

- b. Adversely affect the established character of the surrounding vicinity specifically, the Central Business District is an area designated for a wide range of commerce; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically, waste products will be handled in accordance with municipal utility programs;
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing for an economic enterprise that simultaneously provides workforce development.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint.

Motion passed 4-0.

Hughey/Windsor moved to approve the conditional use permit application for a food truck/outdoor restaurant at 331 Lincoln Street. The property is also known as a fractional portion of Tract J US Survey 404 subject to the attached conditions of approval. The request is filed by Youth Advocates of Sitka. The owner of record is Christopher Bowen.

Conditions of Approval:

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall
2. Operations shall not obstruct safe access to the theater entrance and shall not obstruct sidewalk passage.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
5. The Planning Commission authorizes greater flexibility for hours of operation beyond the hours outlined in the application.

Motion passed 4-0.

**H**      [CUP 18-05](#)

Public hearing and consideration of a conditional use permit for a marijuana cultivation facility at 224 Smith Street in the I Industrial District. The property is also known as Lot 6 Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owners of record are George and Steven Skannes.

Scarcelli described the request and project site. The granted setback variance creates difficulty for establishing adequate parking. Scarcelli discussed the definition of "recreational uses" and the commission's role in determining a sensitive use. In this case, that the 'recreational uses' in the vicinity did not equate to state protected "sensitive uses" and therefore not subject to the state 500 foot buffer; however, the Commission could decide that such recreation uses are not compatible with the proposed use and rule against the proposed use based upon disharmony of uses and impacts to public health safety and welfare. The property is zoned industrial. Scarcelli showed interior and exterior photos and floor plans. Scarcelli stated that conditions of approval require additional information regarding odor, waste, and security. Windsor stated that the parking pads shown in the photos aren't actually parking pads but

access into the building.

Eric VanVeen stated he can do further work on the parking plan. VanVeen stated that he will have five employees. VanVeen stated that his engineer will have more odor plan details available soon. Hughey asked about the growing tension of growing development and federal intervention. VanVeen stated that it's dangerous but it's a booming business and he doesn't believe the federal government will intervene.

John McGraw stated that he lives 300 feet away from this building and is concerned for odor. McGraw stated that other operations are causing odors and he's concerned for concentrating these businesses in one area. Scarcelli stated that applicants must keep a log book of daily odor checks and he encourages applicants exceed the minimum filtration. McGraw stated concern for parking, and Scarcelli clarified that parking is a condition of approval. Hughey stated that the commission wants to hear input from neighbors, as this is a new industry. Spivey stated that the applicant has to prove that they can handle the responsibility of the conditional use permit.

Michelle Cleaver stated that she owns Weed Dudes. Cleaver stated that Alaska's Attorney General has vowed to protect legal marijuana enterprises and go after black market marijuana.

Spivey stated that it's a good idea to note the location and density of marijuana enterprises. Spivey stated that there have been times that he's detected odors in the neighborhood. Windsor asked what happens with the conditional use permit is revoked. Scarcelli stated that it is important to explore the reasons behind condition violations and offer an opportunity to correct prior to permit revocation if possible.

**Colvin/Windsor moved to adopt staff's finding in the written report and find that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed marijuana cultivation conditional use.**

**Motion passed 4-0.**

**Colvin/Windsor moved to approve the conditional use permit for a marijuana cultivation facility at 224 Smith Street in the Industrial zoning district. The property is also known as Lot 6 Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owners of record are George and Steven Skannes.**

**Conditions of Approval:**

- 1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.**
- 2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.**
- 3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.**
- 4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.**
- 5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.**
- 6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use**

permit.

7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit

8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including number of required parking and loading spaces to be approved by the Planning Director. Spaces shall include 3 parking space for employees and one loading zone for the cultivation use, and one space for every 400 square feet of industrial use (outboard).

9. The applicant must provide more detail for an Odor Control Plan to be submitted and approved by the Planning Director prior to issuance of any occupancy permit.

a. Odor Control shall include reasonable best means that include, but are not limited to inline carbon filters within HVAC, inline carbon filters for any heat and odor exhaust systems, to limit and mitigate odor impacts to surrounding uses and industrial park employees. The project must comply with the submitted odor control plan and odor control features. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts, such as additional advanced odor filtration systems.

10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, electrical consumption, number of employees, hours of operation, complaints, police or other law or regulation enforcement activity, and summary of operations.

12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

13. Prior to operation, the Sitka Police Department shall approve the security features as being reasonable security measures as outlined in the proposed operating plan and security plan submitted by applicant.

14. The use shall comply with all applicable deed reservations, conditions, restrictions, limitations or exceptions.

Motion passed 4-0.

BREAK 8:15 - 8:23

I [CUP 17-25](#)

Public hearing and consideration of a conditional use permit for a marijuana cultivation facility at 202 Smith Street for RTW, LLC in the C-2 General Commercial Mobile Home District. The property is also known as Lot 8 Sitka Projects Subdivision. The request is filed by Ronald T. Waldron. The owner of record is RTW, LLC.