

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
August 18, 2009

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Assembly Chambers, Borough Administration Offices, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 7:00 p.m. by Tom Marsh, Chairman.

MEMBERS PRESENT: Tom Marsh Tom Temple
 David Pruhs Nello Cooper
 Kevin McCarthy Brian Flemming

MEMBERS ABSENT: Jennifer Peterson Ian Hebert
 Michael Wenstrup

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning
 Melissa Kellner, Planner II
 Jill Dolan, Asst. Borough Attorney
 Marnie Long-Boehl, Secretary

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments:
None
2. Communications to the Planning Commission
 - a. **Mr. Hernandez** said that we will hold another work session on September 1st on the Land Use Plan for North Pole.
3. Citizen's Comments – limited to three (3) minutes
 - a. Agenda items not scheduled for public hearing.
None
 - b. Items other than those appearing on the agenda.
None

C. *MINUTES

D. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve agenda and consent agenda, including minutes of previous meeting by **Mr. Temple**, seconded by **Mr. McCarthy**.

Objections

None

MOTION APPROVED

E. CONSENT AGENDA ITEMS

None

F. PUBLIC HEARING

V2010-001 A request by James Kilbourn for a setback variance of 3.3 feet to the Rural Estate-2 side yard setback requirement of twenty-five (25) feet for a proposed addition to a single family home located 21.7 feet from the side lot line of Lot 10B1, Block 2, Broadmoor Addition. **(located east of Clark Street, south of Dale Road)**

Melissa Kellner presented the staff report. Based upon staff analysis, the Department of Community Planning recommended denial of the proposed ordinance.

Mr. Cooper asked if a reduction of 3.3 feet in the proposed addition - would that affect the suitability of the proposed addition.

Ms. Kellner stated that it would be a question for the applicant.

Mr. McCarthy stated on the north side of the property, the buffer zone is 4450 sq ft but the encroachment into it is 138 sq feet which is a little over 3%. It is not a large footprint. He wanted to know if it was recommended for denial because it met the black and white characteristics.

Ms. Kellner stated that the lot can have a single family home on it and an addition can be added if it's shorter on that side. She had to recommend denial.

Mr. Pruhs commented that it looks as though you are giving us a pathway of another way to look at this. We are looking at rezoning this area and are you looking at single family 20 or single family 10.

Ms. Kellner said that either would work but single family 10 might be most appropriate because some of the lots are 12,000 sq feet.

Mr. Pruhs replied that the applicant would not be here if that zoning had taken place.

Ms. Kellner said that's correct.

Mr. Marsh asked if she discussed a rezone with the applicant.

Ms. Kellner said no.

Mr. Marsh described the area as outside the area of Smith Ranch.

Ms. Kellner replied that it's to the southwest of Smith Ranch.

Mr. Hernandez advised that we have not started the rezone process yet but if you wanted us to include this area – we could.

Mr. Marsh replied that this area has the same issues.

Ms. Kellner pointed out on the overhead where Smith Ranch is located.

Mr. Marsh asked if anyone had any other questions.

Mr. Cooper needed clarification on Title 18 Provisions on Page 3 of the Staff Report.

Ms. Kellner said the italicized language is the standard by which we have to judge the variance – this is code. The non-italicized language is the discussion as it pertains to the specific variance.

PUBLIC HEARING OPENED

Tara Moore, resides at 21985 Saddler Rd, is hired to design the home. After working with the applicant on the design, we realized that we needed a variance. Looking around the neighborhood, we could see smaller lots and tighter setbacks.

Mr. Pruhs asked if she designed the proposed two stories and why can't it be smaller.

Ms. Moore replied that the lower floor is a 4 car garage – this is a 1200 sq foot house. To make it smaller would require ripping down the inside of the house to make an appropriate bedroom size that the applicant is requesting.

Mr. Cooper asked if there would be some loss of value if the proposed addition was 3.3 feet smaller.

Ms. Moore replied that to get the bedroom that they want in this configuration, it would require re-designing the existing house. If we stayed with this design, it would only require an addition to be added on the existing house. It would be a loss of value.

Mr. Cooper asked why you would have to tear down the existing structure to accommodate the addition.

Ms. Moore stated that it is because of where the hallways are.

Mr. Cooper asked if the reason for the variance is based on other non-conforming properties.

Ms. Moore replied yes. You should be allowed to have what others in the neighborhood already have.

Mr. Marsh asked if she looked at putting the addition on the south side and converting some of the existing garage to living space.

Ms. Moore replied that the south side is where the kitchen is and the bedrooms are on the north side. It was looked at and did not make any sense economically.

