

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
April 20, 2010

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 David Pruhs
Ian Michael Hebert Nello Cooper
Michael Wenstrup Pamm Hubbard
Joy Huntington

MEMBERS ABSENT: Brian Flemming

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning
Jim Lee, Deputy Director of Community Planning
Todd Boyce, Senior Planner
Jeff Bouton, Planner III
Cynthia Klepaski, Asst. Borough Attorney
Marnie Long-Boehl, Secretary

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments:
Mr. Marsh asked the Commissioners to speak into their speakers.
2. Communications to the Planning Commission
Mr. Hernandez announced that if anyone wanted to speak on Ordinance No. 2010-03, they need to speak during citizen comments.
3. Citizen's Comments – limited to three (3) minutes
 - a. Agenda items not scheduled for public hearing.
 - **David Van Den Berg** announced that the City of Fairbanks passed Resolution No. 4410, Fairbanks Downtown Plan. The map that they have been using for the retail hot spot zoning district – that location is inspired by Vision Fairbanks Plan and the availability of under-utilized real estate property that doesn't have a building on it. We are trying to achieve for retail the following – open long hours, hours highly correlated to the neighbors' hours, and that the ground floor uses would be traffic generators with interesting window fronts. He stated that suntan parlors could fit the criteria if they included manicures and pedicures. The athletic clubs could fit the criteria but there might be an issue with hours.
 - **Mr. Hebert** asked about the museum and art gallery – were they going to be included.

- **Mr. Van Den Berg** stated that if there was not a museum and art gallery use permitted in the retail hot spot zoning it could be located a block away in the downtown supporting commercial zoning district.
- **Ms. Peterson** stated that her definition of an art gallery is a place where you go to buy art. She believes this would be the perfect use to be located in the retail hot spot.
- **Mr. Van Den Berg** agrees with Ms. Peterson's definition of an art gallery.
- **Mr. Pruhs** asked if you would classify an art gallery for retail sales which encompasses downtown retail hot spot zoning.
- **Mr. Van Den Berg** replied if an art gallery is a retail establishment.
- **Mr. Pruhs** asked if he thought it was a retail establishment.
- **Mr. Van Den Berg** said yes.

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

***HP 2010-003** Application by the Alaska Department of Transportation and Public Facilities to upgrade and pave portions of four streets in Leasure Subdivision: Braddock St, MacArthur St., Alta Way, and Bradley Way.

F. PUBLIC HEARING

G. UNFINISHED BUSINESS

OC2010-003 A proposal amending Title 18 of the Fairbanks North Star Borough Code of Ordinances by establishing a downtown supporting commercial zoning district, retail hot spot zoning district, downtown core development standards and adding definitions. (Ordinance 2010-09)

Motion to bring **OC2010-003** to the floor by **Mr. Pruhs**, seconded by **Ms. Peterson**.

Mr. Marsh and **Mr. Temple** discussed how the motion should be made.

MOTION Move to approve **OC2010-003** by **Mr. Hebert**, seconded by **Mr. Pruhs**.

Mr. Hernandez asked **Mr. Marsh** if a brief staff report could be given by **Mr. Bouton**.

Jeff Bouton presented the staff report. Based upon staff analysis, the Department of Community Planning recommended approval of the proposed ordinance. He spoke of the City of Fairbanks passing the ordinance on April 19, 2010. There are two particular issues that the City Council requests be amended:

- a. Proposed 18.30.020 (A) (29) does not permit ground floor use for new professional offices in the Retail Hot Spot District. This limitation may deter the vitality of Downtown Fairbanks by prohibiting commerce that is appropriate in the Downtown of a small city. This concern would be mitigated if the boundaries of any Retail Hot Spot were defined to a limited area as illustrated on page 16 of Vision Fairbanks Downtown Plan 2008.
- b. Proposed 18.50.210 (C) (4) bans the use of tinted or reflective glass as part of Downtown Core Development Standards. This limitation would limit the use of tinted / reflective glass for conserving energy and / or providing privacy.

Mr. Hernandez spoke of the requests by the City Council and wanted the Planning Commission to take these issues into consideration before they make recommendations to the Borough Assembly. He explained why the Planning Department did not like tinted / reflective glass in the downtown area – he wanted the area user friendly for pedestrians.

Mr. Hebert wanted clarification on the amendments – the glass remains but there should not be a limitation on tinting.

Mr. Hernandez said correct.

Mr. Hebert has a concern about saying transparent because there are industry standards where glass is rated for their transparency. Some standard glazing creates shadow affect but there is a lot of energy efficient savings.

