



## E. PUBLIC HEARING

(Tract 1)

**V2006-028** A request by Kevin and Tanna Yarnell for a setback variance of four (4) feet to the Rural Residential side yard setback requirement of twenty five (25) feet in order to construct a garage addition to within twenty one (21) feet of the north lot line of Lot 03, Block 01, Frontier Estates. **(located west of Cloverleaf Drive and south of Peede Road)**

(Tract 1)

**CU2006-006** A request by Michael A. Darby, Jr. for conditional use approval of a mobile home on Lot 05, Block 02 Frito Subdivision. **(located south of Rivers Street between Bellwood and Ossage Streets)**

**Ms. Zimmerman** presented the staff report. Based on items of the staff summary, the Department of Community Planning recommends approval of the request with the following conditions:

1. Applicant shall ensure structural development is located no closer than 25' from all property lines.
2. Onsite residential water and sewer systems shall be maintained in accordance with ADEC requirements.

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes as it is compatible with surrounding land use and zoning and conforms to numerical standards.
2. The proposed conditional use is in the interest of the applicant.
3. There are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.
4. The proposed conditional use will not jeopardize public health, safety or welfare.

### Public Hearing Opened

**Mr. Darby Sr.** representative and father of the applicant explained his son purchased the land with the intent to move the mobile home onto the property, he stated they didn't know a mobile home wasn't allowed on the property prior to the purchase and was asking for approval of the conditional use request.

### Public Hearing Closed

**MOTION:** To approve with two conditions and four findings of fact by **Mr. Hall**, seconded by **Ms. Kienle**.

### Discussion

The Commission spoke in favor of the request.

**VOTE:** 10 In favor  
0 Opposed

**MOTION APPROVED**

(Tract 1)

**RZ2006-006** A request by Martin Gutoski to rezone a portion of Tract C, Section 35, Township 2 North, Range 3 West, to include approximately 41.4 acres from General Use-1 to Rural Estate-2 or other appropriate zone. **(located south of Old Murphy Dome Road and east of Spinach Creek Road)**

**Ms. Zimmerman** presented the staff report. Based on the staff analysis of 7/19/05 and that contained herein, the Department of Community Planning recommends approval of the requested zone as applied to the larger revised area.

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

1. The request is consistent with the goals and policies of the FNSB Regional Comprehensive Plan as it is compatible with surrounding land use and is being rezoned concurrent with the platting process. (Plan Implementation, Goal 4 and Strategy 10 and Action A and first bullet there under)
2. The proposed zone does not jeopardize public health, safety or welfare; adequate access and road maintenance are available, soils are suitable to support onsite waste water systems, proposed density and lot size requirements are consistent with residential development trends emerging in the Moose Mountain, Spinach Creek and McCloud neighborhoods.

#### Public Hearing Opened

**Mr. Gutoski** the applicant and co-owner of the property explained his request to rezone and develop an observatory. He further stated the item was on the Platting Board's 2/22/06 agenda for review.

**Mr. Rulon** the co-owner of the property echoed comments made by Mr. Gutoski and made himself available for questions.

#### Public Hearing Closed

**MOTION:** To approve with two findings of fact by **Mr. Hall**, seconded by **Ms. Horner**.

#### Discussion

The Commission spoke in favor of the motion.

**VOTE:** 10 In favor  
0 Opposed

**MOTION APPROVED**

(Tract 1 & Tract 2)

**RZ2006-012 Remanded for consideration of special limitations and modified rezone application.** A request by J & W Properties to rezone a portion of Lot C, Tanana Millsite U.S. Survey 806 from Two Family Residential to Multiple Family Residential/Professional Office or other appropriate zone. **(located north of Minnie Street and west of Monroe Street)**

**Ms. Zimmerman** presented the staff report. Based on the staff analysis of 11/8/05 and that contained herein, the Department of Community Planning recommends approval of the MFO zone or depicted by Exhibit B with special limitations as follows:

