

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES  
January 13, 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 Emily Bratcher, Vice Chairman.

MEMBERS PRESENT:      Emily Bratcher              Jennifer Peterson  
                                 Tom Temple                  Tom Marsh  
                                 David Pruhs                 Brian Flemming  
                                 Nello Cooper                Umit Spencer  
                                 Kevin McCarthy

MEMBERS ABSENT:      Ian Hebert

OTHERS PRESENT:      Bernardo Hernandez, Director of Community Planning  
                                 Doug Sims, Planner III  
                                 Todd Boyce, Senior Planner  
                                 Jill Dolan, Asst. Borough Attorney  
                                 Karin Wolfe, Secretary

- A.     ROLL CALL
- B.     MESSAGES

Chairperson's Comments  
**None**

Communications to the Planning Commission

**Mr. Hernandez** welcomed Kevin McCarthy to the Planning Commission as representative of the City of North Pole. The Commission is short one member with Mr. Miller's departure and the Department will be actively looking for his replacement. He urged all members who may know of someone interested in the Planning Commission to have them contact the Mayor's Office and fill out an application. Mr. Hernandez also noted that Karin Wolfe would be filling in as Secretary until Julie's replacement is hired. Additionally he advised that Doug Braddock's last day at the Borough would be January 30<sup>th</sup> and they have hired his replacement, Dan Forrester, who was very experienced in planning.

With regards to the Cell Tower Ordinance, Mr. Hernandez noted that it would be coming before the Planning Commission. Ordinance was proposed by Luke Hopkins with the Borough Assembly. Copies were given to members to review and asked if the Commission would hold a worksession to work on it on February 3<sup>rd</sup> as there were no public hearing items for that meeting date. On March 3<sup>rd</sup> they would then hold Public Hearing on the item.

Vision Fairbanks: Crandall Arambula would be giving a presentation on the Development Standards and Guidelines in the Assembly Chambers from 10-11:30a.m. and at the Morris Thompson Cultural Center from 5:30 – 7:30p.m. It will be noticed in the paper that

various Commissions could be present as the design standards and design guidelines were discussed. The design standards are something that will be incorporated into the Title 18 zoning standards so members should be there to listen to it.

Citizen's Comments – limited to three (3) minutes  
Agenda items not scheduled for public hearing  
None

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

**HP 2008-003** Application by the Alaska Department of Transportation and Public Facilities for Local Government Approval to construct a new Richardson Highway Fairbanks Weigh Station.

**HP 2008-004** Application by the Alaska Department of Transportation and Public Facilities for Local Government Approval to install Johansen Expressway Offset Lighting.

**HP 2008-005** Application by the Alaska Department of Transportation and Public Facilities for Local Government Approval to install Northern Region Speed Displays.

All three projects were Approved via above Motion.

F. PUBLIC HEARING

**RZ 2008-020** A request by Robert and Linda Schertz, (previously postponed on August 19, 2008) to rezone approximately 8 acres from Rural and Agricultural 5 to Rural Farmstead 2 or other appropriate zone on the eastern portion of Tax Lot 2611, Section 26, T1N, R1W. comprising Lots 1, 2, 3 and 10 of the proposed Schertz Subdivision, preliminary plat approval given at the July 16<sup>th</sup> Platting Board meeting. (**located west of Farmers Loop Road across from McGrath Road, Hempel Street and Alexander Avenue**).

**Doug Sims** presented the staff report. Based upon staff analysis the Department of Community Planning recommended approval of the request and presented two findings of fact in support of recommended approval of RF-2 zone with Special Limitations as stated below:

1. Proposed lots 1, 2, 3 and 4 as shown on the Schertz Subdivision revised preliminary plat dated December 21, 2008, shall be limited in the following manner:
  - Lot 1—single family residence only. (existing)
  - Lot 2—professional office only as defined in CU 2008-017(existing)
  - Lot 3—single family residence only (existing)
  - Lot 4—single family residence only and riding academy at the option of the property owner.
2. All existing and future waste water removal systems shall meet the regulatory requirements of the Alaska Dept. of Environmental Conservation. An alternative wastewater disposal system designed by a licensed engineer and approved by ADEC is required for Lots 1, 2 and 4. Any future replacement system for Lot 3 shall also be designed by a licensed engineer and approved by ADEC.
3. Any future residential construction or riding academy development on Lot 4 shall be reviewed and approved by the FNSB by means of an approved zoning permit.

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

1. The revised request with Special Limitations attached, is consistent with the goals and policies of the Comprehensive Plan; specifically Land Use Goal 3 and 4 that promote varying lot size densities but not at the expense of insensitive development of marginal lands.
2. The proposed RF-2 zone does not jeopardize public health, safety, or welfare. The request is not considered a spot zone due to its compatibility with existing RA-5 zoning as well as comparable lot sizes located to the east. The request recognizes lower quality soils and minimizes exposure to known environmental risks through use of Special Limitations.

