

## FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

### MINUTES

February 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:        Brian Flemming            Tom Temple  
                                  Kevin McCarthy          Michael Wenstrup  
                                  Umit Spencer             Tom Marsh

MEMBERS ABSENT:        Nello Cooper             Ian Hebert  
                                  Jennifer Peterson        David Pruhs

OTHERS PRESENT:        Bernardo Hernandez, Director of Community Planning  
                                  Doug Sims, Planner III  
                                  Cynthia Klepaski, Asst. Borough Attorney  
                                  Karin Wolfe, Secretary  
                                  Marnie Long-Boehl, Secretary

A.     ROLL CALL

B.     MESSAGES

Chairperson's Comments:

**Mr. Hernandez** welcomes Marnie Long-Boehl as new clerk and secretary and Michael Wenstrup as our new Planning Commissioner confirmed by the Borough assembly on 2/16/09.

**Mr. Hernandez** stated it was a light agenda. He added that everyone has to have their APOC information into the clerk's office by March 15<sup>th</sup>. Michael Wenstrup or Kevin McCarthy does not have to worry about turning it in. On the agenda, you will find we have a work session to discuss proposed Communications Tower Ordinance.

**Mr. Hernandez** introduced **Cynthia Klepaski**, Asst. Borough Attorney replacing Jill Dolan tonight.

Communications to the Planning Commission

**Mr. Marsh** wanted to go back to the Chairpersons comments on packets that were received today, 2/17/09. They were sent out at the regular time and no one received them until 2/17/09. They frequently get them on Saturday before the meeting or earlier. It makes it tough to have time to prepare. He was hoping that they could get them on the Web as soon as they are prepared; so they would be available by the weekend.

**Mr. Hernandez** stated that maybe people need to be reminded where to go on the Web.

**Ms. Wolfe** stated that as soon as the packets are ready to be mailed out, it goes to IS to be posted. She believes that there were problems with short staffing. It might not have got done in a timely manner.

**Mr. Hernandez** apologized. Will try to make sure that doesn't happen again.

**Mr. Marsh** would like an email to the Commissioners to let them know it's available on the Website.

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. Spencer**.

Objections  
None

**MOTION APPROVED**

E. CONSENT AGENDA ITEMS

F. PUBLIC HEARING

**V2009-003** A request by Bryan Uher for setback variances of 22.2 feet and 25 feet and 25 feet to the Rural Estate 4 front yard setback requirement of 35 feet, for two existing structures, a single family home located to within 12.8 feet and an accessory building located to within 10 feet of the south lot line of Lot 06, Block 01 Golden Valley Homestead Subdivision. (located north of Chena Ester Ditch Road and one-half mile west of Montana Road).

**Doug Sims** presented the staff report. The staff is recommending approval of the request with one condition of approval and three finding of fact and support.

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

**Ms. Spencer** asked if there were other buildings around this residence.

**Mr. Sims** stated that other buildings were on Lot 7, Lot 5. These are single family homes virtually the same driving down the Chena Ester Ditch road. Very similarly situated in respect to the distant of the Lot lines.

**Mr. McCarthy** asked if they were not in compliance as well.

**Mr. Sims** said that would be is his presumption.

**Mr. Marsh** asked if he could address everyone by name before they speak for the new secretary.

**Mr. McCarthy** wanted to confirm that the residence was down slope. He couldn't really tell from the pictures but it appeared to be that the road was substantially higher than the residence. He would like an estimate of how far it was. Was it above the roof or above the second floor?

**Mr. Sims** does not believe it was above the roof. Perhaps the applicant could better answer this. The driving surface is definably above the structure.

**Mr. Marsh** stated the condition, in your recommendation, that would preclude any additional structure for additional footprint from being constructed within that setback. Is this correct?

**Mr. Sims** replied "yes".

**Mr. Marsh** just wanted to clarify this. Any other questions for staff? Anyone wishing to testify? He asked the applicant to please come forward.

#### PUBLIC HEARING OPENED

**Bryan Uher**, applicant, said that he did not know that the property was out of compliance when he bought the house back in July. It was not disclosed to him when he purchased the house. It was through his own investigation that he found this out when he wanted to improve his property. The bank informed him to get the house within compliance and that's what he wished to do with the Borough. He wants to put in water and septic. That was his plan when he purchased the property. It is a very steep slope on the driveway. To answer your question of how high the road is to the house –  $\frac{3}{4}$  the way up the second story and it is above the roof of the shed which is the additional structure.

**Mr. Marsh** asked if that was all Mr. Uher had for the Planning Commission.

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

**Mr. McCarthy** wanted to know what year the house was build?

**Mr. Uher** said the house was built in 2006.

**Mr. Marsh** asked if there were any other questions.  
None.

PUBLIC HEARING CLOSED

**MOTION** Move to approve V2009-003 with three (3) Findings of Fact and one (1) conditional by **Mr. Temple**, seconded by **Ms. Spencer**.

**Mr. Marsh** asked if there were any comments from the Commissioners.

**Ms. Spencer** stated that she could see the difficulty going through the Planning Commission but it is commendable that Mr. Uher is trying to make it right. The staff reports show the difficulties of the topography of the property. She thanked Mr. Uher for coming forward.

**Mr. Marsh** asked is anyone else had any questions.

**Mr. Temple** concurred with staff recommendations. It is clear from the photographs presented that there is a steep topography and this is why the exceptions are drafted the way they are. In light of there, the variance is appropriate.

**Mr. Marsh** added that given steep topography that the adjacent properties with residents built very close, just to be able to build on the lot and have access to the residences, that it is not the particular exception for this property. The other properties have not come forward and asked for variance. It appears, in keeping in with the physical constraints of the lot.

