

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES  
March 17, 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  
Jennifer Peterson Ian Hebert  
Nello Cooper Brian Flemming  
Kevin McCarthy Michael Wenstrup

MEMBERS ABSENT: Umit Spencer Dave Pruhs

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning  
Doug Sims, Planner III  
Melissa Kellner, Planner II  
Todd Boyce, Transportation Planner  
Jill Dolan, Asst. Borough Attorney  
Marnie Long-Boehl, Secretary  
Karin Wolfe, Secretary

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments:  
None

2. Communications to the Planning Commission

**Mr. Hernandez** stated that the Schertz rezone with Special Limitations was approved at the last Assembly meeting.

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. Wenstrup**.

Objections

None

E. CONSENT AGENDA ITEMS

**\*HP 2009-01** Application by the Alaska Department of Transportation and Public Facilities to Rehabilitate Nordale Road between Chena Hot Springs Road and Badger Road. The surface will be leveled and repaved, including the shoulders.

**Mr. Hebert** asked to move consent agenda item to Public Hearing.

**Mr. Marsh** replied "We will move it to the end of the Agenda".

**MOTION APPROVED**

F. PUBLIC HEARING

**V2009-004** A request by Mike and Monica Carney for a setback variance of thirty three (33) feet to the front yard setback requirement of thirty five (35) feet in the Rural Agriculture-5 zone for an existing single family residence located two (2) feet from the front lot line on Lot 5A, Block 02 Gilbert Subdivision, 2<sup>nd</sup> Addition. **(located south of Farmer's Loop Road at the end of Bouton Court)**

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

PUBLIC HEARING OPENED

**Carol White Bear**, resides at 861 Bouton Ct. Just this past year, we had to have our property surveyed because there were no markers in place. It took them a lot longer to survey because of markers being removed. We did find one that was in the road in the cul-de-sac. That's the marker that Susan had gone from when she was measuring. It's still there but under snow. I don't understand on the snow removal – where are we supposed to put the snow? It's not maintained and we take care of it.

**Mr. Marsh** asked if there were any questions.

**Mr. Marsh** replied "You're talking of when you had your lot surveyed. You said your Lot 1 - so you're kind of catty corner? There hadn't been markers in there?"

**Ms. White Bear** replied “There had been at one point but they never found the hub. So they had to have it surveyed and put the markers in place.

**Mr. Marsh** asked if there were any questions.

**Monica Carney** resides at 858 Bouton Ct. I purchased this property back in 2000. There was an A-Frame on it. I was told that my driveway was in a certain area from the Owners. This last year, I found out that the markers I did use were actually from the road. It was my ignorance that got me in this trouble. My house is still on my property; it’s just not in the set back required. I do have a letter from Wagner Excavating stating: To whom this may concern: **Ms. Carney** has asked me to give a description of the property as it was required to build the house. It was a local earthwork contractor that she hired to help make the land a little more usable. My first visit to her property was over 10 years ago. She had an A-Frame house with a small shed; the rest of her land for about 10 feet south of her existing new house is literally a swamp. There’s standing water everywhere. She was a very determined lady, so for the next 10 years I hauled in many thousands of cubic yards of material to make her property useful. I am still bringing in dirt. **Ms. Carney** said the only other place she could build is on Lot 4 where Tanya Gilbert is leaching.

**Mr. Marsh** asked if there were any questions.

**Mr. Temple** asked “The property on the first diagram shows that there was an intended 37 foot setback. Is that your understanding?”

**Ms. Carney** replied “Yes”.

**Mr. Temple** asked “Had the home been placed there where it was intended? Was that ground buildable at that point; the 37 feet back? Were there swamp issues there?”

**Ms. Carney** replied “There were swamp issues there and we still had to bring in dirt.

**Mr. Temple** asked “By bringing in dirt – you would of still been able to put the house 35 foot more back?”

**Ms. Carney** replied “No. I didn’t take a picture of the front of the house; they had to bring in dirt – the dirt is mushy, marshy, and were still bringing in dirt, D1, to get it stable. We are at the end of the cul-de-sac. I am continually bringing in dirt. I have a dozer – the reason I acquired that dozer is because I got stuck in that ground and we ended up blowing the engine. We dug a trench around the property to lessen the moisture area so we could build up.

**Mr. Temple** asked “Was the house placed two (2) feet from the property line – inverted calculation of distance or was it a choice because the soils were poor”.

**Ms. Carney** replied “No, at the time it was my mistake. I was told my driveway was someplace else. So when I searched the markers to find the best way to build – when I did my measurements, I measured from the marker I found which turned out to be Tanya’s marker and not mine.

**Mr. Marsh** asked if there were any other questions.

**Mr. Marsh** asked **Ms. Carney** “When you purchased the property, did you have a survey done?”

**Ms. Carney** replied “No, I went by what Mr. Gilbert told me.”

**Tanya Gilbert** resides at 864 Bouton Ct. I have the lot next to Susan. I have Lot 1, 2, 3, and 4. My dad is the one that sold them the lot. I know he had it surveyed before she built her house because he built that A-Frame. He built the A-Frame where it should be and she built on the addition which makes it closer to the Lot line. At the time when she didn't have a driveway, before she built her house, she was driving to the A-Frame through the corner of my lot. Two people told her before she laid gravel down for the driveway on my lot; that she should ask me for permission. She did not ask – she laid the gravel down anyway and used my lot for two – three years to drive to the A-Frame. I didn't have a problem with that but the marker that's mine is the corner marker on my lot. I saw her out there pulling hubs out of the ground. I don't know what her purpose was at that time. As far as the snow removal goes – they have a place to put the snow and it's all on my lot. They have completely blocked one of my rental lots with snow. The tenant can't get in or out of his driveway. I think that the snow removal would be an issue.

