise concerns.

Ms. Thayer pointed out that the application is for a vocation school, not an event facility.

Ms. Presler replied that that is being addressed because applicant brought the issue before the Commission and neighbors testifying have expressed concerns.

Mr. Muehling clarified the school will only be able to hold events customary to a trade school.

Mr. Billingsley stated he would want this amendment as an added condition.
Ms. O’Neill expressed her concern on capping attendance at events and limiting the number of events.

Mr. Muehling stated that the Folk School has indicated self-limiting its growth, however, there is “no technical cap on growth”.

Ms. Presler indicated Mr. Spillman had a comment.

Ms. Doxey interjected that the proceedings were in deliberation and calling on Mr. Spillman is not allowed unless Chair allows a variance.

Ms. Presler elected to allow Mr. Spillman to comment.

Mr. Spillman stated that from a code enforcement standpoint, it would be difficult to quantify what constitutes an “event” in limiting them to 10 per year.

Mr. Williams questioned an event versus an accessory function, and indicated if accessory functions are limited to 50 attendees that would be a source of great concern.

Ms. Doxey offered the definition of “event” and concluded based upon the record, it to be “a planned public or social occasion”.

Mr. Billingsley reiterated that the majority of the testimony heard was concern about the “big events”, so adding the condition would be a good idea.

Ms. Presler advised the Commission that before them was a motion to amend and a yes vote would constitute adding the condition.

**ROLL CALL (on motion to amend)**

Five (5) in Favor: Mr. Billingsley, Mr. Peterson, Mr. Whitaker, Mr. Guinn, Mr. Muehling

Three (3) Opposed: Ms. O’Neall, Ms. Thayer, Ms. Presler

MOTION CARRIED

Further discussion on main Motion

Mr. Billingsley mentioned the percentage increase in trips per day.

Mr. Guinn indicated he is in favor of the conditional use permit. He stated that Roland Road will be an issue regardless of the school with continued development. The residents should become more proactive in their service area to ensure concerns are addressed.

Mr. Muehling stated that approval satisfies the FNSB Regional Comprehensive Plan.

Ms. O’Neall echoed Mr. Guinn’s statements concerning community’s need to do something about an unsafe road and further stated that the Roland Road unsafe issue is not going to go away even if the Folk School is not there. She encouraged the Folk School to do outreach of its users in addressing the areas of concerns expressed by the residents.
Mr. Muehling indicated his support of the application.

Ms. Presler commented on the utilities; indicating that there is no public water or sewer systems, does have adequate power, but is not in favor of location due to the road being unsafe.

Ms. Thayer echoed Ms. Presler’s comments on public safety due to the conditions of the road. She further encouraged the residents to address the service area and FMATS.

ROLL CALL (on main motion)

Four (4) in Favor: Ms. O’Neall, Mr. Whitaker, Mr. Guinn, Mr. Muehling
Four (4) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley

MOTION FAILED (lack of majority)

Ms. Presler asked if anyone would like to change their vote.

Mr. Whitaker stated his desire to change is vote to “no”.

ROLL CALL (on main motion)

Three (3) in Favor: Ms. O’Neall, Mr. Guinn, Mr. Muehling
Five (5) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley, Mr. Whitaker

MOTION CARRIED

Ms. Doxey advised that Findings of Facts need to be developed on the record for denial of the conditional use.

Break (5 minutes)

MOTION: To reconsider the previous vote on CU2017-019, by Mr. Whitaker, seconded by Mr. Muehling.

Discussion on Motion to Reconsider

Mr. Whitaker reiterates that the condition of the road should not be that much of a factor when allowing the conditional use permit.

Ms. Presler stated a yes vote would allow reconsideration of the conditional use permit and a no vote would allow the denial to move forward.

ROLL CALL

Five (5) in Favor: Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Mr. Billingsley
Three (3) Opposed: Mr. Peterson, Ms. Thayer, Ms. Presler
MOTION CARRIED

Discussion on Main Motion

Mr. Whitaker commented that the size and number of events had been approved in the Amendment and feels the road should not be given so much weight.

Mr. Guinn echoed Mr. Whitaker’s comments.

Ms. Doxey suggested that the record be established further on the condition of the road(s), by those Commissioners using that as a basis for denial of the conditional use permit.

Mr. Muehling stated the limitations imposed by the amendment, mitigates the traffic concern.

Ms. Presler commented on the proposed use and permitted use traffic data calculations being skewed.