Mr. Hernandez did look at the different standards.

Ms. Peterson wanted clarification if this glazing would be for both districts.

Mr. Hernandez said it would be for both zoning districts.

Mr. Pruhs asked if this issue came from the Building Department.

Mr. Hernandez replied that it came from the Building Department.

Mr. Pruhs asked if they were worried about keeping people in compliance.

Mr. Hernandez replied that the Planning Department would be doing the enforcement. When they come in for a zoning permit to construct a new building, we would specify that they would have to install transparent glass on the ground floor level.

Ms. Hubbard had a question on the tinted glass – is there an industry standard based upon the type of business use.

Mr. Bouton explained that there is not a standard for the type of use but there are two ways to do the tinting to windows. A film can be placed on the existing glass – it comes in different percentages i.e. 5%, 20%, 35%. Beyond 35% and up to 50% is just like clear glass. Another way would be installing colored glass.

Mr. Lee gave an explanation on colored glass.

Mr. Hernandez explained what people would do if they are not allowed to install tinted glass – they will install shades. Sometime there is a need to block sunlight during certain times of the day.

Mr. Lee said that if they want tinting of windows, they could apply for a conditional use.

Ms. Huntington is resistant to allowing people to tint windows because if you enter an establishment – they will ask you if you want to be seated by the window. You have the option of sitting in a different location.

Mr. Temple asked if window tinting is approved as proposed, there is nothing stopping an establishment from putting up shades or stacking boxes in front of their windows.

Mr. Hernandez said that's correct.

Mr. Pruhs added that they could add a cover over the window.

Mr. Lee added that the Building Department said that the word prohibited does not allow for flexibility.

Ms. Peterson agrees with **Ms. Huntington**. She agrees that the conditional use permit would be a good outlet.

Mr. Bouton added that he doesn't think that people will want to tint their windows that much, they will want to show what they are selling– there may be a few people that will want to tint their windows.

Mr. Marsh asked that this only applies to the required 50% of glass that is transparent.

Mr. Bouton replied correct.

Mr. Marsh said beyond the 50% above or below the vision area, other glass could be installed.

Mr. Bouton said yes because the transparency is measured 5 feet above the ground.

Ms. Peterson asked if we should be making a motion at this point.

Mr. Hernandez said that we should make a motion.

Ms. Peterson moved to change the word prohibited to conditional use, seconded by **Mr. Hebert**.

Mr. Marsh added that this is 18.50.210 (C) (4) and 18.30.030 (C) (3).

Mr. Lee said that 18.29.020 (B) (3) and 18.30.020 (C) (3) should read frosted, tinted, reflective glass or other types of glass that diminish transparency would be a conditional use.

Mr. Hebert believes that from an energy efficient stand point that it should be in the conditional use. He uses windows when building that are 24% and 37%. A typical window is 40% visible transmittance – he thinks we should have a typical standard.

Mr. Hernandez said that they don't want to require a conditional use if it is transparent – is there a percentage that we should use.

Mr. Hebert replied 34%.

Mr. Marsh said we should use 35% transparency.

Mr. Bouton said that 18.50.210 (C) (4) should read as follows and a conditional use would be required if it is below 35%:

Frosted, tinted, reflective glass or other types of glass that diminish transparency below 35% visible light transmittance is prohibited.

Motion to accept the wording above by **Ms. Peterson**, seconded by **Mr. Hebert**.

Mr. Marsh announced that **Mr. Wenstrup** was not at the April 6th meeting and did not listen to the audio so he will not participate in the voting or discussion.

ROLL CALL

Eight (8) in Favor: **Mr. Cooper, Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Hubbard, Mr. Temple, Ms. Huntington, Mr. Marsh.**

Zero (0) Opposed:

MOTION TO AMEND: PASSED.

Ms. Peterson wanted clarification if the City Councils concern is that this zone will move into places outside of downtown– do they feel it will go further than downtown Fairbanks.

Mr. Bouton said that they are concerned that it could be applied further than it should. We are creating a zone to be placed into Title 18 – they are unsure that it could be applied into other places besides the Retail Hot Spot identified in the Comprehensive Plan.

Ms. Peterson said that Staff doesn't agree that is a concern.

Mr. Hernandez explained to the City Council that this will be a voluntary process. It will be an effort of the Downtown Association to get people to rezone their property. Staff is going to look at the Comprehensive Plan before recommending any zone change.

