

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
May 4, 2010

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Assembly Chambers, Borough Administration Center, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 7:00 p.m. by Tom Marsh, Chairman.

MEMBERS PRESENT: Tom Marsh Jennifer Peterson
David Pruhs Brian Flemming
Nello Cooper Michael Wenstrup
Pamm Hubbard Joy Huntington

MEMBERS ABSENT: Tom Temple Ian Michael Hebert

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning
Jim Lee, Deputy Director of Community Planning
Melissa Kellner, Planner II
Cynthia Klepaski, Asst. Borough Attorney
Marnie Long-Boehl, Secretary

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments:
None
2. Communications to the Planning Commission
 - **Bernardo Hernandez** announced that on Thursday, May 6, 2010, the Borough Assembly will hold a public hearing on the Borough budgets and they will be taking public testimony on the Mayor's budget.
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. Cooper**, seconded by **Mr. Pruhs**.

Objections
None

MOTION APPROVED

E. CONSENT AGENDA ITEMS

F. PUBLIC HEARING

RZ2010-006 A request by Cynthia Rinear Bethune to rezone Tax Lots 2901, 2937, 2928, and 2926, Section 29, Township 1 North, Range 1 East from Rural and Agricultural-5 to Rural Estate-2 or other appropriate zone. **(located north of Chena Hot Springs Road and on the west side of Hillcrest Drive)**

Melissa Kellner presented the staff report. Based upon staff analysis, the Department of Community Planning recommended denial of the proposed rezone and recommends approval of a rezone of all four lots to Rural Farmstead-2 (RF-2).

Mr. Wenstrup wanted to see a map on the overhead including the Larsons' lot. He asked Staff if the Larsons' were in RE-2.

Ms. Kellner replied yes.

Mr. Marsh wanted to see the overlay of the Comprehensive Plan on the overhead.

Mr. Marsh communicated that he believes that none of the lots have soil problems. The existing structures are stable.

Ms. Kellner said yes to the best of her knowledge.

Mr. Marsh said that only one out of the four lots is conforming to the existing zoning as far as lot size.

Ms. Kellner responded with a yes.

Mr. Marsh asked if any of these lots, with the rezone, can be divided into two lots.

Ms. Kellner replied yes.

Mr. Wenstrup asked about the lots that are not conforming to size for the Rural and Agricultural-5 (RA-5) – were they divided after zoning was put into place or did the zoning change and their size did not?

Ms. Kellner said that they are likely grandfathered for lot size but Tax Lot 2937 did receive a variance when Chena Hot Springs Road project was built. The other lots were probably divided before zoning was established.

Mr. Cooper asked if the Churches' property will be zoned Rural Farmstead-2 (RF-2) from Rural Estate-2 (RE-2) as proposed.

Ms. Kellner said that the proposal is to include the Churches' property in the rezone but Staff recommendations are RF-2. The Commission can choose to exclude the Churches' lot from the rezone.

Mr. Cooper wanted clarification on the Churches' property - if excluded would they be a spot zone.

Ms. Kellner said that there is RA-5 to the west and RA-5 would be a compatible zone – it would not be a spot zone.

Mr. Wenstrup wanted to see more area around the lots on the overhead.

Ms. Huntington wanted to know why Staff is recommending RF-2 instead of RE-2.

Ms. Kellner replied that the Churches' are not interested in being included in this rezone. Staff felt that RF-2 would be appropriate because it continues to allow many of the agricultural uses that are allowed under the existing RA-5 zoning.

Ms. Kellner showed a wider range around the four lots with zoning on the overhead.

Mr. Marsh asked if there were any other questions.

PUBLIC HEARING OPENED

Braden Church, resides at 655 Hillcrest Drive, is against the rezone. He talked of the increase in traffic if the properties were to get rezoned and subdivided. He commented on the condition of Hillcrest Drive – steep and narrow and they have trouble with speed control. This rezone would put him out of compliance with the yard size. He would like to keep his zoning options open for the future.

Ms. Peterson wanted clarification on the statement about being out of compliance with the yard size.

Mr. Church replied that he believes that there is a certain amount of feet to side yards and back yards. His yard is small.

Ms. Peterson asked **Mr. Church** if he is in compliance in RA-5.

Mr. Church replied that he believes so.

Mr. Marsh looked up yard size on RA-5 (35 ft in front, 10 ft on the sides), RF-2 (35 ft in front, 10 ft on the sides), and RE-2 (35 feet in front, 25 ft on the sides). He asked if traffic comes down Golden Birch or Hillcrest.

Mr. Church said that there is a goat trail between the two roads. He doesn't think these roads actively join together.

Mr. Marsh asked if **Mr. Church** travels down Golden Birch from his residence.

Mr. Church explained that he comes down Hillcrest Drive and right on Chena Hot Springs Road.

Mr. Marsh asked if he understood that each of the Tax Lots could be subdivided into two lots.

Ms. Klepaski wanted clarification from Staff if all four lots could be subdivided by two.

Ms. Kellner stated yes.

Mr. Marsh asked if there were any more questions for **Mr. Church**.

Cynthia Rinear Bethune, applicant, is the owner of 619 Hillcrest. She applied for the rezone so she could sell a lot to a family member.

Mr. Wenstrup asked about the current traffic situation on Hillcrest Drive.

Ms. Bethune replied that this rezone would not impact Hillcrest Drive. If this proposed rezone is approved, her family member that will be building the house - their lot will not impact Hillcrest except for at the bottom. They will be using her driveway.

Mr. Marsh was troubled by the driveway cutting across the adjacent lot to the south. Is there a reason the driveway cut across the lot?

Ms. Bethune said that it is grandfather rights – it has been that way since Hillcrest was designed.