**Mr. Marsh** asked if there were any questions for **Ms. Gilbert**.

**Mr. Hebert** asked “Are there any other houses in the subdivision or close by that you know that are within the easement or the setback?”

**Ms. Gilbert** replied “Not to my knowledge”.

**Mr. Hebert** asked if most of the homes including **Ms. Carney** are on pilings or adjustable foundations.

**Ms. Gilbert** replied “Yes, all but one”.

**Mr. Cooper** asked “Did you give **Ms. Carney** explicit right of an easement though your property?”

**Ms. Gilbert** replied “No, she never asked me if she could lay the gravel down and use it for her driveway. My father and her tenant at the time told her that that was my lot. She should have asked me first but she never did. I just let it go and let her use it because it wasn't a big deal at the time. She has seven (7) acres and I have an acre and a quarter. I am getting tired of being pushed out of my lot and squeezed in there.”

**Mr. Marsh** asked if there were any questions

**Andrea Cleveland** resides at 858 Bouton Ct with **Ms. Carney**. I don't know the specifics but I do know in regards to Tanya's property – she is leaching on our field. We had a constant problem with markers being removed. I've lived there since 2000. It's been a constant feud between our property and her property. We do not block her road with our snow plow. We plow our snow onto our property into our sand pit where the horses run. We don't plow any part of the road because of the problems we have had with her.

**Mr. Marsh** asked if there were any questions for **Ms. Cleveland**.

PUBLIC HEARING CLOSED

**MOTION** Move to Approve **V2009-004** with three (3) Findings of Fact by **Tom Temple**, seconded by **Jennifer Peterson**.

Discussion

**Mr. Cooper** said “While **Ms. Carney** was talking, I was pondering over what would be ramifications in moving the house. I am listening to everyone and there shouldn’t be feuding and that’s why we have these rules that people are required to follow. I was thinking like **Mr. Temple** – maybe she built it because of poor soil conditions which would not explain why there was no soil analysis completed on the property. She indicated that that wasn’t true to the case. I could not approve this, at this point.

**Ms. Peterson** said “I guess our purpose is to decide whether or not, according to Title 18, there is reason to grant a variance in this case. Staff doesn’t think there is. Based on what I am seeing – I don’t see that there is either. It doesn’t matter if markers are moved or not; the land is what it is. Doesn’t really matter if someone is leaching as far as our concern goes – all we care about is if it’s in the setback. The cost of moving the house does not come into effect with us. Based on the facts of the case; I can’t support this variance.

**Mr. McCarthy** replied “I think someone who has property of this type, the equipment required to move the house to be in compliance – I don’t think the soils would handle it. I think we would be doing these people a disservice by leaving them in a perpetual code violation. I think we would put them in a situation where they couldn’t win or lose. I would like to see us resolve this.

**Ms. Dolan** replied “I realize we have some Commissioner’s that haven’t heard my spiel on variances. I’m not meaning to influence your findings of fact. I want to give you some legal concerns I have. When you’re looking to approve or deny a variance, you should look at the property as though the building isn’t there yet. (As someone is proposing to put the building there). Our decision shouldn’t turn on whether the building is already there or not. That’s not what State law and Borough code allows you to take a look at. So what you want to do is look at whether the variance can be approved given the special conditions and I think the existence of the A-Frame maybe considered prema facia evidence by a court that this property can be used without the variance. It is in compliance – its proof that there is buildable area other than where the house is. That should play a role in your analysis.

**Mr. Marsh** expanded on **Ms. Dolan’s** comments – Whether the building is there or not, no matter what it may cost to move it, is not our consideration. In this situation, the applicant was the one who built the building and caused the problem. This is why most home owners get a survey done before they place a building to make sure there in the proper area. We’re not allowed by statue to grant a variance when the applicant does cause the problem. If this was an existing condition when the applicant bought the property – that would be a different situation. I don’t believe, that in this situation, we can approve a variance.

**Mr. Marsh** asked if there were any other comments.

**Mr. Temple** concurs with staff recommendations. Title 29 precludes us from granting a variance if the reason for the variance is to relief hardship or inconvenience. That’s what this request boils down to.

**Mr. Marsh** asked if there were any other comments.

ROLL CALL

Zero (0) in Favor:

Eight (8) Opposed: **Mr. Cooper, Mr. Flemming, Mr. Hebert, Mr. McCarthy, Ms. Peterson, Mr. Temple, Mr. Wenstrup, Mr. Marsh.**

**Mr. Marsh** added that the applicant has 15 days to appeal.

**MOTION** Moved to adopt the Findings of Fact listening to the staff report and overhead by **Mr. Temple** and seconded by **Mr. Hebert**.