Special Limitations:

1. The proposed rezone area as depicted on Exhibit B shall be replat and combined with Lot B. Final plat shall be recorded prior to July 30, 2006.
2. There shall be no access to Minnie Street from lot B1.
3. Fencing shall be installed on the property line abutting the north boundary of lot C and the south boundary of lot B1. Gates shall not be permitted in fencing in order to ensure access to Minnie Street is restricted. Fence shall be installed and complete prior to July 30, 2006. Fence shall be maintained in good condition thereafter.
4. Structural development is prohibited within the rezone area.
5. Two existing sheds and all other materials impairing functionality of parking turning and maneuvering areas (as determined by FNSB Director of Community Planning) shall be removed prior to June 1, 2006 and maintained thereafter.
6. Parking area shall be paved and spaces striped prior to July 1, 2007. Paving and striping shall be maintained in good condition thereafter.
7. Improvements as specified in limitations 3, 5 and 6 shall be complete prior to final approval of the replat, or bonded if necessary in accordance with Title 17 provisions to ensure completion.

The Department of Community Planning further recommends adoption of the following findings of fact in support of approval:

1. The request, with special limitations, is consistent with the goals and policies of the FNSB Regional Comprehensive Plan as it will allow for enhancement of existing land use with special site (parking) constraints (Land Use Strategy 10 and Action A); is compatible with surrounding land use; and meets criteria outlined in Land Use Strategy 6 Action B
2. The Multiple Family Residential/Professional Office zone with Special Limitations does not jeopardize public health, safety or welfare.

**Mr. Colgan** clarified he understood the previous conditions for the variance were still in place.

**Ms. Zimmerman** replied that was correct, they were still in place.

**Mr. Jantz** asked what action had been taken or what were discussions with the applicant about the previous conditions which were outstanding at this point.

**Ms. Zimmerman** replied the applicant's development plan were discussed at their February 1<sup>st</sup> meeting and did have a proposal included in his development plan for the subject rezone to remove the sheds and take care of the Monroe Street maneuvering and parking problem.

### Public Hearing Opened

**Mr. Yanish** talked about Minnie Street and the inadequate sidewalks, he suggested a community meeting with the Community Planning Department to discuss issues on Minnie Street and buffers for residential areas.

**Ms. Oxendine** spoke in opposition and read a drafted letter to the editor.

**Ms. Schaffer** spoke in opposition to the request.

**Mr. Stepovich** voiced frustration regarding the request and questioned the snow storage for the area and the lack thereof.

**Ms. Yanish** questioned why there were no Borough representatives at the meeting held by the applicants for the area. She understood the applicant purchased the subject property to be used for parking, which she stated wasn't a problem, she indicated the problem was the request to rezone the property.

**Ms. Sexton** spoke in opposition to the rezone request.

**Mr. Johnston** employee at Wilson & Wilson and Co-owner of J & W Properties explained the subject property was purchased for rental use and for additional parking for Wilson & Wilson.

**Ms. Wilson** owner and applicant explained the additional parking would be for employees and requested approval of the requested MFO zone for the subject property.

**Ms. Miranda** an employee of Wilson & Wilson spoke in favor of the rezone request.

**Mr. Wilson** applicant and owner talked about the community meeting and gave a brief history of the property and parking. He apologized for being slow to comply with conditions but didn't realize there was a timeframe deadline.

**Mr. Colgan** questioned the access onto Minnie Street.

**Mr. Wilson** explained after construction is completed a fence would be installed to limit access to residents only of the rental property.

### Public Hearing Closed

**MOTION:** To approve with seven special limitations and two findings of fact by **Mr. Hall**, seconded by **Mr. Veazey**.

### Discussion

**Mr. Jantz** explained to those that voiced frustration of attending multiple meetings regarding the subject parcel and other property rezones in the area; he explained it was "due process" and was important they understood each item was individually heard prior to making a final decision.