Mr. Bouton showed on the overhead, page 16 in the Vision Fairbanks Downtown Plan, the retail hot spot.

Mr. Hernandez explained the red area on the overhead is the Retail Hot Spot.

Mr. Marsh asked if Vision Fairbanks has become adopted as part of the Comprehensive Plan.

Mr. Bouton said that it is part of the Comprehensive Plan.

Mr. Marsh asked if it means that we have limited the retail hot spot to that area shown on the overhead.

Mr. Bouton said for our recommendation to the Borough Assembly.

Mr. Hebert said if someone tried to apply these zones somewhere else it would be a spot zone and they would get a lot of resistance.

Motion to include art gallery to be a permitted use in the Retail Hot Spot District by **Mr. Hebert**, seconded by **Mr. Temple**.

Mr. Marsh thought that it was already in the ordinance.

Mr. Bouton said that Staff recommended that art gallery should be a permitted use in the Retail Hot Spot District and the Downtown Supporting Commercial District.

Mr. Marsh asked if the Planning Commission had to add it.

Mr. Bouton said yes.

Mr. Marsh asked **Mr. Hebert** if his motion was to add art gallery to both districts.

Mr. Hebert replied that it was already in the Downtown Supporting Commercial District.

Ms. Hubbard asked why we were only adding art gallery and not museums.

Mr. Hebert can change his motion but he thinks of a museum as something large.

Ms. Peterson said that a museum is not really retail.

Mr. Marsh concurs with **Ms. Peterson**.

Mr. Pruhs said that a museum is big and open and if someone was going to rent the building for a museum – they would not want to pay the price for a retail space.

Mr. Marsh asked if there were any more comments.

ROLL CALL

Eight (8) in Favor: **Mr. Cooper, Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Hubbard, Mr. Temple, Ms. Huntington, Mr. Marsh.**

Zero (0) Opposed:

MOTION TO AMEND: PASSED

Motion to include Athletic Club in the Retail Hot Spot District by **Mr. Hebert**, no one seconded the motion.

MOTION FAILED: FOR LACK OF SECOND MOTION.

Motion to include Suntan Parlors in the Retail Hot Spot District by **Mr. Hebert**, seconded by **Mr. Pruhs**.

Mr. Hernandez wanted clarification from **Mr. Bouton** on suntan parlor uses.

Mr. Bouton said that the suntan parlors were not a permitted use in the Retail Hot Spot District on the ground floor but were allowed above and below ground.

Mr. Hernandez communicated that the suntan parlors are permitted but not on the ground floor so when you make your motion add the wording on the ground floor.

Mr. Marsh added that at suntan parlors the activities take place in closed rooms. They may be some retail activities with selling lotions. If it is associated with another business as an accessory use to that business – would it be prohibited?

Mr. Hernandez agreed if it was associated with another retail business it would be allowed.

Mr. Marsh is not in favor of suntan parlors on the ground floor in the Retail Hot Spot District.

Mr. Pruhs concurs with **Mr. Marsh**.

Mr. Temple does not think that the suntan parlor is a bad idea for the Retail Hot Spot District – they could also be selling lotions. He is in favor of the motion.

Mr. Cooper wanted clarification of what a suntan parlor is.

Ms. Hubbard explained what it looked like in a suntan parlor.

Ms. Peterson asked Staff if they had a recommendation for changing the motion that tanning is allowed as a secondary use.

Mr. Hernandez said that it would be difficult to change the motion. He agrees that if they have retail of selling suntan products it would be allowed but without the retail it would not be permitted.

Ms. Peterson is not in favor of this motion.

Mr. Hebert said that when he goes to a suntan parlor – he does not go there to buy products but to tan. He is in support of the motion as it is.

ROLL CALL

Three (3) in Favor: **Mr. Hebert, Mr. Pruhs, Mr. Temple.**

Five (5) Opposed: **Ms. Peterson, Ms. Hubbard, Ms. Huntington, Mr. Cooper, Mr. Marsh.**

MOTION TO AMEND: FAILED.

Motion to include Tailor Shops into the permitted ground floor uses of the Retail Hot Spot District by **Mr. Hebert**, seconded by **Mr. Pruhs**.

Mr. Hebert does go to the downtown district for tailoring in Fairbanks as well as other cities.

Ms. Hubbard agrees with **Mr. Hebert** – looking at the list there is shoe repair – this is the same as having a tailor shop.

Mr. Pruhs concurs with **Mr. Hebert**.

Mr. Cooper is not in favor of tailor shops in the Retail Hot Spot District.