**MOTION TO APPROVE, DENIED.**

PUBLIC HEARING

**RZ2009-008** A request by Jerry Sadler, dba Airport Equipment Rental, Inc. to rezone Lots 09 and 10 Dale Industrial Park 1<sup>st</sup> Addition and Tract A Discovery Warehouse from Light Industrial to Multiple Family Professional Office or other appropriate zone. **(located at the southeast corner of the Decathlon and Broadmoor Avenue intersection)**

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

**Mr. Marsh** asked if there were any questions for staff.

**Ms. Peterson** had a question about the special limitations. Why were they changed from what was in the packet. The ones in the packet seemed more general concerning the buffer between light industrial and multi-family regardless of what is installed on this property. This seems very specific to a Charter School and we are just rezoning and we are not talking about a Charter School specifically.

**Mr. Sims** replied that it was a good point on number 2 specifically. That could probably be eliminated and say "Fencing could be installed, once the initial landscaping has taken place". The reason why it was changed is the wording in the staff report was objectionable with the property owner. Before any special limitations are approved; we have to have agreement with the property owner. They are with agreement with this wording on the overhead.

**Ms. Dolan** added "By Borough Code, special limitations are only applied to specific defined projects that have development plans. It's entirely appropriate for special limitations to relate to the Charter School because that's the specific request. The property owner does have to agree with special limitations. They could not decide to move forward after tonight if there were limitations they didn't want but it would be appropriate to ask for their information for that reason.

**Mr. Hebert** stated “For long term transferability, because this is a down grade, I agree with the special limitations number 1 but maybe not number 2 and just allow the property owner to make that decision. What is the necessity there - if they are going to do it anyway and it’s their own choice; long term we may be zoning other areas with this – what the important of setting limitations?”

**Mr. Hernandez** stated that we were concerned having a school next to light industrial. We wanted to insure that there was adequate buffering for our comprehensive plan; that’s why we requested the landscaping and the fencing. We wanted to secure the children’s safety. We looked at the Chinook School and they provide fencing. We wanted to make sure fencing was constructed.

**Mr. Herbert** replied “Twenty-five years down the line, somebody else is occupying the space – what’s the process for taking the special limitations off?”

**Mr. Hernandez** replied “We would have to go through the rezone process again”.

**Mr. Temple** asked “Why is this not a spot zone?”

**Mr. Sims** replied “It is because of the overall increased compatibility of MFO to the rest of the neighborhood; the down zoning aspects of this request – MFO is viewed as more compatible with surrounding uses than the Light Industrial.”

**Mr. Hernandez** stated that this rezone moves it into an urban type zone. Right now it is the light industrial zone and comprehensive plan calls for this to be urban rather than a light industrial set. The comprehensive plan said that this would be more consistent than the existing zone. The multi-family zone serves as a buffer between residential uses and more intense uses. From a compatibility stand point, we thought this was better to separate residential uses from more intense industrial uses.

**Mr. Temple** asked if the residential uses that we are concerned about are to the north.

**Mr. Hernandez** replied “Some of those lots are vacant; some are developed. There are actual houses there.

**Mr. Temple** asked “What is the zoning directly to the west, south, and east – is it light industrial?”

**Mr. Hernandez** replied “That’s correct. There are some residential houses even though its industrial zoned; they looked liked they are in decrepit shape.”

**Mr. Sims** stated that one structure was abandoned. There are some occupied single family homes on the south side of Decathlon that are zoned light industrial.

**Mr. Hernandez** added that at the last meeting it was noted to do a general zoning of the area. We need to look at the whole area comprehensively.

**Mr. Marsh** asked if there were any other questions.

## PUBLIC HEARING OPENED

**Lisa Kull**, resides at Smith Ranch, has an in-home licensed child care facility. I grew up in Smith Ranch. I think a school would be wonderful for this neighborhood. A play ground for the children when the school is not in session. It would slow traffic down on Broadmoor for the back road access to Riverboat Discovery as well as the traffic to National Rental Car on the corner. At Alpine Lodge, I see traffic at 50 – 60 miles an hour at certain times. With a school, it would probably slow the traffic down tremendously. I believe it will raise property taxes but a school would be great in that neighborhood. It's long over do.

**Keith Peterson**, resides at 2138 Broadmoor Ave. stated that he is for this project to move forward. I think that the school there would not raise property taxes but would bring in more revenue for the road service. The traffic is rather fast on Broadmoor and it would be nice to have more signage of slower traffic. I think a school, in this neighborhood, would be a really good thing.

**Mr. Marsh** asked if there were any questions.

**Jennie McLean**, resides at 5718 Supply Road, has lived 35 years off of Supply Rd and built a retirement home down a mile and a half away. She grew up there and traffic is fast on Broadmoor. She is hoping this school will slow it down. My kid will be going into 7<sup>th</sup> grade but thinks it's long over do. We should have a school out there and a playground. Riverboat Discovery is there in the summer and they are shut down in the winter. So the traffic won't be overwhelming between those two businesses. I taught at Ladd School for three years; the kids come over there for field trips. Sometimes there is up to 30 kids from one classroom. That shows a need for another school to be built; we shouldn't have one teacher teaching up to 30 kids.

**Mr. Marsh** asked if there were any questions for Ms. McLean.

**Jennifer Sampson** resides at 5211 Cherokee Ave., in the Smith Ranch subdivision. I am here in support of building the school or the rezoning as it maybe. I hope that my children are able to go to school over there. This type of school is needed in our Community. They do great things there and I'm excited to have it.

**Mr. Marsh** asked if there were any questions for Ms. Sampson.

**Kal Kennedy** resides at 2175 Broadmoor Ave, about one block north of the site for the school. My concern with the school there has to do with traffic. I do not think that traffic should be slowed down on Dale Road. I think that would be my biggest concern that all of a sudden we would find that traffic on Dale Road would have 20 mile an hour traffic speed limits. Because of that, I would be against the school if the traffic on Dale Road and the surrounding areas is slowed down or affected greatly. That's probably a question that could be answered by staff. Is that going to be a school zone on Dale Road with that school going in there?