Discussion

ROLL CALL

Six in Favor: **Mr. Flemming, Mr. McCarthy, Ms. Spencer, Mr. Temple, Mr. Wenstrup, Mr. Marsh**

Zero Opposed:

**MOTION TO APPROVE, PASSED.**

**Mr. Sims** said it could be appealed within 15 days.

**Mr. Marsh** said - if you wanted to appeal the approval.

I. COMMISSIONER'S COMMENTS

1. FMATS - Mr. Hernandez said they had a meeting on FMATS and right now there's a stimulus package just signed on 2/17/09 in Congress by the President. It means that there could be several million dollars coming through our Community but those projects have to be shovel ready. So the FMATS group has been putting a list together to shovel projects that are ready to go. There are about five or six. It has taken a bit of time getting this together for the package. We have to obligate the plans in 75 days or 180 days but are not sure. It was important to get these projects ready so they can be bid.

2. Title 17 Rewrite Project – It is on schedule. They have had their last meeting. Next Monday they will be sending information back to the consultants to put the document in order. They went through all the different issues in depth, Title 17 issues, and have come to agreement and are sending the information back to the consultant to draft the document – a draft Title 17.
3. Vision Fairbanks Design Standards – Many were able to participate in the Crandall Arambula presentation last week. They had one in the Assembly at 10:00 am. They had a subsequent one at night at 5:30 pm at the Carlson Center where 100 – 120 people showed. The people present on Wednesday morning included Commissioners, Assembly members, City Council members, City Mayor, and Borough Mayor. There is quite a lot of interest in Fairbanks implementation guidelines and design standards. The design standards are going to be incorporated into Title 18 to make downtown Vision Fairbanks happen.  
We have come to an agreement of what those standards should be. We are going through the process of getting people or groups to pass resolutions to support these design standards and guidelines. We have some design standards and guidelines that we are not sure if the Borough has the responsibility for doing some of the guidelines and standards or if it is going to be the City of Fairbanks or are we going to share. Now we are in the process of figuring out who does what based on the powers that we process as different as jurisdictions.

**Mr. Marsh** wanted clarification in development standards and design guidelines which are very different. The development standards are things we can put in to Title 18. The design guidelines really don't fit in Title 18.

**Mr. Hernandez** agreed.

**Mr. Hernandez** stated that there were some questions of guidelines that are traditionally put in zoning codes

4. North Pole Land Use Plan – We had a meeting in North Pole and there are two or three people that had some opposition to the plan. The City Council wants to go into another work session scheduled for March. Mr. Hernandez will try to attend that meeting in March.

**Mr. McCarthy** said that North Pole is having the City Council meeting tonight, 2/17/09. He chose to come to the Planning Commission meeting. They had a very lively discussion on the land use. The majority of the people who were there liked the footprint and outline. They have the language a little mistaken. They felt that they were being told what they could and could not do with their own land. That's why we moved it to a work shop. Maybe we can change the language around a little bit so it is user friendly. The actual plan was liked by everyone but had the feeling they were being told what to do. It made it a very lively discussion.

5. Comprehensive Plan Advisory Board (CPAB) – They are working on GU issue right now. They are trying to come up with ideas with GU zoning. There are many problems associated with that zoning so the Comprehensive Planning Advisory Board is in the process in brain storming ideas on what possibly could be done with

the zones so that we can move the Community closer to elevating problems associated with GU zoning. It covers about 97 % of the Borough. It's a big zoning mass out there.

6. Other Commission Comments –

**Mr. Marsh** has a question about an issue brought up by Mr. McCarthy, by the Newsminer concerning an Assembly resolution.

**Mr. Hernandez** thinks it's an ordinance. Mr. McCarthy and Ms. Bratcher are on the City Council of North Pole. There was some feeling that having City Council people representing the Planning Commission might be difficult to work with especially if they have appeals. If a decision is made here at the Planning Commission then it is appealed to the City Council for their decision.

That puts that person in a double bind because they have already made a decision, now they have to review it on an appeal board. They don't want to have those kinds of encumbrances or problems so they have an ordinance to address that. Mr. Hernandez has been asked to attend the meeting where that will be discussed this coming Thursday. He is going to give his opinion that he doesn't think it's a problem. Everything seems to be working well. If there is such a problem where they are sitting on a board of adjustments they will just have to excuse themselves.

**Mr. Marsh's** discussion with Ms. Bratcher was that it was her view on it, also that it happens so rarely. It shouldn't be an issue.

**Mr. McCarthy** asked if it has ever been an issue.

**Mr. Hernandez** said that it has only been very recent that we made sure that we have had representation from both Fairbanks and North Pole City Council. It has been in our books for the last 20 years. The Borough Attorney said we should have someone from the Community. They set it up so some City Council members have been selected to be on the Planning Commission. So this is only the first time it has happened. We just started requiring representation from both cities.

**Mr. Marsh** said that publicly it should be mentioned and that we had a difficult time finding somebody from within in the City of North Pole who is willing to serve. That's one of the factors which should be addressed.

**Mr. McCarthy** was first approached by Mayor Issacson to join the Planning Commission. But at the time, he looked at what people were doing on the Planning Commission and it was a serious amount of reading and when he was elected to the City Council he still didn't have anyone up to speed that could come to the Commission. We don't have a lot of people in North Pole that have their finger on the pulse of what's happening. To say a City Council person couldn't sit on this board, might not be a big problem for City of Fairbanks, but it would be a real hindrance for North Pole. We have gone several amount of time without representation. If Mr. McCarthy left, it could be months before someone showed up.

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

**Ms. Klepaski** added that any members that were currently on the Planning Commission, at the time of this change, if it does pass would be grandfathered in.

J. ADJOURNMENT

There being no further business the meeting was adjourned at 7:33 p.m.