**Mr. Marsh** referred to the structures on Lots 1 and 2 and asked about the wastewater on those lots.

**Mr. Sims** said that the structure on Lot 2 was the Conditional Use permit for a professional office and that system did not pass inspection and will be re-installed or fixed this coming spring. He was not sure what the situation was with the structure on Lot 1. The applicant could better answer that.

**Ms. Bratcher** clarified that staff was comfortable with the direction this has gone in since last addressed.

**Mr. Sims** responded yes, he believed it represented a revision that would allow some development opportunity for the property. It was a difficult piece of property to develop, given its location and size. Some of the difficulty was brought about by the applicant, but he believed the revision did address many of the concerns that were stated at the previous public hearing with regard to the poor soil. This was a suitable alternative.

PUBLIC HEARING OPENED

**Linda Schertz**, applicant, said with regard to Mr. Marsh's question that they had those lots tested and they did not pass the DEC testing even though they worked, so they plan to install environmentally engineered systems as soon as the ground thaws in the spring and they can get in there to work. The one that did pass works fine. She believed all were borderline, but they were willing to put in engineered systems. The whole purpose of their rezone is that they had the 80 acres and had their own home, then built another home for their daughter and then she decided to have her chiropractic clinic built there, and that was when they became aware that they were out of compliance; couldn't built that many structures on 1 lot even though it was 80 acres. So they decided to get into compliance. They built the structures where the ground was the best and by doing that the structures were close together and there was no way to have each on their own 5 acre lots. So they were requesting the rezone to get each structure on its own 2 acre lot.

**Ms. Bratcher** asked if she was comfortable with the solutions as presented in the staff report/

**Ms. Schertz** said yes.

**Robert Schertz**, applicant, noted that they had a field and hay on the property, which they might make a little bigger, but it would not come down at all. They had talked to Creamers Field about the lower 25 acres, the wetlands, and making that a green zone and tying it up through Creamers Field to where nothing could ever be built there. Put it into a land trust.

**Mr. Pruhs** asked how long they have been working on the project.

**Mr. Schertz** said they've only owned the property since 2001. There was nothing there at that time.

**Mr. Cooper** referred to the strict requirements they would have to adhere to, and asked if they felt they would be able to do that. It was stated that they wanted to build rental houses, so would they still be able to manage that with the soil analyses that they had.

**Mr. and Mrs. Schertz** both responded yes. Mrs. Schertz added that the people that did the testing had said they would be able to design a system that would pass. Mr. Schertz noted they would have to put in a new lift type station. They also had talked to Fairbanks Construction about installing it.

**Mr. Cooper** asked if they'd had test holes dug.

**Mr. Schertz** said they did borings, yes.

**Mr. Cooper** summarized that staff must have felt the drainage wouldn't be a problem or they wouldn't suggest it could be accomplished.

**Mr. Schertz** replied, exactly.

PUBLIC HEARING CLOSED

**MOTION** Move to approve RZ2008-020 with three (3) Special Limitations and two (2) Findings of Fact, by **Mr. Marsh**, seconded by **Ms. Peterson**.

Discussion

**Ms. Dolan** asked to address the spot zone issue, saying it was appropriate for the spot zone analysis because of the size of the parcel. There were other factors that courts considered regarding a spot zone, and one was compatibility with surrounding uses and compliance with the Comprehensive Plan. Additionally, courts looked at whether there was a public benefit behind the spot zone or whether it only benefits the private owner. She would give one word of caution as courts have said that bringing non-conforming items into compliance was not a valid public purpose. Examples that would be were increasing density where soils were good. She would like the members to discuss this in their deliberations.

**Mr. Pruhs** said in reviewing this he did not believe this was spot zone because if you went directly across the street you would see the size of acreage is 40,000 square feet and this more than doubles that so it actually takes in consideration the density, the location, and the type of structures that are built out there. He did not this fell into a spot zoning aspect.

**Ms. Spencer** concurred with Mr. Pruhs.

**Ms. Peterson** said she felt they were a little closer to a spot zone than stated, but she agreed that because this was on a major road in the Borough, more density is in the public good. Taking that into consideration, along with the properties across the road, she believed they were not in a spot zoning situation, though treading close to it.

**Mr. Marsh** said the applicant's originally wanted to develop a larger portion of the parcel and there was a limited amount of buildable land on the property. By rezoning they were limiting themselves on how much of the property could be developed at a higher density, recognizing the limitations of the land itself for building. If seemed this was appropriate because the applicants were trying to take advance without going the way of a cluster development, which would have more limitations as far as how you develop it. This seemed appropriate for the purposes, and was not out of character with the rest of the area; and the density was along the road. He believed the rezone was appropriate.