**Mr. Marsh** replied "I don't know exactly what the requirements are for school zones but I am sure staff can answer the question.

**Mr. Kennedy** stated that he finds the school zones extremely annoying. He hopes there would be some other alternative of slowing down the traffic in that area.

**Mr. Marsh** asked if there were any questions for Mr. Kennedy.

**Mr. Hernandez** stated “Perhaps after public testimony you can ask that question.

**Ariana Graf** resides at 1686 Bluegrass Drive. I am here in support of the school. I feel we are in need of more schools. I was hoping it would be in my neighborhood, near Cripple Creek, but the neighborhood they have chosen is much more accessible for all of Fairbanks students. Hopefully they can work out the traffic; re-route things so it's accessible. It is a smaller scale school so I think it can be worked out.

**Mr. Marsh** asked if there were any questions.

**Leah Solomon** resides at 5242 Dale Road. She thinks that the school will be great. She said that people go flying by on Dale Road. I have a big yard and I have to tell my kids to stay away because you don't know when people are going to be flying by. I always try to tell someone if they could put a speed bump in. This has been a problem for a long time. I support the school. I want that school built.

**Mr. Marsh** asked if there were any questions.

**Laura Conner** resides at 2420 Mara Street. I am the Director of Education at the Museum of the North and also a mom. I am in favor of the school. I have been involved in my position and feel this approach is needed. This will be very beneficial for the students that do get to go to the school. The group has worked very hard trying to secure a location. I think a lot of people would be very disappointed if this didn't go through. I am strongly in support of the school.

**Mr. Marsh** asked if there were any questions.

**Mr. Cooper** asked **Ms. Conner** “Do you know if there are any parks in this area off of Broadmoor?”

**Mr. Conner** replied “I don't know very much about the area specifically. I know more about the plans for the school. It's my understanding that it has been difficult to find a location. This was a location that was chosen because it was adjacent to an area for outdoor education.

Mr. Cooper stated that the reason he asked is because the area that the children would be playing – there are ways to have those signs reading “Children at Play” to get people to slow down.

**Mr. Marsh** asked if there were any questions.

**John Carlson**, Director of the Watershed School that developed this proposal for this school. I will be the head teacher at this school as well. This is a great site. It's adjacent to State land that's full of trails. State land runs all the way towards the river beyond the bend – the Riverboat Discovery bend – and there is access to the river. One really unique thing that we liked about this area is that it is a residential area. It's one of our few urban neighborhoods in town that doesn't have a school. Neighborhood schools are a wonderful facet of Fairbanks. About the traffic; I'm sure the Borough will respond to that restriction. Normally they put up those blinking signs right before the school. We have a relationship with the US Fish and Wildlife Service to do a ski yard habitat project.

We are going to be restoring what's a gravel pad to a natural area. It's going to have some hills, contours, trees and will be an area that kids can run around and play in. We have an agreement with Calypso Farms Center to be there newest school yard garden project. We would like to have fencing to keep the snow machines out of there to have a garden.

**Mr. Marsh** asked if there were any questions.

**Chris Garber**, Board member of the Charter School. I went down to the area to see what it looked like and it really is a nice area. There is lots of residential. We are about a block from the river. It seems like a really pleasant place once you get past the rental cars. I can imagine taking the kids up and down these dirt roads to the river. I would like to say that it is a good spot. It's encouraging to me as a teacher to see all the parents come out in support of this school.

**Mr. Marsh** asked if there were any questions.

**Mr. Hebert** asked "Do you understand that you are going to be surrounded by light industrial zoning".

**Mr. Garber** replied "To the north is residential, it's all urban. I doubt we will take too many field trips to Airport Road.

**Mr. Marsh** asked if there were any questions.

**John Cook**, I am representing the applicant. I am the CFO of Airport Equipment Rentals. I am here today to support the request to rezone the three lots to multi-family office. We own parcels to the north, the vacant lot, Royal Celebrity Tours lot, and National Car Rental. We are an existing owner. We operate our business out there. We are concerned about the development of this area. We are a property owner. We're concerned about the neighborhood. Airport Equipment will lease these lots to Watershed school. We are going to increase the tax base and add money to road assessment. We are going to have a brand new 16,000 sq ft school located at the corner of Broadmoor and Decathlon. The current zoning of light industrial would allow us to sell all three lots separately. We could sell each lot separately to industrial users which would have noise, air pollution, and impact to the roads. We own quite a few pieces of large trucks and heavy equipment that do a lot more damage to the roads than small cars do. If we are allowed this rezone request, the school has a ten (10) year lease with options to extend. This will be a nice high quality building that will add economic value in concerns with property taxes. It will offer educational opportunities to people in the surrounding neighborhood. Watershed faculty and students will design and landscape the grounds as part of their curriculum. We will assist in those efforts. If they need top soil moved; we will be happy to provide equipment. We agreed to special conditions; it fits perfectly with the schools mission.

**Mr. Marsh** asked if there were any questions.

**Mr. Cook** added that with the fencing we wanted to protect the land as well as the students. Most of the schools are fenced in to keep the students on the property and other people out. We will put in fencing for protection and liability.