**Mr. Colgan** asked what the lot size would be for Lot C1 if the request was approved and if it would conform to the Two Family Residential minimums.

**Ms. Zimmerman** replied yes they would, she continued to explain the minimum in the TF zone was 5000 sf. and the new Lot C1 would be 5317 sf.

**Mr. Colgan** suggested a motion to amend special condition number seven to include, “all applicable special limitations established in the 2001 rezone”.

**Mr. Jantz** informed the motion was out of order because it was a different piece of property.

**Mr. Veazey** asked staff about access to the new rental property and questioned turning and maneuvering for the rental structure.

**Ms. Zimmerman** replied backing into Minnie Street would be permitted, she further explained Title 18 exempted Single Family and Two Family structures from the requirement to provide turning and maneuvering room onsite.

**Mr. Temple** commented that the goal was to accommodate parking and ensure the structure wouldn't be expanded. He felt the proposal with special limitations meet the need of the applicant and would bring them into compliance.

**Ms. Kienle** asked if the limitations were tied to the land and if they would be recorded as public information.

**Ms. Broker** explained they were tied to the land.

**Mr. Hernandez** explained they weren't recorded but were on the official Borough zoning map.

Further discussion

None

**VOTE:**           10 In favor  
                  0 Opposed

**MOTION APPROVED**

(Tract 3)

**OC2006-006** An Ordinance amending Section 18.06.010 Of The Fairbanks North Star Borough Code of Ordinances as it relates to the definition of Junk and Dismantled, Inoperable or Wrecked Aircraft. (Ord. No. 2005-90 Sponsor: Assemblymember Rex)

**Ms. Zimmerman** presented the staff report. The Department of Community Planning believes the proposed ordinance would be beneficial as it results in an improvement to the junkyard ordinance, provides for likely accessory uses to airports and addresses potential safety concerns associated with aircraft visibility and potentially incompatible screening requirements for junkyards. Staff further recommends clarifications discussed in the analysis above, as follows:

*“3. Any dismantled, inoperable or wrecked aircraft or aircraft parts located on or immediately adjacent to **legally existing** airport property, or within subdivisions platted in accordance with FNSBC Title 17 with rights to take off and landing surfaces”*

We recommend adoption of the substitute ordinance.

Public Hearing Opened

None

Public Hearing Closed

**MOTION:** To recommend approval of the substitute ordinance by **Mr. Hall**, seconded by **Ms. Kienle**.

Discussion

**Mr. Hall** stated he visited different airport sites and viewed the “accumulation of useable parts” as junkyards; and said he would like to see them treated as such, he indicated he would be opposed to the motion.

**Mr. Krause** stated he supported the motion as long as the parts were operable and only aircraft.

Further discussion

None

**VOTE:** 3 In favor Mr. Temple, Mr. Krause, Mr. Veazey  
7 Opposed Mr. Hall, Mr. Colgan, Mr. Firor, Mr. Miller, Ms. Horner, Ms. Kienle, Mr. Jantz

**MOTION DENIED**

(Tract 4)

**OC2006-007** An Ordinance amending the FNSB Comprehensive Recreational Trail Plan by adding the Cranberry Trail (located in Section 01, T1N, R2W, Fairbanks Meridian, Goldstream Valley area) and Bev’s Loop Trail System (located in T1N, R4W, T2N, R4W, T3N, R4W, T3N, R5W, Fairbanks Meridian, Murphy Dome area)

**Mr. Bouton** presented the staff report. The Department of Community Planning has reviewed these proposed trail amendments and recommends their adoption into the Comprehensive Recreational Trail Plan as stated in each attached trail description. The goal of the Comprehensive Recreational Trail Plan is to assist the Borough and other public agencies in identifying and preserving important recreational trail corridors. These trails clearly provide important recreational access and opportunities for Borough residents. The property owners have indicated their willingness to recognize these recreational trails across their land. Adoption of these trails amendments in the Trail Plan will provide local approval to continue the effort to preserve these trails for public use.