Ms. Thayer echoed Ms. Presler’s comments and provided her interpretation on traffic calculations.

Ms. O’Neall stated her support of the conditional use permit and expressed concern that the Commission is focused on what “may” happen, rather than focus on the minimal use on a day-to-day basis that will occur.

Ms. Presler asked for roll call on the move to approve or deny the conditional use permit.

Ms. Doxey clarified that the motion before the Commission is a motion to approve the permit with 7 conditions and 3 findings of fact.

ROLL CALL (on main Motion)

Four (4) in Favor: Ms. O’Neall, Mr. Whitaker, Mr. Guinn, Mr. Muehling

Four (4) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley

MOTION FAILED (lack of majority)

Mr. Guinn stated he felt a motion to deny isn’t necessary.

Ms. Doxey indicated that code says you have to have a motion to deny.

MOTION: To deny by Ms. Thayer, seconded by Ms. Presler.

Discussion on Motion to Deny

Ms. Presler summarized her primary reasons for denial.

Ms. Thayer replied that she could not have said it better.

Ms. Presler proposed language concerning 3 findings of fact.
Mr. Billingsley stated he would like a proposed Finding of Fact concerning health, safety and welfare.

Ms. Doxey indicated you need to address all 3 areas, but it does not have to be negative, it only needs to fail on one.

Discussion ensued on development of the proposed Findings of Fact.

MOTION: Motion to approve proposed Findings of Fact, (1) adequate transportation facilities do not appear to be in place to support the conditional use application, (2) traffic impact analysis provided in the packet depicts the worst case scenario for allowable uses but not for the conditional use, so the Planning Commission is not basing their decision on it, and (3) Based on negative impacts to traffic, negative impacts to the residential character of the neighborhood caused by the proposed use and other potential uses in the future, the proposed conditional use does not protect the health, safety, and welfare of the neighborhood and therefore does not meet the intent and purpose of Title 18, by Ms. Presler, seconded by Ms. Thayer.

ROLL CALL (on Motion to Amend)

Four (4) in Favor: Ms. O'Neall, Mr. Guinn, Mr. Muehling, Mr. Whitaker

Four (4) Opposed: Ms. Thayer, Ms. Presler, Mr. Peterson, Mr. Billingsley

MOTION FAILED (lack of majority)

MOTION: To postpone till next meeting, by Ms. Thayer, seconded by Mr. Whitaker.

Discussion on Motion to Postpone

Mr. Peterson in favor of postponing, but wants to make sure there is enough time. He further stated he is willing to stay and postpone the other two items on the Agenda.

ROLL CALL (on Motion to Postpone)

Four (4) in Favor: Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. O’Neall

Four (4) Opposed: Mr. Billingsley, Ms. Thayer, Mr. Muehling, Ms. Presler

MOTION FAILED (lack of majority)

Ms. Presler asked if anyone would like to change their vote.

Ms. Peterson stated he would like to change his vote to “no”.

MOTION CARRIED

MOTION: To table this matter, by Mr. Billingsley, seconded by Mr. Peterson.
ROLL CALL (on Motion to Table)

Seven (7) in Favor:          Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. O'Neall, Mr. Billingsley, Ms. Thayer, Ms. Presler

One (1) Opposed:            Mr. Muehling

MOTION CARRIED

2. CU2017-015: A request by Paul Gitschel for conditional use approval for a school building in the Multiple-Family Residential (MF) zone with the Mobile Home Subdivision (MHS) overlay zone on Block 67, Bjerremark Subdivision (located at 2404 Barnette Street, on the west side of Barnette Street, between 24th Avenue and 25th Avenue).

MOTION:  To postpone CU2017-015 until next meeting, by Ms. Thayer, seconded by Mr. Peterson.

Discussion on the Motion

Ms. Presler stated her strong objection to postponing.

ROLL CALL (on Motion to Postpone)

Two (2) in Favor:          Mr. Peterson, Ms. Thayer

Six (6) Opposed:           Mr. Guinn, Mr. Whitaker, Mr. Muehling, Ms. O’Neall, Mr. Billingsley, Ms. Presler

MOTION DENIED

Mr. Paul Gitschel addressed the Planning Commission and stated that the facility was previously a large church which also operated as a Christian school. He further indicated it is on City utilities and natural gas, and that a full traffic study was completed as part of its application. He noted that based upon the traffic study, there is no increased traffic and no different or additional impacts to the neighborhood then if it had remained a church.