**Mr. Marsh** asked if there were any questions.

**Tim Staton**, one of the Service Area Commissioners, is here to represent people that asked him to voice their concerns. He lives at 4636 Fairchild. His first concern is traffic access. We have had discussions about traffic speed and that's an issue. This doesn't solve that issue by building a school; does not slow traffic down. The problem is that he wished that they could have a broader view of the subdivision. I would like to see the access areas that are there. There's only two and that area doesn't just encompass just Smith Ranch. That encompasses Discovery and it goes beyond Dale Road curls around and goes to Post Office Road. That's the other access out. The problem will be the traffic in the morning. There are a lot of people in that area that comes out those two entrances and possibly the Post Office entrance. It's going to be impacted by traffic coming in. The State's problem is controlling that traffic or allowing that traffic to flow evenly. That's a big problem. I am against it because it's going to impact my neighborhood and my people that live there. As far as zoning goes; I don't think it needs to be changed, they can bring as much equipment as they want to – as far as damage to the roads – they are responsible for it. We do have a tax that we just introduced; I'm worried that in two years the lease might be ended and they might buy the property and not be paying taxes because they will become a school and schools don't pay taxes. Binkley's buses from August to September are going to be a huge traffic problem. Changing zones consistent with single family, we would rather see single family, multi-family, but not office. Light industrial is fine; it's already there. I heard that Sadler's have an alternative location off of Van Horn from a conversation I had with him. This isn't the only place to go. We were also not contacted soon enough. The residents are upset because they weren't involved in a process that should have been presented to them. We should have had a meeting – a service area meeting – and included this as part of the curriculum.

**Mr. Marsh** asked if there were any questions for **Mr. Staton**.

**Ms. Peterson** replied "I'm confused about your concern about traffic. Right now it's light industrial which has a huge traffic impact without changing the zone at all. It seems that multi-family would have less impact than light industrial.

**Mr. Staton** replied "Multi-family – Yes. A school with up to 200 students and 200 cars or possibly 400 cars a day, going back and forth to that area, is not the same as if you put industrial there. You couldn't put anything there to employ that many people that would impact the area with traffic. We have traffic going through there just to use the dumpster. That traffic alone, from outside the Borough, that don't even live there is huge on the weekends. That's not going to impact the school but it's also huge a night. It's there during the day. That's another concern, it's not just the people that live in Smith Ranch; that area is going to be impacted by the school and the traffic from the whole area. They can't put anything in that area industrially to impact us like it would impact us with 150 cars. Right now understand they have 130 people signed up to go to this school. I have talked to John Carlson and discussed this with him too. The minimum requirement of the school is 150 students.

**Mr. Wenstrup** replied "You understand that light industrial would also include the uses; it could go into a General Commercial area without changing the zone – that would include athletic clubs and banks. There could be businesses in there that do attract more traffic than a school.

**Mr. Staton** replied that he didn't know what defined light industrial. If that includes banks; does that include a Walmart. Yes, that true – we take our chances that way. We also take our chances of improving the neighborhood and including or adding more family homes. As far as planting a school there because it's a rural area without one; my daughter grew up and went to University Park and it's a fine school. They have a bus that goes by there every day. The problem with the Charter School with transportation is that the Borough doesn't provide transportation for them. We also have the issue of pollution with cars idling. As much as these folks are very involved in the environmental issues – there not going to want the cars to idle but when it's 40 below - they are going to idle. The people around the area were worried about pollution of idling cars. This is the first time I have seen the plan for the school. I didn't know which way the school was going to be facing. I don't know if the people across the street know what you mean by a school. Are they going to be looking at a building like this? Do they want to? It looks like the plan shows the parking area and the area they play in is facing houses.

**Mr. Marsh** asked if there were any questions.

**Dave Dershin**, resides at 1050 Smallwood Trail, is an educator in town. I have been teaching at Lathrop for 15 years. When I think about schools, I think about community. I think about opportunities in the neighborhood. I listened to the comments of most of the folks from the neighborhood and I am impressed that they are excited about the community aspect of having a school in their neighborhood. You're the Community Planning group and this is a community thing. When I look at the color coded plan, urban environment, I was impressed that the school falls within your ideas of what is going to be the future of that neighborhood not a Walmart or gas stations.

**Mr. Marsh** asked if there were any questions for Mr. Dershin.

**Rae Trainor-Wright**, I am on the Board for Watershed School. I am here to testify in support of the school. I wanted to say, we as the board, have talked to a family that lives in the house on the road where the parents and staff will be parking and they were in support of the school. They wanted to send their granddaughter there. I think a school in a neighborhood will only enhance the neighborhood. There's a place for kids to play; there will be community outreach because that's part of the mission of our school. I would really like to see this school go in that area.

**Mr. Marsh** asked if there were any questions.

**Mr. Hebert** asked **Ms. Trainor-Wright** if she knew of other sites being considered.

**Ms. Trainor-Wright** replied "At this time, we aren't".

PUBLIC HEARING CLOSED

**MOTION** Move to approve **RZ 2009-008** with two (2) Special Limitations and two (2) Findings of Fact by Mr. Hebert, seconded by **Mr. McCarthy**.

