

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
July 7, 2009

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the City Council Chambers Room, 2nd Floor, 800 Cushman St., Fairbanks, Alaska. The meeting was called to order at 7:00 p.m. by Tom Marsh, Chairman.

MEMBERS PRESENT: Tom Marsh Tom Temple
Jennifer Peterson Umit Spencer
Nello Cooper Kevin McCarthy
Michael Wenstrup

MEMBERS ABSENT: Brian Flemming, Ian Hebert, David Pruhs

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning
Doug Sims, Planner III
Melissa Kellner, Planner II
Rene' Broker, Borough Attorney
Marnie Long-Boehl, Secretary

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments:
None
2. Communications to the Planning Commission
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 **Ms. Peterson**.

Objections

None

MOTION APPROVED

E. CONSENT AGENDA ITEMS

F. PUBLIC HEARING

RZ2009-012 A request by Gene DuVal to rezone Lot 1, University West Middle Bench from Multiple Family to General Commercial or other appropriate zone. (**located east of Chena Pump Road and west of Nebula Way**)

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

PUBLIC HEARING OPENED

Pat Ivey, resides at 106 Oak Drive, is here to testify against this rezone. She described Nebula Way as being a narrow road. She lived in the neighborhood and talked with others about this rezone and others were not in favor. She wondered if this rezone went through if some of the house would have to be torn down in order to make room to widen the road. She mentioned that without knowing what kind of commercial business was going to be built on that property – she feared it could be a McDonald's or a gas station. She would not be in favor of this rezone.

Mr. Cooper asked her if she had a petition signed by neighbors against this rezone.

Ms. Ivey stated that she did not but would get one if needed.

Mr. Cooper said that would not be necessary.

Duane Schueller, resides at 4951 Asteroid Lane, is here to testify against this rezone. He commented that he didn't live on that street but that the road was narrow.

PUBLIC HEARING CLOSED

MOTION Move to approve RZ2009-012 with two (2) Findings of Fact by **Mr. Temple**, seconded by **Mr. Cooper**.

Discussion

Commissioners discussed access onto Chena Pump Road and thought that they should add a third Findings of Fact. A third Findings of Fact was added as follows:

3. ADOT will not support an application for a driveway access onto Chena Pump Road.

MOTION Move to amend **RZ2009-012** with three (3) Findings of Fact by **Mr. McCarthy**, seconded by **Mr. Cooper**.

ROLL CALL

Zero (0) in Favor:

Seven (7) Opposed: Mr. McCarthy, Ms. Peterson, Ms. Spencer, Mr. Temple, Mr. Wenstrup, Mr. Cooper, Mr. Marsh.

MOTION TO APPROVE, Denial

G. UNFINISHED BUSINESS

CU2009-008 A request by Alaska Pacific Powder for conditional use approval of a blasting agent manufacturing and explosive storage facility in the General Use 1 zone on Tax Lot 2903, Section 29, TL 3302 and TL 3303, Section 33, T4S, R4E, Fairbanks Meridian. **(located at the south end of Old Site Road, east of the Richardson Highway in Salcha)**

PUBLIC HEARING OPENED

Mr. Dave Gill, 8241 Dimond Hook Dr, Anchorage, Alaska, is here to give more information to the Commissioners about the conditional use for a blasting agent manufacturing and explosive storage facility in the General Use 1 zone in Salcha. He discussed the safety of the magazines stored in the bunkers and the magazines are fire resistant and exceed ATF standards. He stated that OSHA inspected their forklift operations but not specific munitions safety issues. OSHA does not have that expertise. There is only one road into the plant for security reasons and a fence will not keep anyone out – if they want to climb over a fence they will. The explosives are stored in every bunker with the exception of B4 which stores no explosives. Our materials meet the DOT standards. The material that is stored is no different than what is stored at the railroad yard in Fairbanks.

PUBLIC HEARING CLOSED

MOTION Move to approve **CU2009-008** with four (4) conditions and four (4) Findings of Fact by Mr. Temple.

Mr. Marsh stated that the Conditions and Findings of Fact were motioned in the previous meeting.

Discussion

Mr. Marsh asked how many Commissioners listened to the audio file of CU2009-008

Mr. McCarthy said he listened to the audio.

Mr. Temple said he listened to the audio.

Mr. Wenstrup said that he did not listen to the audio.

Mr. Marsh stated that we have a Quorum with the Commissioners that were present at the June 2nd meeting plus the Commissioners that listened to the tape.

Mr. McCarthy stated that the bunkers were built by the Military and were built to with stand fire from outside in.

Mr. Cooper commented on the fence issue - since none of the other agencies require a fence, lack of a fence is not a base for denial.

Ms. Peterson said that some of her questions were answered but not all of them but she now could vote in favor. She previously heard the buildings were not inspected by ATF, but that was incorrect – the buildings are inspected.

Ms. Spencer stated that she still had safety issues at this time and would not be able to vote in favor.

ROLL CALL

Five (5) in Favor: Ms. Peterson, Mr. Temple, Mr. Cooper, Mr. McCarthy, Mr. Marsh

One (1) Opposed: Ms. Spencer

MOTION TO APPROVE, Denial

H. NEW BUSINESS

OC2009-006 An Ordinance amending Title 18 of the Fairbanks North Star Borough Code of Ordinances as it relates to Nonconforming buildings, structures, uses and lots and adding procedures for nonconforming status determinations and appeals

Mr. Hernandez showed a power point on Nonconforming (grandfathered) Uses and Lots covering the following information:

- Purpose
- Authority to Continue
- Restrictions
- Nonconforming Structures
- Nonconforming Use of Land
- Nonconforming structures and uses and premises in combination
- Nonconforming lots
- Abandonment
- Procedures
- Planning Commission Duties

Mr. Hernandez stated that this ordinance will be on Public Hearing at the next meeting, July 21, 2009.

I. COMMISSIONER'S COMMENTS

1. FMATS

2. Title 17 Rewrite Project

3. Vision Fairbanks Update

4. North Pole Land Use Plan
5. Comprehensive Plan Advisory Board (CPAB)
6. Other Commission Comments

I. ADJOURNMENT

There being no further business the meeting was adjourned at 8:58 p.m.

The meeting was held in the City Council Chambers and the minutes of the meeting was recorded by Amber Courtney. For an unknown reason, there was no sound to the audio disc. These minutes were created by Marnie Long-Boehl to the best of her knowledge.