Ms. Wasinger presented the staff report with assistance from Mr. Spillman on the transportation section. Based on the staff analysis, the Department of Community Planning recommends APPROVAL of the conditional use permit request for a school building on Block 67 in the MF/MHS zone with four (4) conditions.

Mr. Muehling asked if overflow parking would be allowed on the street.

Mr. Spillman advised that the City of Fairbanks has an ordinance which states a vehicle cannot be parked within ten (10) feet of the centerline of a roadway. He further indicated that although one could comply with the roads in this area, since the facility is functioning as a school with the minimum age of students being under the driving age, parking was determined not to be an issue.
Mr. Peterson questioned whether there is anything in the findings of fact that requires approval from other agencies.

Mr. Spillman responded that the City is the building authority.

Mr. Peterson expressed concern that if the Commission grants the permit, they may not be able to use if they do not comply with the other agencies’ conditions, so questioned if a requirement for them to comply should be put in the permit.

Mr. Spillman stated it was up to the Commission.

Ms. Doxey responded that there should not be a condition that states “you must abide by the law” unless there is something specific that would require such a condition.

Mr. Billingsley stated that he has raised this issue in the past and questions why the inconsistency.

Ms. Doxey indicated that Mr. Billingsley’s question was not a legal question; rather a question for staff. She further stated that from a legal perspective, if staff brings forward a condition that the Commission thinks is inconsistent or unnecessary, the Commission can remove it.

Mr. Muehling asked if there was adequate sewer capacity and restrooms to accommodate 214 students and 20 staff, and questioned if they meet code requirements.

Ms. Wasinger replied that those are all code requirements which the City of Fairbanks has jurisdiction to ensure compliance.

Mr. Gitschel commented to Mr. Peterson that all building permits have been submitted to the City of Fairbanks. The building will meet all required codes after completion of renovations.

Interested Person Testimony Opened

Ms. Glory Kuleskey expressed her concern with the school children utilizing the public areas in the neighborhood and the noise and traffic generated by such use.

Ms. Presler asked Ms. Kuleskey the distance between her property and the school

Ms. Kuleskey stated it is approximately 2.5 blocks. She further indicated the traffic in the morning will be fine, it is the noise in the afternoon that is of concern.

Interested Person Testimony Closed

Mr. Gitschel reiterated that there is no change from the impact the facility had as a church/school to now being just a K-8 school.

Mr. Muehling commented that it is a K-8 school, but a charter school and inquired what area of Fairbanks would be drawn from for enrollment and asked for detail on future bus transportation plans.

Mr. Gitschel deferred to the school principal.
OATH GIVEN TO TAL HARLAN

Ms. Tal Harlan stated that the school will be drawing students from a wide area – Fox, Ester, North Pole, etc.

Mr. Muehling questioned if parents then provide transportation.

Ms. Harlan responded affirmatively.

Mr. Muehling asked what discussions have occurred concerning busing.

Ms. Harlan indicated that if busing becomes available, they would only be able to provide busing either before school or after due to sharing with the School District. Students from their school would be bussed to neighboring middle schools and then transferred to a route to take them home.

Mr. Muehling asked if the dimensions of the turnaround and parking are sufficient for a long bus.

Ms. Harlan indicated that she thought so.

Mr. Gitschel indicated that he felt a fire truck would fit and is size comparable to a bus.

Mr. Guinn inquired if children are required to remain on site or if they would be able to go off site to the play areas.

Ms. Harlan replied that if they go off site, it would be under adult supervision. They may go off site on occasions when they utilize the parks across the street, but it would not be their every day recess venue.

MOTION: To approve CU2017-015 for a school building on Block 67 with four (4) Conditions, adopting the staff report, and three (3) Findings of Fact in support of approval by Mr. Thayer, seconded by Ms. O’Neill.

Discussion on the Motion

Ms. Thayer expressed her support for approval of the conditional use permit as all issues concerning health, safety and welfare have been addressed in the application packet.

Mr. Muehling indicated he would be supporting as well. He stated it appears there is adequate parking and it supports the Regional Comprehensive Plan which encourages the neighborhood sighting of elementary schools and encourages the incorporation of schools and parks in residential areas.

Ms. Presler stated her support for the conditional use permit and thanked the applicant for putting together a complete packet with plans and traffic data. She further summarized her basis for justifying issuance of the permit.