**Mr. Cooper** agreed it was closer to a spot zone; one of the comments in engineers report was regarding available size. There were also concerns about soil and permafrost. In August minutes, it noted one concern was the settling and shifting of the properties. He felt that what was being said was that there may be quite a bit of permafrost and may be more water than earlier suggested; and because of the size of the property and no adjacent RF-2's on that side or connecting to it, it may just be a spot zone.

**Ms. Bratcher** said while it was unfortunate that there wasn't any adjacent RF-2, she felt staff was correct in its compatibility and that while it's not the most ideal situation, they are dealing with it in one of the better ways that they can.

ROLL CALL

Nine in Favor: **Mr. Marsh, Ms. Peterson, Mr. Pruhs, Mr. Flemming, Ms. Spencer, Mr. Cooper, Mr. McCarthy, Mr. Temple, Ms. Bratcher.**

Zero Opposed: -

**MOTION TO RECOMMEND APPROVAL PASSED**

H. NEW BUSINESS

Election of Officers:

**Mr. Hernandez** gave a brief synopsis of duties of Chair and Vice Chair of the Commission.

**Mr. Marsh** asked if there additional expectations from the Chair.

**Mr. Hernandez** said yes, he thought so. If something comes up just before the Planning Commission meeting, he might call the Chair and asked if he would like that issue to come before the meeting on that date, or at a further meeting, and so forth. It doesn't happen often, but there may be times when he would need to call the Chair on a last minute issue. There is also a requirement by Code that the Chairperson come to every Borough Assembly meeting to represent the Planning Commission's decision on a rezone or other issue. It doesn't happen very often, however. If it is a strong issue or one that the Commission, Community Planning and/or the Assembly felt strongly about, then the Chairperson may be requested specifically to attend.

Mr. Hernandez additionally explained the election process, noting nominations would be asked for and name would be written down. Each Commissioner would receive a voting sheet. Same process would be in place for Vice Chair.

**Ms. Bratcher** called for nominations for Chair:

Jennifer Peterson and Tom Marsh were nominated.

**Tom Marsh** was elected as Chair of the Planning Commission

**Ms. Bratcher** called for nominations for Vice Chair:

**Jennifer Peterson** was appointed as Vice Chair via unanimous ballot.

**Ms. Bratcher** noted they were additionally looking to appoint their representative to the FMATS MPO meetings, and Ms. Peterson agreed to serve in that capacity.

I. COMMISSIONER'S COMMENTS

1. FMATS

**Ms. Bratcher** said at the last meeting they were looking at a new federally unfunded mandate to fully inventory the reflectivity of all the signs within the MPO. She had also resigned her position at that time.

**Mr. Marsh** said with regards to the reflectivity, that assumes there is no accumulation of snow or frost on the signs, and was that correct.

**Ms. Bratcher** said she believed they were still investigating what that assumes.

**Mr. Marsh** said that one of the most difficult parts of the signs is what happens during the winter. Sometimes they are virtually unreadable.

2. Title 17 Rewrite Project

**Mr. Hernandez** that the Review Committee had gone through all the issues and at the end of the month they would be giving their finalized ideas to the Contractor. The 1<sup>st</sup> draft of the new Title 17 would be coming forth from Contractor in another month or two.

3. Vision Fairbanks Design Standards

**Mr. Hernandez** noted that Chris Miller has been working very hard on the Commission's behalf with the Design Standards and the Design Guidelines, and there will be the two meetings coming up that all members should try to attend. The Planning Commission will be making decisions on the design standards.

4. North Pole Land Use

**Mr. Hernandez** said the City Council would be holding a public hearing in February. on the new NP Land Use Plan.

5. Comprehensive Plan Advisory Board (CPAB)

**Ms. Peterson** said met the previous week and discussed GU-1 and why it was bad. They would move forward on doing something about that issue. The RFP for Land Use data was due this week and they looked forward to seeing those.

6. Other

**Mr. Marsh** asked if the utilities companies would be invited to participate in the worksession on February 3<sup>rd</sup> – the telecommunication companies. It seemed to him that getting their input on some of these issues might be valuable. Mr. Hernandez said they would submit the new Ordinance to them, and also some interested residents, and ask for comments, which would then be available to the Commissioners at the worksession.

**Mr. Marsh** said he had noticed in the article in the paper that there were comments about the ideas of sharing towers; two different companies, or more, on a tower. And other things like that, such as height limitations, how frequently the towers are required in a flat area versus a hilly area and so forth. He felt it was pretty important for the Commission to understand those things so they could make more informed decisions.

**Mr. Hernandez** advised that the Setback Ordinance on corner lots and the Liberty Homes rezone were passed by the Borough Assembly.

**Ms. Peterson** and others noted that the feedback was terrible with the microphones.

J. ADJOURNMENT

There being no further business the meeting was adjourned at 8:00 p.m.