James Kilbourn, resides at 2535 Clark Street, stated that he was surprised that he had to get a variance for the setback. Other people in the neighborhood are in the same setback and he would like to have the same rights as the neighbors. The way the house is configured; this is the only design that will work. I would like the bedrooms to stay on the same side of the house.

Mr. Marsh asked if there were any questions.

PUBLIC HEARING CLOSED

MOTION Move to approve **V2010-001** with two (2) Findings of Fact by **Mr. Temple**, seconded by **Mr. McCarthy**.

Discussion

Mr. Temple has mixed feelings and is interested in what the other Commissioners have to say. He said that this is a small footprint and looking at other neighbors, we do have a zoning problem here. There still is no reason that there could not be an addition with a little modification and smaller.

Mr. McCarthy said that he is looking to approve this variance. He would not like a bedroom built on the south side and to move the septic system and the driveway. This area is going to get rezoned anyway. There have been no objections by neighbors.

Mr. Flemming agrees with **Mr. McCarthy** that this is a cut and dry approval.

Mr. Pruhs stated that this is why we have a Board of Commissioners. We have a conflict of what it should be zoned and a Staff report that reads it should be Single Family 10 or 20. The applicant would not be here if his property was zoned correctly. He is in favor of this variance.

Mr. Cooper expressed that the applicant should be requesting a rezone instead of a variance. He doesn't believe that all the options have been explored. He doesn't believe we should vote this into non-conforming just because the neighborhood already has non-conforming properties when there are alternatives.

Mr. Marsh agreed with **Mr. Flemming**. He understands the perspective of the home owner. It is zoned inappropriately and it is in a zoning district where most lots are zoned inappropriately. He said that 25 feet is not the appropriate setback for this size lot. He is in favor of the variance.

Mr. Pruhs said that you could go for a variance or a rezone. A variance is better to achieve what needs to be done for the lot.

Mr. Marsh asked **Ms. Dolan** her thoughts about this lot being zoned inappropriately - would a rezone be a spot zone?

Ms. Dolan said that it's hard to say. You would have to make findings. You could say that single family 20 is compatible with the actual development in the area and compatible with the comprehensive plan. The setbacks for a rural zone with an urban lot size – is a special condition – that is possible. It could be handled as a variance or a rezone.

Mr. Flemming said the amount of buildable space they have is small for this property. It is improperly zoned. This is a hardship. We should not have the applicant go through the rezone process – we should grant the variance.

Mr. Cooper added that it may be a small lot for the building size but this is a large addition. It should be looked at both ways.

ROLL CALL

Five (5) in Favor: **Mr. McCarthy, Mr. Pruhs, Mr. Flemming, Mr. Temple, Mr. Marsh**

One (1) Opposed: **Mr. Cooper**

MOTION TO APPROVE, PASSED.

Mr. Marsh announced that the findings need to be changed to support the approval. One of the findings should be about the inappropriate zone and the large setbacks for a lot this size.

Mr. Pruhs helped word the new findings to support the variance as follows:

1. The current setback requirements do not conform with urban lot sizes and are not compatible with the development in the area.
2. Approval of the proposed variance will allow the applicant the use of his property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.
3. The proposed variance will not jeopardize public health, safety or welfare, traffic or parking conditions, or increase danger of fire, and will conform to the Comprehensive Plan.

MOTION Move to adopt three (3) Findings of Fact written by Staff by **Mr. Pruhs**, seconded by **Mr. McCarthy**.

Mr. Marsh asked if anyone opposed.
None

PUBLIC HEARING

CU2010-002 A request by Interior Weatherization, Inc. for conditional use approval of a parking lot as principle use in the Multiple Family Residential/Professional Office zone on Lots 12, 13, and 14, Block 21, Rickert Subdivision. **(located west of Stacia Street and north of Fifteenth Ave)**

Melissa Kellner presented the staff report. Based upon staff analysis, the Department of Community Planning recommended approval of the proposed ordinance.

Mr. Temple asked about the move of the dumpster – would it be appropriate to add this to the conditions.

Ms. Kellner replied that it would fit under the condition of the final site plan.

Mr. Cooper wanted clarification that they are proposing to use all three lots.

Ms. Kellner replied yes.

Mr. McCarthy added the requirement to screen the dumpster would ruin their 30 foot visibility.

PUBLIC HEARING OPENED

Richard Basarab, resides at 1501 Turner, is a home owner a half a block away from the parking lot. Since he has lived there, those lots are the most unimproved areas in the neighborhood. It's a mud pit in the summer and when it's dry - it's dusty. These lots are not paved nor have lines like other parking lots. He is not against development; he would like the lots to be maintained. He would like the Commission to require the applicant to fence the lot and have it paved and have storm water runoff. He would like two conditions to be made – paving - storm water runoff and fencing.

