

**** REVISED ****

PLANNING COMMISSION
NOTICE OF DECISION

Date: December 4, 2014

File No.: USE2014 0014

Allen Butner
9220 Lee Smith Drive
Juneau, Alaska 99801

Application For: Conditional Use Permit to allow a commercial hydroponic vegetable farm in the D5 zoning.

Legal Description: Airport Acres Block C Lot 8

Property Address: 9220 Lee Smith Drive

Parcel Code No.: 5-B16-0-105-005-0

Hearing Date: November 25, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 13, 2014 and approved the Conditional Use permit for a commercial hydroponic vegetable farm in the D-5 zoning to be conducted as described in the project description and project drawings submitted with the application and with the following mandatory conditions:

1. Prior to a Certificate of Occupancy a commercial water meter shall be installed.
2. CBJ property will not be used to access the site.
3. CBJ property will not be used for storage of supplies or equipment related to this urban agricultural use.
4. Containers used for growing hydroponic vegetables will be temporarily placed on the applicant's property and will be removed if the vegetable growing operation is discontinued.
5. In addition to the landscaped areas shown on the site plan submitted with the project application, a detailed vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
6. A vegetative screening buffer shall be installed along the eastern property line.
7. The following metrics for business expansion will necessitate a new Conditional Use Permit
 - a) Hiring of employees beyond that required for the six containers
 - b) The addition of delivery vehicles beyond the one proposed
 - c) The addition of a container van beyond the six proposed
8. This conditional use permit does not authorize marijuana to be grown, cultivated, processed, tested, sold, or stored within or on the property.

A Variance to the rear yard setback must be approved before any containers can be placed in the rear yard setback.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, November 25, 2014.

Expiration Date: The permit will expire 18 months after the effective date, or May 25, 2016 if no Building Permit has been issued and substantial progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Chrissy McNally, Planner
Community Development Department



Michael Satre, Chair
Planning Commission



Filed With City Clerk



Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.