### Discussion

**Ms. Dolan**, Asst. Borough Attorney, replied "I think there were three (3) as amended by staff".

**Mr. Hebert** stated "with three (3) Findings of Fact".

**Mr. Marsh** asked "You've added a Finding".

**Mr. Hebert** replied "Yes".

**Mr. Marsh** stated "Let's stick with two (2). We can include the new finding that isn't in the packet.

**Mr. Sims** recommends the Findings of Fact.

**Mr. Marsh** asked for comments.

**Ms. Peterson** states "I have been having a lot of trouble with this because everyone here has been talking about the school that's going in to this multi-family and how wonderful it is. The problem is; we are not approving a school. The school has nothing to do with it. What we're doing is looking at whether or not this area of land is good for MFO. Should we rezone from light industrial to MFO. I happen to think that it's a good idea to rezone this because it is adjacent to a neighborhood. Smith Ranch zoning is often incompatible with land use. Starting down this path of getting light industrial where family housing is already located; this is a good start for that. There are only a few lots but there's that spot zone issue. Smith Ranch is so interesting, zoning wise. We can have a little more latitude on spot zoning because it's in the best interest of the neighborhood to do so. We are assuming that the school is in the second limitation and I don't think that is necessarily appropriate. If the school doesn't go through, whoever is using this land is going to have this special limitation that references a Charter School. I understand the safety concerns but litigation concerns are going to make sure there's a fence at that school. I am for this but I am not for the second limitation.

**Ms. Dolan** stated that staff recommendations in the staff report were not inappropriate, what I was trying to say is that generally when you approve a rezone with special limitations you have a well defined project with a site plan. So it's often appropriate to refer to a site plan and give the limitations specific to that project. In this case, Ms. Peterson was just clarifying that you are not approving a school as proposed right now; you're just proposing an MFO zone with buffering from the light industrial zone surrounding it. So any use that goes into that MFO will have to comply with that buffer. You can tailor your special limitations for a school that goes in or you can tailor your special limitations to any buffer for any MFO use. That's the Planning Commission's discretion. Just remember that the special limitations have to be agreed to by the property owner.

**Mr. Marsh** asked if there were any other comments.

**Mr. Hebert** moved to amend Special Limitations Number 2 to include the wording "If developed for the use as a school site, fencing shall be installed in accordance with charter school priorities once initial landscaping has taken place, in order to adequately secure the school site.

**Mr. Marsh** asked if there was a second.

**Mr. Cooper** replied "I will second it".

**Ms. Peterson** replied "I think that second limitation shouldn't be there at all but I didn't make the motion.

**Mr. Marsh** asked if there were any opposition to the amended limitation.

**Mr. Wenstrup** asked if the property owner has to approve it.

**Mr. Hernandez** stated "This process will not go forward unless they sign an agreement; if they agree with these conditions. We won't be able to take it forward to the Borough Assembly.

**Mr. Marsh** stated it looked similar enough to what was there before.

**Ms. Dolan** asked what the purpose was of the special limitation. Is that to buffer surrounding uses or to secure a school site because technically under special limitations, they can only be imposed for certain purposes. If we can get clarification...

**Mr. Hebert** asked "For certain purposes or specific purposes"?

**Ms. Dolan** replied "Specific and I say that because in Borough Code, when rezoning includes special limitations....

**Mr. Hebert** interrupted and stated this was for a specific.

**Ms. Dolan** stated "You can prohibit uses that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan. When we started off the purpose was to separate adjacent uses. I am just trying to get clarification on this.

**Mr. Hebert** stated "It's still the purpose".

**Ms. Dolan** just wanted to be clear for the record.

**Mr. Marsh** asked if there was any further discussion on the amendment.

**Mr. Temple** said that his view is they have no guidance – do you need a landscape buffer – what does that mean – put one cactus in the corner? It doesn't say what needs to be there. It's meaningless. As far as a fence – that doesn't give guidance. You can call these special limitations but they're not going to be enforceable because they are so vague.

**Mr. Hernandez** responded "You're absolutely right. We can put different limitations on there and be specific about them and if the applicant doesn't like it - the rezone will just die. I think in this case, given the nature of this case, I think that you will see a substantial amount of landscaping. We wanted to give them as much latitude as possible.

**Ms. Dolan** added "We have a different definition of buffer landscape in Borough code so there is meaning that's generally attached to that.

**Ms. Dolan** recites the definition of buffer landscape: A buffer landscape means a continuous landscape area which separates a partial obstructs the view of two separate zoning districts from one another. Buffer landscaping must provide year round screening. Buffer landscaping may include burms and improved decorative fences in conjunction with required trees and shrubs. Decorative fences, when used as a buffering element shall be approved by landscaping review board. The decorative fence will have a minimum height of seven (7) feet. Chain link fence does not meet the intent of decorative fence.

**Mr. Flemming** replied "We are spending a lot of time on these special limitations; if the Charter School doesn't go through and they want to use it for something else, then what is the process of getting rid of these special limitations.

**Ms. Dolan** replied "They go through the rezone process again"

**Mr. Flemming** clarified "We are not putting the Charter School in – were using it for this; let's get these special limitations off. You have an applicant that's trying to improve the area; they want to go to MFO from light industrial – this is what we need to concentrate on. Even though we have a site plan and were discussing a Charter School; let's keep it simple. We are going from light industrial to MFO. I don't think we have to address everything in these special limitations; we need to make it simple.

**Mr. Marsh** asked if there were any other questions.

**Mr. Marsh** asked if there were any opposition to the Amendment to Special Limitations.  
None.

**Mr. Marsh** stated "The amendment is amended:

**Ms. Peterson** has a question for staff. On the definition for buffer landscaping - I don't see the wording in there. Do we need to put the word buffer in there to make it conform?

