

C. *MINUTES from October 23, 2007 PC Meeting

D. APPROVAL OF AGENDA AND CONSENT AGENDA

MOTION: To approve the agenda and consent agenda, including the minutes of the meeting, by **Mr. Marsh**, seconded by **Mr. Firor**.

Discussion

None

Objection

None

MOTION ADOPTED

E. PUBLIC HEARING

RZ2008-014 A request by Bill Beistline, dba, Miller Hill LLC and Crystal Tidwell, to rezone approximately 11 acres consisting of TL 3510, 3515, 3532, 3533 and 3509, T. 1N, R. 2W, Section 35 from Rural Estate 4 (RE-4) to Rural Estate 2 (RE-2) and Rural Residential (RR) or other appropriate zone. (located west of Miller Hill Rd and approximately 1,000 ft north of Sheep Creek Road and Miller Hill Road intersection)

Mr. Sims presented the staff report. Based on the staff analysis, the Department of Community Planning recommends approval of the requested Rural Estate 2 and Rural Residential zone.

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

1. The request is consistent with the goals and policies of the Comprehensive Plan by working in concert with a subdivision plat that recognizes existing structures on formally surveyed and recorded lots.
2. The proposed zone does not jeopardize public health, safety or welfare.

Mr. Marsh asked if lot 4 and 7 are occupied by duplexes.

Mr. Sims replied yes.

Mr. Temple said that he is concerned about the possibility of a spot zone.

Mr. Sims said that in his opinion it does not qualify as a spot zone because of the size of the lot. Also, because of the residential zoning of the community, it is compatible with the area and does not compromise surrounding land use.

Ms. Dolan said that there are two different rezones happening, and suggested that PC be aware of such differences.

Mr. Marsh asked about lot 6, and whether the guest house would be grandfathered in because it is not two family attached.

Mr. Sims stated that they are attached, they have a common roof line.

Mr. Colgan asked to see GIS to view larger geographic context of the area.

Public Hearing Opened

Mrs. McEwen is concerned about the rezone and does not want to see it approved. The residents originally worked to changed zoning from RE-2 to RE-4 because they value the type of lifestyle it offers, a rural living area. The majority of people are not seeking financial gains, whereas Mr. Beistline does not live in the surrounding area and therefore providing him financial gain. The Borough should not allow this rezone.

Mr. McEwen testified that he is also against the rezone. The proposed rezone does not fit or benefit the area or residents of Miller Hill. To add another lot for future building will not take into account the environment or the residents.

Mrs. Williamson testified that she sympathises with Mr. Beistline's condition, however she is opposed to the rezone. She values the aesthetic quality that the lot has and there is no where else they would want to live. His current proposal threatens her peace of mind.

Mr. Marsh asked about what opportunity for change she is thinking would create an impact on her lifestyle.

Mrs. Williamson stated that it is the precedent that would create possibilities for more land to become developed.

Mr. Marsh asked if she would be willing to purchase additional lots so that land wouldn't be developed.

Mrs. Williamson stated that if she was able, then yes.

Mr. Walters stated that he submitted the letter against the rezone on four accounts. He sympathizes with Mr. Beistline and has no problem correcting the boundary error. Mr. Walters is concerned about the request to rezone additional lots on Miller Hill. He is concerned about the creation of an island of RE-2 and RE-4 surrounding zones. He has traveled through the area and noticed the boggyness of the area, where none of the residents have indoor plumbing at the time, if more houses are developed that is a concern.

Mrs. Rowinski stated that the rezone is concerning population density and should not be approved because the land cannot accommodate the additional houses and residents. By putting more people on the same amount of land will not help the situation much. Until there is some type of commercial water and fuel brought to the area, it is not a good idea to increase the density. She is against the rezone and agrees with the other residents supporting the larger acreage.

Mr. Stange is a carpenter and works in a variety of places, but lives on Miller Hill. He stated the special nature of the land around Miller Hill with so many pockets of undeveloped land, with the amount of wildlife in the area. Mr. Stange stated the comments of Mr. Becker who stated his opposition of the area. He is concerned about the reduction in lot size, because the property will degrade, become in poor condition and the area is subjected to many impacts of traffic and trail use. He strongly urges the PC to consider the wishes of the residents.

Mr. Mayo testified that she appreciates an attempt being made to solve the problems in Miller Hill; however, the solution should not involve a rezone. The approval would set a precedent for the property in the area, allowing other rezones to take place. The property owners of the Miller Hill area are there because of the rural nature, so smaller lot sizes would be inappropriate for

residents. Furthermore, she stated that water is not good with the highest arsenic content in the Borough and urges PC to vote no on rezone and to encourage Mr. Beistline to find another solution with survey lines and placement of buildings.

Mr. Beistline stated that he bought the property in 1973 and was told where the road and powerline was and built accordingly. After receiving approval to build three lots, neighbors sought request for easements on his property that he granted. He is adamant that he does not want to create additional problems with Miller Hill or create greater density. The problems that were found from Stuzman's survey and they stated that he is in the process of cleaning up the lots by taking one of the duplexes and turning it into a single-family dwelling. There is no intent to put a swallow well in, rather a holding tank will be in place.