**Mr. Krause** asked for further clarification regarding the motorized portion and timeframe of the Cranberry Trail.

**Mr. Bouton** showed on the overhead the portion of the trail that allowed for motorized use during the timeframe of August through October.

**Mr. Jantz** commented on the DNR letter that addressed the Cranberry Trail and stated they suggest just because the trail was designated non-motorized didn’t necessarily make it non-motorized on DNR property and that it took a management decision on their part.

**Mr. Bouton** replied there was a representative from the State of Alaska in attendance that would better answer the question during public comment. He further stated he understood that if someone was to go to DNR with a proposed right-of-way application on this portion of the Cranberry Trail and ask for a non-motorized trail easement, it would have to go through a public notice process.

### Public Hearing Opened

**Mr. Keim** spoke in support of Bev's Loop and Cranberry Trail and read comments for the Cranberry trail which were included in the packet.

**Mr. McGuire** thanked the Commission for their volunteered time on the Commission, he talked about snow machines and ATV's and spoke in opposition of the request and in support of the Cranberry Trail.

**Mr. Reichardt** stated the trail had moved over the years and spoke in favor of the Cranberry Trail.

**Mr. Hesser** spoke in support of the Bev's Loop Trail and felt the designation was important to providing access to fishing, hiking, etc.

**Mr. Keller** spoke for himself and his spouse, and supported the Bev's Loop Trail, he was concerned with motorized use on the Cranberry Trail and felt motorized use on the trails caused destruction to ground cover.

**Mr. Schmoker** spoke in support of non-motorized use for the Cranberry Trail.

**Mr. Payer** spoke in support of both trails but requested the Cranberry Trail be classified as non-motorized.

**Mr. Loncle** a Cranberry Trail use who wanted to ensure access to the public, he questioned motorized use to maintain the trail.

**Mr. Jorgenson** a user of trails spoke in support of the Cranberry Trail.

**Ms. Kuizenga** friend of Bev asked the Commission to include the Bev's Loop Trail in the Trail Plan.

**Mr. Williams** a user of the trails felt the trail should be left as is and spoke in opposition to the request as written.

**Mr. Mauer** a previous co-worker of Beverly Reitz spoke in favor of the Bev's Loop Trail and was opposed to the motorized use on the Cranberry Trail.

**Mr. Severin** stated the trail wasn't appropriate for machines and rarely see motorized vehicles, he asked that the trail be designated but not designated non-motorized.

**Mr. Taylor** stated he was opposed to the proposal and respectfully requested denial of the proposal.

**Mr. Lhotka** voiced support for both trails as proposed.

**Ms. Lhotka** spoke in support of the Bev's Loop Trail and the Cranberry Trail.

**Ms. Raybeck** supported the Cranberry Trail and commented on access to the trail, she suggested other trails also be included in the Trail Plan.

**Ms. Peterson** spoke in support of the trails into the Trail Plan but was opposed to exclusion of using motorized vehicles for grooming.

**Mr. Hall** thanked the Commission and stated he signed a petition requesting the Cranberry Trail be designated as non-motorized and further commented on concerns with motorized vehicles using the trails.

**Ms. Peterson** stated her comments were included in the packet, and informed she was the widow of the man who put the trail in from Chatanika River to Washington Creek in the early 70's, she asked that the portion of the trail which was indicated in her letter in the packet already had a name, which was "Wounded Thumb Ridge Trail" and asked for that portion of the trail to remain Wounded Thumb Ridge with the remaining portion of the trail to be called Bev's Loop.

**Mr. Paragi** supported putting the proposed trails into the Trail Plan.

**Ms. Davis** gave a brief history of the trail, she commented on knowing Ms. Peterson's husband and the portion of Wounded Thumb Ridge Trail and spoke in support of the Bev's Loop Trail.