Joe Thomas, resides at 1114 Coppet Street, is the Office Manager for Interior Weatherization, Inc. They just purchased the lots in February. They think this parking lot will enhance the neighborhood. They might add a building at a later date. They are planning to get fencing this year. It's too late in the year to correct the soil conditions. The plan is to start that process next year. They will move the dumpster.

Mr. Cooper asked where the building will be placed in the future.

Mr. Thomas replied with its going to be on the side of Stacia Street; across from the main building.

Mr. Cooper asked if there were any plans in the future to install gravel on the lots.

Mr. Thomas said yes.

Mr. Marsh asked if the lots next door will be used for parking or will they move everything to these lots.

Mr. Thomas said that they wanted to move everything to the new lots because it will be fenced.

Mr. Marsh asked if the current storage lot is not fenced.

Mr. Thomas replied with its not fenced.

Mr. Hernandez asked if he was averse to having a condition that states that you will pave these parking lots by the end of next summer and a condition to fence the property by this summer.

Mr. Thomas replied that the fencing is definite; we have contacted the fencing company already. Paving will have to be done after they put a building in. They could put some D-1 in but would like to hold off on the paving.

Mr. Hernandez inquired about how long they would like to hold off.

Mr. Thomas would like to leave that option open – we are looking at the funding aspect.

Mr. Marsh asked if they would be installing a drain on site for the storm water runoff.

Mr. Thomas said it would be whatever recommendations the engineers have.

Mr. Pruhs asked if he was able to agree to any financial aspect of paving.

Mr. Thomas said that he would have to take it to the Board.

Mr. Marsh asked if there were any questions.

Mr. Cooper commented that the parking lot is a large area and we are asking if you would accept a condition for the property to be paved within a certain time frame.

Mr. Thomas communicated that he understood that.

PUBLIC HEARING CLOSED

MOTION Move to approve **CU2010-002** with four (4) Findings of Fact by **Mr. Pruhs**, seconded by **Mr. Temple**.

Discussion

Mr. Pruhs commented that the applicant in the future will be making improvements to the property. He thinks that Staff has done a good analysis on this. He would like to keep the two conditions that were recommended by Staff in place.

Mr. Cooper would consider adding another condition to pave the properties within the next two or three years.

Mr. McCarthy agrees with **Mr. Cooper** adding the third condition.

Mr. Flemming disagrees with the condition of asphalt. Asphalt is expensive. They are in the City of Fairbanks, they have an Engineer involved for storm water run-off so if they are putting in a building, you can't do asphalt first. There is no reason to enforce the asphalt.

Mr. Marsh asked **Ms. Kellner** if the City is requiring a storm water plan.

Ms. Kellner said the applicant is working with the City to get a storm water permit.

Mr. Flemming clarified what a storm water permit is.

Mr. Marsh asked if there were any further discussion.

Mr. Cooper would like this to be accomplished in stages.

Mr. McCarthy would agree with **Mr. Flemming** now. If the D1 is installed and the City has their permits in place – he thinks that we don't need the condition of paving.

Mr. Marsh concurs with **Mr. McCarthy**. He believes Staff's conditions and findings will work.

ROLL CALL

Six (6) in Favor: **Mr. Cooper, Mr. McCarthy, Mr. Pruhs, Mr. Flemming, Mr. Temple, Mr. Marsh.**

Zero (0) Opposed:

MOTION TO APPROVE, PASSED.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. COMMISSIONER'S COMMENTS

1. FMATS

- **Mr. Hernandez** said that we are developing a long range transportation plan for the Community. We would like the Planning Commission to review the plan and give input to the Consultants.

2. Title 17 Rewrite Project

- **Mr. Hernandez** stated that we are continuing rewriting Title 17.

3. Vision Fairbanks Update

- **Mr. Hernandez** announced that we just had a work session on this.

4. North Pole Land Use Plan

- **Mr. Hernandez** explained that the next Planning Commission meeting will have a work session on this on September 1st.

5. Comprehensive Plan Advisory Board (CPAB)

- **Mr. Hernandez** said that CPAB will have a teleconference with the Consultants on August 26th.

6. Other Commission Comments

- **Mr. Marsh** asked about when the Guthrie rezone will be introduced to the Assembly.
- **Mr. Hernandez** stated that it would be in September.
- **Mr. Marsh** stated that **Ms. Guthrie** called him and asked if he could help them when it goes to the Assembly. He said that he wouldn't be available to act as a consultant for her but he would be at the Assembly meeting.

I. ADJOURNMENT

There being no further business the meeting was adjourned at 8:30 p.m.