ROLL CALL

Seven (7) in Favor: **Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Hubbard,
Mr. Temple, Ms. Huntington, Mr. Marsh.**

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

MOTION TO AMEND, PASSED.

Motion to include Fitness Club in to the Retail Hot Spot by **Mr. Hebert**, seconded by **Mr. Temple**.

Ms. Peterson has always seen gyms on the second floor or in the basement. The ground floor could be a fruit juice bar. She is opposed to having a weight room on the ground floor.

Ms. Hubbard has seen gyms on the ground floor but does not agree that it should be on the ground floor.

Mr. Pruhs agrees that they should not be permitted on the ground floor.

Mr. Temple does not think a fitness center or a gym would bring a lot of people to the downtown area.

Mr. Hernandez said that we are trying to create a special zoning district. We now have Central Business District in our downtown area that allows for all these uses and there is nothing happening in the downtown area.

Mr. Lee asked if this motion is approved could it be changed to Athletic Club since that is the term we used in the downtown supporting commercial zoning district.

Mr. Bouton said that we do have a definition of an Athletic Club.

Mr. Hebert is willing to change it to Athletic Club.

Ms. Peterson pointed out that the motion for Athletic Club failed for lack of a second motion.

Mr. Hebert will keep the motion to read Fitness Club.

ROLL CALL

Three (3) in Favor: **Mr. Hebert, Mr. Pruhs, Mr. Temple.**

Five (5) Opposed: **Ms. Hubbard, Ms. Huntington, Mr. Cooper, Ms. Peterson, Mr. Marsh**

MOTION TO AMEND: FAILED.

Motion to include Blueprinting and Photocopying Establishment into the Retail Hot Spot District by **Mr. Hebert**, seconded by **Mr. Temple**.

Mr. Hebert said that blueprinting and photocopying is a business that he would frequent. This is a high traffic business that fits all the goals of a retail hot spot district.

Ms. Peterson concurs with **Mr. Hebert** because they would also sell office supplies.

Mr. Cooper said they should be in the downtown supporting Commercial District. He is not in favor of this motion.

Mr. Marsh believes that the terminology should be printing and publishing establishment.

Ms. Hubbard stated that 18.29.020 (A) (11) reads blueprinting and photocopying establishments.

Mr. Hebert said that printing and publishing sounds like the News-Miner.

ROLL CALL

Four (4) in Favor: **Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Huntington.**

Four (4) Opposed: **Mr. Cooper, Mr. Temple, Ms. Hubbard, Mr. Marsh.**

MOTION TO AMEND: FAILED.

Motion to include Artist Studio into the Retail Hot Spot District by **Mr. Hebert**.

Mr. Hebert said that artist studios go with art galleries. He has seen artist studios in downtown hot spots as long as the artist is selling his wares.

Mr. Bouton pointed out that there is a definition for artist studios.

Motion to include Artist Studio to the Retail Hot Spot District by **Mr. Hebert**, no one second the motion.

MOTION TO AMEND: FAILED

Mr. Marsh asked if there were any other comments.

Mr. Temple announced that at the last meeting the item was postponed with one (1) Finding of Fact – does it have a Finding of Fact.

Mr. Bouton read the Finding of Fact, that Ord. No. 2010-09 is consistent with the Vision Fairbanks Downtown Plan.

Mr. Marsh said that we can move to adopt the Finding of Fact.

Motion to add the Finding of Fact by **Mr. Hebert**, seconded by **Mr. Temple**.

Mr. Marsh asked if anyone was opposed.

None

ROLL CALL

Eight (8) in Favor: **Mr. Cooper, Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Hubbard, Mr. Temple, Ms. Huntington, Mr. Marsh.**

Zero (0) Opposed:

MOTION TO APPROVED: PASSED.

H. NEW BUSINESS

I. COMMISSIONER'S COMMENTS

1. FMATS

- **Mr. Hernandez** gave the report on FMATS – they have additional money from the road projects – they came in under bid.

2. Title 17 Rewrite Project

- **Mr. Hernandez** said that it is still in progress.

3. Vision Fairbanks Update

4. Comprehensive Plan Advisory Board (CPAB)

- **Ms. Peterson** said that the CPAB board has not met and would like an explanation.
- **Mr. Hernandez** stated that they were still going through the ground truthing of the maps and it is completed so they will be scheduling a meeting soon.

5. Other Commission Comments

I. ADJOURNMENT

There being no further business the meeting was adjourned at 8:16 p.m.