**Ms. Dolan** stated "I think that would be clearer. It would help if it came to enforcement of the special limitations.

**Ms. Peterson** moved to Amend Number 1 to include the word buffer before landscaping.

**Mr. Wenstrup** seconded the motion.

**Mr. Marsh** asked **Mr. Sims** if this wording fit with the intent of your wording.

**Mr. Sims** replied that he worked with the property owner and applicant on the wording in my staff report. I think the wording of buffer is appropriate.

**Mr. Flemming** added that we don't want to make it to difficult, need to keep it nice and simple.

**Mr. Temple** said that we should make special limitations for this area; should include this landscape buffer.

**Mr. Marsh** asked if there was any objection to amend the limitation one to include buffer.  
None

**Mr. Cooper** asked for clarification – do we need to refer to the Title 18 definition of landscape buffer.

**Ms. Dolan** replied “I think you can clarify as long as your second does not object.

**Ms. Peterson** replied “I don’t object”.

**Ms. Dolan** replied “This is a technical clarification; there’s no need to do another motion to amend

**Mr. Cooper** has no objection

**Mr. Marsh** asked if there were any further discussion.  
None

**Mr. Marsh** asked if there were any objection.  
None

**Mr. Marsh** replied that Special Limitation one is amended.

**Ms. Dolan** replied “You have to vote on the main motion – motion to approve the rezone with two Special Limitations as amended.

**Mr. Marsh** wanted to address the two Findings of Fact. **Mr. Sims** provided a third finding to address the spot zone.

**Mr. Hebert** makes a motion to include the third Finding of Fact.

**Ms. Peterson** seconds the motion.

**Mr. Marsh** asked if there was any discussion on the motion.

**Mr. Hebert** replied “I don’t think it should read less incompatible light industrial... It should read less compatible light industrial zone with more compatible multi-family professional office zone. It doesn’t make sense that it would be classified as a spot zone because it’s in an urban designated area.

**Mr. Marsh** asked if there was any objection to including the wording on Finding #3.

**Mr. Marsh** added that we have 3 findings and 2 special limitations.

**Mr. Wenstrup** supports this proposal.

**Mr. Flemming** added that we are down zoning this area. We are doing something good for the Community.

**Mr. Marsh** agrees with the Staff recommendations and the findings and special limitations.

**Mr. Cooper** commented that down zoning to an MFO is in the highest interest in that community. He is in support of a rezone.

Eight (8) in Favor: Mr. Cooper, Mr. Flemming, Mr. Hebert, Mr. McCarthy, Ms. Peterson, Mr. Temple, Mr. Wenstrup, Mr. Marsh.

Zero (0) opposed.

**Mr. Marsh** stated that motion is passed and goes on to the Borough Assembly.

#### PUBLIC HEARING

**RZ2009-009** A request by the Alaska Department of Natural Resources to rezone Tax Lots 1216 and 1217, approximately 17 acres within the NW1/4SE1/4 of Section 12, T. 1N., R. 1W., FM from General Use-1 to Rural Residential or other appropriate zone. **(located south of Skyridge Drive and along both the east and west side of Quakenbush Road)**

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

**Mr. Marsh** asked if anyone had questions for **Ms. Kellner**.

**Mr. Marsh** replied "The staff report didn't address much except for passing mention of soils. Was there any indication of permafrost in the area?"

**Ms. Kellner** replied "The soils are basically divided where the road is. To the west is Fairbanks silt loam with 12 – 20% silts and to the east is Minto silt loam at 7 – 12%. The preferred residential overlay indicates that there's a low probability of permafrost."

**Mr. Marsh** asked if the whole surrounding area, except for outdoor rec, is GU.

**Ms. Kellner** replied "Yes".

**Mr. Marsh** asked if anyone had questions.

**Mr. Marsh** moved to public hearing.

#### PUBLIC HEARING OPENED

**Mary Gleason**, with the Department of Natural Resources, will give a brief background of this property. We're subdividing it down to fairly small parcels. There are still quite a few neighborhood lots to the southwest. There are some other ones far to the southeast coming off of old Steese that are zoned Rural Residential. Originally this was a 40-acre tract that we offered in 1980. It was not sold for unknown reasons. We realized it was fairly good quality land and close to town so we decided to subdivide. There are quite a few easements on the property – five (5) total. There's a tract on the opposite side of the road which we may sell eventually. Right now it's considered a wild fire concern by the Division of Forestry. Our plan is to construct a court going down into that chunk on the preliminarily plat on the chunk on the east side - that's 10 lots. The chunk on the west side that would still be coming off of Quakenbush - we are planning on constructing this summer and would probably go to sealed bid auction next spring. As far as permafrost; it's our belief that the road is our dividing line. I assume in that area that the banks will have people drill. There were six (6) or seven (7) test kits done for the road. They weren't drilling for permafrost; they were just soil tests.

**Mr. Marsh** asked if there were any questions for **Ms. Gleason**.

PUBLIC HEARING CLOSED

**MOTION** Move to approve **RZ 2009-009** with two (2) Findings of Fact by **Ms. Peterson**, seconded by **Mr. Temple**.

Discussion

**Ms. Peterson** said she approves this rezone. I think it's a good straight forward rezone. The land is closer to town; it's nearby other appropriately sized lots in the area.