Mr. Temple asked why Mr. Beisline wants to change lot 3515.

Mr. Beistline stated that it was originally a six acre lot and wasn't aware when he bought it that it was RE-4. There is an original structure and storage unit that could be created into a single-family home with the purpose to have legal and marketable lots. Mr. Beistline stated that he is not interested in enlarging the density around the area, but instead is trying to make lots conform to zoning. The proposal is the recommendation from Stutzman and he does not think he is impacting the neighbors.

Mr. Temple asked why lot 5 and 6 cannot be one lot.

Mr. Beistline stated that he would be open to do this, but because there was a one acre lot next door he did not want to disturb the neighbors instead of increase the density. The road created a barrier which would not allow a big enough lot to fit the zone RE-2, so the proposed rezone is RR. His intent is to try to maintain existing roads the way they are rather than cutting down additional trees.

Ms. Bratcher asked when he sold lot 3509.

Mr. Beistline stated that he never sold the one acre lot, he granted it an easement only.

Mr. Hernandez asked about the lot 6 structure and whether it is a duplex.

Mr. Beistline stated that because there is a car port between the two houses, it is a duplex and is partially inclosed.

Public Hearing Closed

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

Discussion

Mr. Marsh stated that developing a piece of property without a survey was the way construction was handled years ago. Since then, there is enforcement in place to ensure that surveys check out property lines. The rezone appears the best attempt to rectify the existing situation to not disrupt more land and respect existing road way. The rezone does create additional lots, but they are in general keeping with what is in the community. Mr. Marsh lived in the area for a number of years and remembers noting that the area was very attractive to live. He believes that

Mr. Beistline has respected the area with the zoning request. He stated that he supports the rezone.

Ms. Peterson commented that the rezone would solve issues on the ground before she was born and it is a reflection of the circumstances. She is puzzled by how anyone could take issue with the rezone, and doesn't see how it will negatively affect the area.

Mr. Temple confessed that he can see both sides of the issue. But because in 1980, the community got together to change the zoning to keep the character of the neighborhood to low-density residential, then he is unsure of whether to support the rezone. Certainly he admits the rezone clears a lot of problems up that occurred years ago; but because the community got together to prevent an issue, he thinks it should be respected. The other issue Mr. Temple is concerned about is that rezone seems like a spot zone even when he understands the arguments against it. He is against the rezone. He also notes that the extra lot doesn't seem necessary because it can be developed.

Ms. Horner stated that she finds this rezone difficult in many ways. There are questions on whether the creation of lot 5 is necessary. She isn't convinced that the rezone will change the area much than it already is.

Ms. Vlah commented that the rezone first made total sense, but now she thinks that the rezone should incorporate special limitations. She stated that lot 5 and 6 should have a special limitation on which there are no additional lots built. If the special limitations were in place, then the zoning would be cleaned up, and the neighborhood wouldn't change.

Ms. Bratcher asked if variances were discussed.

Mr. Sims replied that lot size variance didn't meet criteria for approval and that rezones are preferred over variances.

Mr. Firor stated that he likes the idea of creating special limitations and it would be a good idea to combine lots 5 and 6.

Ms. Bratcher stated that she is in the middle and still indecisive on the rezone; she does not see how the rezone will change the neighborhood.

Mr. Hernandez stated that the house with a carport does not qualify as a duplex and suggests that the best option is to postpone the rezone and prepare special limitations with a design plan at a future meeting.

Mr. Temple asked how long of postponement is needed.

Mr. Hernandez said that it could be ready by the December 11, 2007 meeting or into January if Mr. Beistline is out of town.

MOTION: Move to postpone to January 8, 2007 meeting by **Mr. Temple**, seconded by **Ms. Horner** for the purpose of drafting special limitations.

Further discussion

None

Objection

None

MOTION ADOPTED

F. UNFINISHED BUSINESS

None

G. NEW BUSINESS

None

H. COMMISSIONER'S COMMENTS

Commissioner Activity Reports

1. FMATS - **Ms. Bratcher** stated that FMATS decided to hire a coordinator, going out for advertisement on November 14, 2007 for a month. North Pole Road project is nearing 100% complete, Richardson roundabouts are 78% complete, Steese Exy Mile post 0-2 is yet to be started. She stated there are exciting local projects.
2. Title 17 Rewrite Project - **Ms. Horner** stated that there is a subcommittee meeting on Wednesday, November 14, 2007 morning.
3. Vision Fairbanks Update - **Mr. Hernandez** stated the importance to have a meeting with Crandall-Arambula with PC.
4. North Pole Land Use – **Mr. Hernandez** stated that the basic land use plan for North Pole has been figured out in house at the Borough. The plan should be completed by January.
5. Platting Board Appeals – **Mr. Hernandez** stated that there will be a discussion with the Mayor on platting board appeals.
6. Other

I. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.