**Ms. Jorgenson** voiced her opinion why the Cranberry Trail should be designated as non-motorized.

**Mr. Thompson** requested the trails be separated when the Commission make their decision, he indicated he was a trapper on the proposed Bev's Loop Trail System and was opposed to his trapline becoming a recreational trail, he submitted a map that indicated where his trapline ran.

**Mr. Junk** spoke in opposition to the Bev's Loop Trail System being included into the Trail Plan.

**Mr. Davis** stated he trapped the area in the past and indicated on the overhead map the portion of the trapline that had never been considered a recreational trail.

**Mr. Briggs** stated he used the Bev's Loop Trail and asked the Commission to separate the trails when making their decision.

**Ms. Bristol** said she was concerned with access for the Cranberry Trail and the increase of trail use if dedicated into the Trail Plan.

**Mr. Perrin** stated he owned property on the Bev's Loop Trail and was concerned with access.

**Mr. Pederson** spoke in opposition to the proposed request.

**Mr. Maxwell** representative for DNR understood the request was an item of concern he explained the State would need the Borough or other entity to apply for easement access. He confirmed the Bev's Loop Trail did have an ADL number but it wasn't adjudicated. He stated Mr. Thompson was trapping in the trail, which was causing conflict with other users and after discussing the matter with him, Mr. Thompson indicated he was not trapping in the trail and he didn't plan to trap it in the future, and thought it was the end of the conflict.

**Mr. Veazey** clarified his understanding of the process and stated the first process was to have the trail dedicated in the Trail Plan, then the DNR process would be the second step.

**Mr. Maxwell** replied yes, anyone can request the trail be dedicated.

**Ms. Kienle** asked him to comment whether a trapline was an allowed use on State trails.

**Mr. Maxwell** replied it can be used as a trapline if it was a public trail, he further informed that it can be trapped but not in the trail tread itself; he also stated the State encouraged the construction of trapline trails that will discourage recreational use, which can be done by making the trail narrow so the public cannot use it.

**Mr. Jantz** questioned the ADL number assigned to the Bev's Loop Trail System and if it was for a portion of the trail or the trail as a whole and further questioned the cause behind assigning the number.

**Mr. Maxwell** replied the ADL number was assigned to the loop portion on the north side of Chatanika Creek; he affirmed the number was assigned when the State was asked to look into making the trail a public trail.

**Mr. Jantz** understood the number wasn't adjudicated yet and asked the timeframe when he thought the process may be completed.

**Mr. Maxwell** replied it was difficult to say because office priorities change and was currently low on the workload.

**Mr. Jantz** asked if he was aware of any commercial use in the area and what would happen if he became aware of such a use.

**Mr. Maxwell** replied he wasn't aware of any commercial use in the area but if he became aware, he would advise the use to contact the State to find out if any authorization was necessary.

**Mr. Dobrovlny** stated he was a business owner in the area and wasn't aware he needed a license to show people the northern lights on public land; in the summer he used canoes to bring people down the Chatanika River and doesn't disrupt the trails in the summer. He concluded he took care of the trails he used.

**Mr. Moss** stated as a tribute to Bev he proposed the trail; he spoke to Ms. Peterson and confirmed her desire to have a portion of the southern leg of the Washington Creek Trail named in conjunction with her former husband and with the name of "Wounded Thumb Ridge" and indicated he was in favor of the name request being included in the Bev's Loop proposal.

**Mr. Veazey** questioned his motivation to submit his proposal.

**Mr. Moss** replied one reason was to leave a tribute to Beverly Reitz and the other was to bring to light that there are different people using the trail and that everyone needed to get along with all public having the right to use the land.