**Mr. Marsh** replied "I did drive out to the area – it looks pretty well treed. It doesn't look like there's any frost that's close to the surface. I don't see any reason not to approve the rezone.

ROLL CALL

Seven (7) in Favor: Mr. Wenstrup, Mr. Cooper, Mr. Flemming, Mr. McCarthy,  
Ms. Peterson, Mr. Temple, Mr. Marsh

Zero (0) Opposed:

**Mr. Marsh** stated "For the record, **Mr. Hebert** departed at 9:10 pm. (Before the vote on RZ2009-009)

**MOTION TO APPROVE, PASSED.**

PUBLIC HEARING

**HP 2009-001** Application by the Alaska Department of Transportation and Public Facilities to Rehabilitate Nordale Road between Chena Hot Springs Road and Badger Road. The surface will be leveled and repaved, including the shoulders.

**Todd Boyce** presented the staff report. Based upon staff analysis, the Department of Community Planning recommended approval of the proposed project with the findings included in the staff report.

**Mr. Boyce** added additional information that was not in the staff report including an email by Bev Nester requesting a dirt trail along Nordale Road similar to the one along the Chena Hot Springs Road from Curry's Corner to the boundary of the Chena Rec Area. This is not a proposed trail in the trail plan so we had some reservations about trying to make a condition to add it to the project. Second, the current Nordale project is just a rehabilitation project putting a new surface on the road. Adding a parallel trail at this point to this project would be a major change to it. It would involve more impact on wetlands. The Trails Advisory Commission discussed and reviewed this whole concept of adding a new trail or not at their March 10<sup>th</sup> meeting. They unanimously passed a motion supporting the project essentially as it's currently designed. They requested that the DOT pursue constructing a separate path along Nordale as a stand alone separate project or to be included as part of future upgrade projects on Nordale. As part of this project, they requested that some ramping be included to two existing trail crossings on Nordale Road and some existing crossing signage be relocated to reflect the actual crossings. In the addendum packet, there is also a letter

from the Director of Parks and Rec. relaying the actions of the Trails Advisory Commission and adding their recommendations for this project. With the addition of the ramping to the project and the agreement to modify the signs – this project meets the requests of the Trails Advisory Commission and the Parks and Rec. Department.

**Mr. Cooper** asked if any of the trails that criss-cross the road are RS2477 trails.

**Mr. Boyce** replied “I believe one of them is – the Trails Planner indicated to me that the northern of the two (2) crossings; just south of where you get elevation towards the north end of Nordale is a RS2477.

#### PUBLIC HEARING OPENED

No questions or comments from DOT.

#### PUBLIC HEARING CLOSED

**MOTION** Move to approve **HP2009-001** with three (3) Findings of Fact by **Ms. Peterson**, seconded by **Mr. McCarthy**.

**Mr. Marsh** asked **Mr. Boyce** “Is that three (3) Findings or a Finding

**Mr. Boyce** replied “its one (1) Findings of Fact.

#### Discussion

None

#### ROLL CALL

Seven (7) in Favor: Mr. Temple, Mr. Wenstrup, Mr. Cooper, Mr. Flemming,  
Mr. McCarthy, Ms. Peterson, Mr. Marsh

Zero (0) Opposed:

**MOTION TO APPROVE, PASSED.**

#### G. NEW BUSINESS

#### H. COMMISSIONER’S COMMENTS

1. FMATS – Ms. Peterson said that the Economic Recovery Bill that passed the Senate and the House ended up giving us no money at all. The State recognizes that the way the law was written; we were too big and too small to get any guaranteed funding. We asked the Policy Committee to send them a letter saying that we recognize that they are sorry but we need more concrete help from them.
2. Title 17 Rewrite Project – Mr. Hernandez said that Title 17 Rewrite is going well. The actual Contractor is going to be here on April 6<sup>th</sup> to give a presentation to our review committee on the “draft”.

3. Vision Fairbanks Design Standards – Mr. Hernandez said we are trying to make sure the road project works well. We are in the mist of seeing that Cushman Street is a two-way and to see how that will work. We are working on the Design Standards to be entered into Title 18 and the Administration is currently considering that request.
4. North Pole Land Use Plan – Mr. Hernandez attended a meeting two weeks ago and a lot of questions were addressed. Yesterday the City of North Pole had a Public Hearing; there are quite a few residents that came out and spoke against the plan particularly implementation measures such as recommending the North Pole's Theme City in the future. We have a special overlay zone for the area and that would create Title 18 zone changes to allow for mixed use development – many residents are against this. City of North Pole is going to have another meeting to work out some of these issues.
5. Comprehensive Plan Advisory Board (CPAB) – Ms. Peterson said that they discussed the state of the Rewrite of Title 17. We discussed the hazard mitigation plan and implementation which is required by the Feds to get money for flood control. We talked about requiring permits for GU-1 zoning and going forward with that.
6. Other Commission Comments – Mr. Hernandez asked if you know of anyone that would be interested in being in the Planning Commission. We are down one. On May 5<sup>th</sup> starting at noon, we would like to have the retreat with food, a movie, and presentations from staff and Jill Dolan. We will have a work session and movie at our April 7<sup>th</sup> meeting. At the next meeting, we will present a plan on GU-1 rezoning and if we all agree - then we can go to the Mayor with our plan.

Several Commissioners had concerns with the APOC disclosure forms information being accessible by Internet.

I. ADJOURNMENT

There being no further business the meeting was adjourned at 9:40 p.m.