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

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

Opening Statements, Agenda and Consent Agenda(*)

Audio Track 1

APPROVED AS AMENDED

CU2017-024: A request by David Worel on behalf of Worel LLC for conditional use approval of a marijuana cultivation facility, indoor unlimited in the General Use 1 (GU-1) zone on Lots 8, 9, and 10, Block 2, Piledriver Park Subdivision (located at 807 Landing Road on the west side of Landing Road, north of Badger Road.

Audio: Track 1

CONDITIONS OF APPROVAL

1. Prior to the commencement of operations, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:
   
a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure that the site meets all licensing requirements for a commercial marijuana cultivation facility.

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

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

2. Indoor cultivation and processing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the cultivation facility.
3. If any modifications are made to the site plan, floor plan, operations, 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 modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

FINDINGS OF FACT

1. 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 GU-1 zone.

   a. The conditional use is consistent with the Perimeter Area designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports 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”. The use also aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.”

   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 by allowing a land use compatible with the existing surrounding uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use.

   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 has an existing on-site well and septic system. Any unmet water needs will be met with water delivery service.

   b. The site is served by the North Star Fire Service Area and the Loose Moose Road Service Area.

   c. The use is expected to generate approximately 20 additional vehicle trips from the existing use on the site but existing facilities are adequate for any additional trips. Landing Road is a local road and is maintained by the Loose Moose Road Service Area. Badger Road is an arterial road and is maintained by ADOT & PF. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.

   d. Adequate on-site parking is provided that meets Title 18 requirements.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the marijuana cultivation facility, indoor unlimited will comply with Title 18 standards for the GU-1 zone.

   a. It is compatible with the existing adjacent land uses with the conditions proposed and the existing use of the site is already commercial.

   b. The hours of operation minimize noise impacts associated with the operation of the cultivation activities and deliveries.
c. An appropriately sized odor filtration system will minimize any odor impacts.
d. Lighting is not directed at any residentially zoned parcel and outdoor LED lighting is stated to shine downward.
e. The conditional use does not create any fire, traffic, or public safety hazards.
f. No off-site stormwater runoff is expected from the cultivation facility as a result of the conditional use. No marijuana waste water will be runoff. Any runoff is associated with existing buildings and impervious surface.

APPROVED

CU2017-025: A request by Monique Daigle DBA AK Green Bee, Inc for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Block 1, Benshoof Subdivision Phase 1 (located at 2364 Badger Road, on the east side of Badger road, south of Benshoof Drive.

Audio: Track 1

CONDITIONS OF APPROVAL

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

a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana cultivation facility.
b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.
c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.

5. Indoor cultivation, drying, and processing rooms or portions of the building where marijuana will be grown, processed or stored, shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the indoor cultivation facility.

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

FINDINGS OF FACT
1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 will be met because the proposed conditional use is not inconsistent with ‘Perimeter Area’ and ‘Preferred Residential Land’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a marijuana cultivation facility.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

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 is proposed to have an onsite septic system. With the conditions imposed, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.
   b. The site is served by North Star Volunteer Fire Department for emergency fire response.
   c. The site is served by Alaska State Troopers for law enforcement.
   d. The site is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.
   e. Nine (9) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   f. The subject property is accessible from Badger Road by the Frontage Road. Badger Road is a minor arterial type road, maintained by ADOT&PF. Badger Road could accommodate the small number of trip ends generated by the proposed facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana cultivation facility.
   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation license.
   b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.
   c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems in cultivation, drying, and processing facilities.
   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
e. The noise generated from this cultivation operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.
f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.
g. The cultivation hours of operation will not negatively impact the neighboring residential property owners because there is a heating equipment sale and repair business to the north which has comparable hours of operation.

APPROVED

V2017-008: A request by Allyn L. and Ruth M. Haynes for a setback variance of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 7, Block 5, Mountain View Subdivision Phase 3 (located at 505 Marshall Drive, on the south side of Marshall Drive, between Skyline Drive and Lowell Road).

Audio: Track 2 and 3

FINDINGS OF FACT

1. Site conditions of slope down the driveway, slope away from house, and septic location prevent construction of proposed structure elsewhere on property;
2. A 30’ x 30’ detached garage is not inconsistent with detached accessory structures on nearby property and nearby structures include a 1,000 square foot, a 900 square foot and a 750 square foot structure;
3. The proposed variance does not appear to be solely to relieve pecuniary hardship and the variance will provide increased security and the variance would allow the applicant to enjoy the same property rights as their neighbors by maintaining their mountain view;
4. The property variance will not jeopardize public health, safety, or welfare or cause increased risk or danger of fire because the closest neighboring structure will be at least 30’ from the property line; and
5. History of the development of the property demonstrates this was not an intentional or self-created problem.

APPROVED

HP2018-001: Danby Street & Wembley Avenue Roundabout – A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority approval of the Danby-Wembley Roundabout Project. This project proposes to upgrade the existing two-way stop controlled intersection with a modern roundabout in an effort to improve safety for all corridor and intersection users. This project is anticipated to require right-of-way acquisition.

Audio: Track 4

FINDINGS

1. This project supports Goal 1, Strategy 1, Action C (“Ensure that road designs improve safety and minimize adverse impacts”) of the Transportation Section of the Fairbanks North Star Borough Comprehensive Plan.
2. This roundabout project was nominated for the Highway Safety Improvement Program (HSIP) in 2010 due to a 2005 fatality that contributed to the intersection being flagged for further screening. From 2003 to 2012, 32 crashes occurred at the Danby/Wembley intersection. The intersection had a safety index of 0.92 during the 10-year study period, which is greater than the 0.9 threshold for HSIP screening. During the last half of the period, the safety index was 0.98 which confirms that this intersection meets the HSIP criteria for project nomination.

This project is expected to improve safety because roundabout intersections have been proven to be safer than traditional two-way stop controlled intersections. Since they reduce turning movement conflict points, reduce speed, and will better define crossing areas for pedestrians, while providing mid-crossing refuge in the medians to better protect pedestrian crossings.

3. The project is consistent with Goal 1, Strategy 1, Action D) that states “Retain the integrity of neighborhoods as the road network expands”, because the addition of a roundabout and significant multi-modal connections to the Aurora neighborhood enhances neighborhood connectivity and enhances safety of the area.

4. The project is consistent with Strategy 3 which states “Make the Borough more pedestrian-friendly in urban and suburban areas”, because adding pathway connections and expanding the size of the pedestrian and bicycle network makes the borough a more pedestrian friendly area.

5. The project is consistent with Strategy 4 which states “Integrate safe multi-use trail circulation into road networks and maintain multi-use trails for commuter and recreational purposes”. Action B) Encourage use of non-motorized transportation systems, because the improvement to the multi-use pathway enhances safe circulation into road networks and encourages use of non-motorized transportation.

**APPROVED**

**GR2017-171**: An appeal by Ray Brasier of the denial of a request on behalf of Patricia Anne Cornwall Roth IRA for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing four-plex building in the Two-Family Residential (TF) zone for the property on Lot 2E, Block 99, Fairbanks Townsite (located at 1122 Eighth Avenue, on the north side of Eighth Avenue, northwest of Cowles Street).

Audio: Track 5

**POSTPONED TO SEPTEMBER 19, 2017**

Excuse Absent Members, Closing Comments and Adjournment.

Audio: Track 5

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