**Mr. Permenter** stated he used and improved the Cranberry Trail.

Public Hearing Closed

**MOTION:** To recommend adoption of OC2006-007 by **Mr. Hall**, seconded by **Mr. Miller**.

Discussion

**MOTION:** To divide the question, and decide each trail separately by **Mr. Krause**, seconded by **Mr. Temple**.

Discussion on the motion to divide

None

Objection

None

**MOTION APPROVED – QUESTION IS DIVIDED**

**Mr. Jantz** clarified the question was divided and the Cranberry Trail would be considered first then the Bev's Loop Trail System would be considered. He explained the motion before them was to recommend approval of the Cranberry Trail.

Discussion on the Cranberry Trail

**Mr. Veazey** spoke in support of the motion and stated by designating the trail the Commission wasn't mandating or advertising to the community but was preserving the trail for the future.

The Commission spoke in support of the motion.

Further discussion

None

**VOTE:** 10 In favor  
0 Opposed

**MOTION APPROVED**

**Mr. Jantz** clarified the motion before them was to recommend approval of the Bev's Loop Trail System.

Discussion on the Bev's Loop Trail System

**MOTION:** To amend and include a portion of the trail to be named "Wounded Thumb Ridge" by **Ms. Kienle**, seconded by **Mr. Veazey**.

Discussion on the motion to amend

None

Objection

None

**MOTION APPROVED**

Further discussion on the motion as amended

None

**VOTE:** 10 In favor  
0 Opposed

**MOTION APPROVED**

F. UNFINISHED BUSINESS

None

G. NEW BUSINESS

(Tract 5)

**OC2006-008** An Ordinance amending Title 2 of the FNSB Code of Ordinances by deleting FNSBC 2.40.041.B and FNSBC 2.40.041.D relating to the Responsibilities of the Planning Commission.

**Mr. Hernandez** presented the staff report. The purpose of this ordinance is to delete section 2.40.041.B regarding the process of the Planning Commission to review and make recommendations regarding Capital Improvements for the Borough and School District. The ordinance will also delete section 2.40.041.D regarding the process of the Planning Commission to review and make recommendations regarding the Annual Work Program.

Staff recommends adoption of the amendment to delete FNSBC 2.40.041.B and FNSBC 2.40.041.D.

Discussion

**Mr. Veazey** voiced his opinion that he looked forward to review of the budget and suggested item D remain in the Code of Ordinances.

**Mr. Colgan** questioned where and when the item came into the Code.

**Ms. Horner** stated she saw text in the Alaska Planning Commissioners Booklet that indicated it was a Planning Commission responsibility statewide.

**Mr. Veazey** stated he understood why the document was coming before the Commission and felt it was an opportunity for the Commission to provide a public political support for the objectives of the Planning Commission, he further stated the commission was there to do good quality planning for the community and if there was a Mayor who wished to cut the Planning Department, then the Commission would have the opportunity to say no.

**Mr. Jantz** felt there was other important work the Commission could spend their volunteered time on than discussing the Borough budget.

**MOTION:** To advance to public hearing by **Ms. Kienle**, seconded by **Mr. Hall**.

Discussion

None

**VOTE:**

8	In favor	Mr. Firor, Mr. Krause, Mr. Miller, Ms. Horner, Ms. Kienle, Mr. Hall, Mr. Temple, Mr. Jantz
2	Opposed	Mr. Veazey, Mr. Colgan

**MOTION APPROVED**

## **Election of Officers**

**MOTION:** To nominate Chris Miller as Chairman of the Planning Commission by **Ms. Kienle**, seconded by **Ms. Horner**.

Discussion

None

Objection

None

**MOTION APPROVED**

**MOTION:** To nominate Mr. Hall as Vice Chairman of the Planning Commission by **Ms. Horner**, seconded by **Ms. Kienle**.

Discussion

None

Objection

None

**MOTION APPROVED**

## H. COMMISSIONER'S COMMENTS

The Commission thanked Mr. Jantz for his volunteered time and wished him well.

## I. ADJOURNMENT

There being no further business, the meeting adjourned at 11:58 p.m.