Ms. Doxey questioned whether the Commission wished to address the concerns expressed during public testimony.
Ms. Thayer stated that she appreciates people who do “shift work” and need to sleep during the day, but felt that there will not be a change in noise from the previous use to its proposed use now.

Ms. Presler indicated that she had concerns about children being unattended, but from the testimony provided by the applicant, recess will generally take place on the property and, on a rare occasion, a field trip may be taken to the park under adult supervision.

ROLL CALL

Eight (8) in Favor:  Mr. Peterson, Ms. Presler, Mr. Whitaker, Ms. Thayer, Mr. Guinn, Mr. Billingsley, Ms. O’Neill, Mr. Muehling

Zero (0) Opposed

MOTION CARRIED


OATH GIVEN TO KAREN LOWRY

Mr. Singh presented the staff report, based on the staff analysis, the Department of Community Planning recommended APPROVAL of the amendment of the conditional use permit request for marijuana cultivation facility, indoor unlimited in the LI zone with five (5) conditions.

Ms. Presler asked if during the past year that the current conditional use permit has been in effect, has any complaints been received.

Mr. Singh responded that to the best of his knowledge, Community Planning has not received any complaints.

Mr. Muehling noted that there are no wastewater sewer lines, so inquired how the plan handles marijuana liquid waste.

Mr. Singh referred to the application and the manner in how they re-utilize wastewater. He further explained DEC’s characterization of wastewater related to marijuana cultivation and further indicated that a condition recommended by the Community Planning staff requires them to comply with all DEC requirements.

Ms. Doxey questions that the record may not support condition number 2 concerning not discharging into GHU sewer lines and why gray water needs to be restricted.

Ms. Presler clarified that the second paragraph in condition number 2 indicates the use of a 500 gallon gray water tank for buildings 3, 4, 5, and 6 and that there are no restrooms in those buildings.
Ms. Lowry offered a brief summary of why she is back before the Commission on the expanded facilities under a conditional use permit issued over a year ago.

Mr. Peterson asked how they are able to control odors and if they have received any complaints.

Ms. Lowry replied that they have had no complaints. She further stated that they use different types of filtration systems, including using carbon filters and recirculation of the air.

Mr. Peterson questioned why, if they are not letting air in or out, are they using carbon filters.

Ms. Lowry stated that new buildings 4, 5, and 6 are greenhouses, so they will be drawing outside air.

OATH GIVEN TO LINDEN ANSON

Mr. Anson provided testimony on the facilities design and air handling system related to air handling and carbon filters.

Mr. Peterson related back to previous testimony on this matter where businesses in the area of their cultivation facilities have complaint on about the odor. He asked for confirmation that the applicant has not received or heard any complaints on odor.

Ms. Lowry indicated there are many marijuana cultivators that do vent outside and then you can smell the odor; there facilities do not.

Ms. Doxey cautioned Commissions of relying to previous testimony wherein the people are not currently in the room for cross-examination.

Mr. Singh commented that during his inspection on the afternoon of May 12, 2017, during his inspection, he did not smell any odors emitting from the facilities.

Mr. Anson invited everyone to drive by the facilities to see for themselves if there are any odors from their marijuana cultivation operation.

Interested Person Testimony Opened

No interested parties present

Interested Person Testimony Closed

MOTION: To approve extend the meeting until 1:00 a.m. by Mr. Peterson, and seconded by Mr. Billingsley.

Discussion on the motion

Ms. Thayer clarifies that the motion to extend includes completing the current matter before them, and finishing that matter which had been tabled.

Mr. Peterson responded that that was his intent.
ROLL CALL

Eight (8) in Favor:  Mr. Peterson, Ms. Presler, Mr. Whitaker, Ms. Thayer, Mr. Guinn, Mr. Billingsley, Ms. O’Neill, Mr. Muehling

Zero (0) Opposed

MOTION CARRIED

MOTION:  To approve the amendment of CU2017-018 to expand the commercial marijuana cultivation facility, indoor unlimited into TL-2013, TL-2014, TL-2015, TL-2017, TL2018 and a portion of TL-2065, Section 20, T1S-R1W, F.M. with five (5) conditions, adopting the staff report, and three (3) findings of fact in support of by Ms. Thayer, seconded by Ms. Presler.

Discussion on the motion

Ms. Thayer summarized the basis for her motion in support of the conditional use.

Mr. Muehling summarized areas he was concerned with and indicated his support based on the conditions of the permit which mitigate those concerns.

