

**PLANNING COMMISSION REGULAR MEETING
OCTOBER 10, 2017 AT 6:45 PM
CORDOVA CENTER COMMUNITY ROOMS A & B
MINUTES**

1. CALL TO ORDER

Chair *Tom McGann* called the Planning Commission Regular Meeting to order at 6:45 PM on October 10, 2017 in Cordova Center Community Rooms A & B.

2. ROLL CALL

Present for roll call were Chair *Tom McGann* and Commissioners, *Scott Pegau, John Baenen, Allen Roemhildt, Mark Frohnapfel, Nancy Bird, and Chris Bolin.*

Also present was City Planner *Samantha Greenwood* and Assistant Planner *Leif Stavig.*

3 people were in the audience.

3. APPROVAL OF AGENDA

M/Bird S/Pegau to approve the agenda with the deletion of 9a.

Upon voice vote, motion passed 7-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Frohnapfel, Bird, Bolin

4. APPROVAL OF CONSENT CALENDAR

a. **Minutes of September 12, 2017 Regular Meeting**

b. **Record excused absence for John Baenen and unexcused absence for Mark Frohnapfel from the September 12, 2017 Regular Meeting**

M/Bird S/Pegau to approve the consent calendar.

Upon voice vote, motion passed 7-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Frohnapfel, Bird, Bolin

5. DISCLOSURES OF CONFLICTS OF INTEREST

Frohnapfel declared that he may have a conflict as the manager of the facility adjacent to the two conditional use permit requests. *Greenwood* said it had to be a substantial financial interest for it to be considered a conflict. *Pegau* said that since conditional uses had notification to nearby property owners as part of the process he thought there was a conflict. The commission concurred that there was a conflict of interest.

6. CORRESPONDENCE

McGann acknowledged the letter from Copper River Seafoods.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. **Guest Speakers**

b. **Audience comments regarding agenda items**

8. PLANNER'S REPORT

Greenwood said that Pruhs was planning on paving the corner by Fish and Game, but they ran out of material and will not be able to pave it. *Baenen* verified that the Science Center was still moving forward on a potential future land purchase. *Greenwood* said that a portion of the marijuana code would be coming to the Planning Commission as it is going to be a conditional use permit process. *McGann* verified that *Dan Nichols's* Performance Deed of Trust was extended for another year. *Greenwood* explained that the homeowners above Chase Avenue were in negotiations to purchase portions of city lots.

9. NEW/MISCELLANEOUS BUSINESS

b. Marijuana Cultivation Facility – Conditional Use Permit

M/Roemhildt S/Bird to approve the conditional use permit request for Morpac LLC, a marijuana cultivation facility, on Lot 7, Cannery Row Subdivision as described in their application.

McGann said it was important to go through the five conditional use permit standards. *Roemhildt* said he agreed with the Planning Departments findings and he thought that they could add some sort of condition that would make it subject to future city codes that deal with marijuana. *Greenwood* said that they were just evaluating the application and not looking into issues like what the code may be in the future. The state has permit renewals and their own process separate from the city process.

Baenen said that he didn't think they had the tools to make a decision on the permit request without code. *Greenwood* said they are working within the codes that they have and that they are just looking at the use.

Pegau said that he did not think that the conditional use met condition 3 and that it was incompatible with the zoning district. The district is looking for water-dependent enterprises and he did not think the request was water-dependent. The conditional use is not an essential business and he is not convinced it is desirable to public convenience. *Stavig* said that the Copper River Seafoods area was zoned Waterfront Historical, as well as the Orca Cannery area. *Greenwood* said that there were permitted uses in the Waterfront Historical District that were not water-dependent. *Pegau* said that he was undecided on condition 1 and thought it met all other conditions except for condition 3.

Bolin said that he was concerned with parking along the highway. *Melina Meyer*, applicant, said that there was plenty of room on the side and in the front of the building. She submitted two parking plans because of her concerns about the blind corner on the highway.

Roemhildt said that it was the city's fault that there was no code in place for marijuana establishments, not the applicant's. The application meets all the criteria. One concern from the public was a neighboring company having guests walk right next to the applicants business. He thought that was entirely avoidable.

Bird said that the approved uses in the district that were not water-dependent made her less concerned about the business being required to be water-dependent. *Baenen* disagreed with condition 3 and 4. He thought with the industrial uses in the area, condition 4 was not met. He also thought that the neighboring property owner's concern about the conditional use negatively impacting property values worked against condition 3.

Pegau said that he knew there were businesses that didn't meet permitted uses of the district, but he didn't think that was a reason to permit another one. He said if the business was located in the Unrestricted District, it would not have had to get a conditional use permit, so there are areas zoned that would allow that type of development. *McGann* said they granted a variance because of what was occurring on nearby property. The Comprehensive Plan says that they should be encouraging new businesses and not running people off.

Upon voice vote, motion passed 4-2.

Yea: McGann, Roemhildt, Bird, Bolin

Nay: Pegau, Baenen

COI: Frohnapfel

c. Retail Marijuana Store – Conditional Use Permit

M/Bolin S/Roemhildt to approve the conditional use permit request for The New Company Store, a retail marijuana store, on Lot 7, Cannery Row Subdivision as described in their application.

Bolin said it was similar to the last application. **Roemhildt** said he agreed with the findings in the staff report. He thought the location was good as it was out of town. **Meyer** said that the state had lots of regulations with regard to signage. She picked names for the businesses that didn't reference marijuana and she didn't want the signs to yell at people. **Meyer** said that the building was currently used as storage.

Pegau said that he found the request did not meet condition 3, for the same reasons as the last request. **Greenwood** said that she understood that the purpose for the zoning district said a lot about water-dependent uses, but when she looks at the permitted uses list, there are a lot of uses that are not water-dependent, such as gift stores and eating and drinking establishments.

Upon voice vote, motion passed 4-2.

Yea: McGann, Roemhildt, Bird, Bolin

Nay: Pegau, Baenen

COI: Frohnapfel

d. Power Creek Road Recommendation to City Council

M/Bird S/Bolin to recommend City Council provide the State of Alaska a resolution supporting the repair of Power Creek Road from the erosion that is washing the road out many, many multiple times a year.

Bird said that they had talked about this before and that **Pegau** thought having a resolution would help get the state's attention. **Bolin** said it had been happening for years and the culvert keeps getting washed out. **Pegau** thought it was important that as a Planning Commission they recognize the value of Power Creek Road. Losing access to the hydropower would have a huge economic impact.

Upon voice vote, motion passed 7-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Frohnapfel, Bird, Bolin

10. PENDING CALENDAR

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

Bird was wondering how to make the Power Creek project the number one priority for the city.

13. ADJOURNMENT

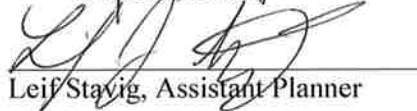
M/Frohnapfel S/Pegau to adjourn the Regular Meeting at 7:33 PM.

With no objection, the meeting was adjourned.

Approved:



Tom McGann, Chair



Leif Stavig, Assistant Planner