Ms. Presler summarized her support of the proposed permit allowing additional cultivation facilities to their existing permit and commends the applicants for their diligence in ensuring no negative impacts on the neighborhood.

ROLL CALL

Eight (8) in Favor:  Mr. Stepovich, Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Billingsley, Ms. Thayer, and Mr. Guinn

Zero (0) Opposed

MOTION CARRIED

The Planning Commission returned to CU2017-019 that was previously tabled.

CU2017-019:  A request by John Manthei for conditional use approval for a vocational school in the Rural Estates 2 (RE-2) zone on Lot 27, Koponen Homestead Subdivision (located at 2860 Roland Road, on the north side of Roland Road, west of Chena Pump Road).

MOTION:  To postpone to the next meeting by Ms. Thayer, seconded by Mr. Guinn.

Discussion on the Motion

Mr. Muehling indicated he would like the matter to be concluded tonight.
Mr. Guinn asked for clarification on which ordinance requires that a decision must be made by the Commission.

Ms. Doxey read ordinance 18.104.050(c) which requires that the Planning Commission shall make a decision and adopt findings.

Mr. Guinn commented that a vote of 4 in favor and 4 opposed is a decision of the Commission.

Ms. Doxey indicated that is not a correct interpretation due to a lack of majority and, as such, the motion would fail because it is not a decision and does not meet the requirements of the code.

Mr. Billingsley stated he is open to considering it from different perspectives.

Mr. Muehling stated that after further reflection, he may not be supporting the permit.

**ROLL CALL**

Two (2) in Favor: Ms. O’Neall, Mr. Whitaker

Six (6) Opposed: Ms. Presler, Mr. Muehling, Mr. Billingsley, Ms. Thayer, Mr. Peterson, Mr. Guinn

MOTION FAILED

Discussion on the Motion to Deny

Mr. Billingsley commented that the residents have spoken about potential changes in the character of their neighborhood. He further stated his belief that if allowed, it will change and has the potential of creating more issues if the anticipated growth materializes which presents issues with health, safety, welfare, and noise and could present significant impacts.

Mr. Peterson indicated his concurrence with Mr. Billingsley’s comments.

Ms. Presler indicated her concurrence with Mr. Billingsley’s comments.

Mr. Guinn commented that he found Mr. Billingsley’s arguments compelling, and state he will be voting against the permit.

Mr. Muehling commented that the residents in the neighborhood appeared and objected in strength and spoke strongly about the current character and culture of the neighborhood and believed that cannot be ignored. He indicated he will be changing his previous vote.

Planning Commission works to formulate Findings of Fact supporting its anticipated denial of the permit.

Ms. Presler read the findings of fact into the record as follows: (1) Adequate transportation facilities do not appear to be in place to support the conditional use application, (2) Traffic impact analysis provided in the packet depicts the worst case scenario for allowable uses, but not for the conditional use, so the Planning Commission is not basing their decision on it, and
(3) Based on negative impacts to traffic, negative impacts to the residential character of the neighborhood caused by the proposed use and other potential uses in the future, the proposed conditional use does not protect health, safety, and welfare of the neighborhood and therefore, does not meet the intent and purpose of Title 18.

ROLL CALL

Eight (8) in Favor: Ms. O’Neall, Mr. Whitaker, Ms. Presler, Mr. Muehling, Mr. Billingsley, Ms. Thayer, Mr. Peterson, Mr. Guinn

Zero (0) Opposed

MOTION CARRIED

ROLL CALL (Motion to Deny)

Eight (8) in Favor: Ms. O’Neall, Mr. Whitaker, Ms. Presler, Mr. Muehling, Mr. Billingsley, Ms. Thayer, Mr. Peterson, Mr. Guinn

Zero (0) Opposed

MOTION CARRIED

G. PUBLIC HEARING
None

H. APPEALS
None

I. UNFINISHED BUSINESS
None

J. NEW BUSINESS
None

K. EXCUSE ABSENT MEMBERS

Ms. Thayer and Ms. O’Neall stated they would be absent for the Planning Commission meeting on June 20, 2017.

L. COMMISSIONER’S COMMENTS

1. FMATS

   Ms. Thayer stated that she did not have an FMATS report.
Ms. Nelson indicated that she had attended, but that there was nothing urgent enough to report to delay adjournment of this meeting.

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:21 a.m. on May 17, 2017.