Rebecca McGowan resides at 619 Hillcrest. She is interested in purchasing this property from her sister, Cynthia Rinear Bethune. She spoke of the land suitability and traffic conditions.

Mr. Cooper asked if there is something she wanted to build in Rural Estate-2 versus what Rural Farmstead-2 would allow.

Ms. McGowan replied that she was happy with RE-2 and she is only building a small house to live in.

Mr. Marsh asked if she currently lives in the area.

Ms. McGowan replied that she rents the house that she grew-up in from her sister.

Mr. Marsh wanted to re-clarify that she would be interested in either RE-2 or RF-2.

Ms. McGowan said yes.

Melanie Church, resides at 655 Hillcrest Drive, is the owner of Tax Lot 2926. She agrees with her husband's testimony. She thinks that there will be increased traffic. She is not in favor of changing her zoning from Rural and Agricultural-5. She read statements from Charles Church and Susan Church.

Ms. Peterson asked if Tax Lot 2926 is 3.88 acres.

Ms. Church replied yes.

Ms. Peterson said that Tax Lot 2926 is not in compliance with RA-5.

Ms. Church replied that it is zoned RA-5 and does not know the reason behind it.

Ms. Peterson asked if she knew if it was grandfathered.

Ms. Church said that she is sure that they are 3.88 acres and that they are zoned RA-5.

Mr. Marsh asked if they changed their zoning – is there a specific use that they would be losing.

Ms. Church pointed out that they want to keep their options open for the future.

Mr. Pruhs asked if she anticipated having an airstrip on her property.

Ms. Church said that at the moment no but she didn't know what the future will hold.

Mr. Pruhs asked if she would have a blacksmith shop.

Ms. Church said no.

Mr. Pruhs asked if she anticipated having a riding academy or a stable – this is included in RF-2 but not RA-5 – you are gaining some rights as well. There is a small difference between RA-5 and RE-2 – the difference is having an airstrip / airport.

Ms. Church commented that she wants to leave her options open.

Mr. Wenstrup wanted clarification on leaving your options open – RE-2 would do the best to limit traffic conditions with not having a daycare or a church. Are you more worried about traffic or keeping your future options opened?

Ms. Church replied keeping her options opened and keeping her property zoned as is.

Mr. Wenstrup said that really trumps the traffic issue.

Ms. Church replied yes.

PUBLIC HEARING CLOSED

MOTION Move to approve **RZ2010-006** to Rural Farmstead-2 with four (4) Findings of Fact by **Mr. Pruhs**, seconded by **Ms. Peterson**.

Discussion

Mr. Pruhs is not in favor of taking away someone's property rights if they are not in agreement with the rezone.

Ms. Peterson is concerned about the side yard issue by Mr. Church. If we rezone to RF-2 or RE-2 – will he be out of compliance.

Mr. Hernandez stated that the RA-5 and RF-2 have the same side yard setback requirements.

Ms. Peterson said that since we are not zoning an entire neighborhood – RA-5 is already in the neighborhood and there is no reason to rezone the Churches' property.

Mr. Flemming replied that the Churches' zoning is RA-5 and their lot is 3.88 acres – by approving this are we not correcting a lot that was already zoned improperly.

Mr. Marsh commented that the only reason he sees to rezone the Churches' would be to bring them into compliance but right now they are grandfathered. If they want to make changes in the future – they will have to go through the process. The Planning Commission does not have to vote down the motion to exclude the Churches' property – just amend the motion.

Mr. Wenstrup wanted clarification on the current motion – is it RF-2 or RE-2.

Mr. Pruhs answered RF-2.

Mr. Wenstrup asked Staff if they were to exclude the Churches' property from this proposed rezone – is there any reason that we shouldn't go to RE-2.

Mr. Hernandez said that both would be acceptable.

Mr. Wenstrup asked **Mr. Hernandez** if he thought RF-2 would be better with the overall Comprehensive Plan in that area.

Mr. Hernandez said either one would work with the Comprehensive Plan.

Mr. Flemming wanted to see the map showing the RA-5 on the overhead. He stated if we don't include the Churches' property, we still are not creating a cookie cutter map. We could rezone Tax Lots 2901, 2937, and 2928 – leave the Churches' alone. He proposes the RF-2 zone.

Ms. Hubbard objects to RF-2.

Mr. Flemming clarified that he meant to say RE-2.

MOTION Move to **amend** Tax Lots 2901, 2937, and 2928 to Rural Estate-2 with four (4) Findings of Fact by **Mr. Pruhs**, seconded by **Ms. Peterson**

Mr. Marsh said that Rural and Agricultural-5 and Rural Farmstead-2 are similar except for lot size. He believes that RF-2 would be the smallest change to make.

Mr. Cooper believes that this may be an opportunity to make a correction to the zoning changing the Churches' RA-5 to RF-2.

Mr. Wenstrup is in favor of the amendment as RE-2. He has no problem not rezoning the Churches' property.

Ms. Peterson agrees with **Mr. Wenstrup**.

Ms. Huntington asked Staff if there was any other Rural Farmstead in this area.

Ms. Kellner replied no.

Ms. Huntington expressed that with terms of compatibility with the area – she is in favor of the RE-2.

ROLL CALL

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

Zero (0) Opposed:

MOTION TO AMEND, PASSED.

Mr. Marsh said that Staff needs to make a few changes to the Findings of Fact.

Ms. Kellner revised the Findings of Fact to the following:

1. A rezone to RE-2 is consistent with the goals and policies of the Comprehensive Plan, particularly Land Use Goal 3, to have a variety of land uses that fit the diverse needs of the community; Strategy 7, to provide a variety of residential land use opportunities; and Action B, to encourage a mix of lot sizes, and Land Use Goal 4, to enhance development opportunities while minimizing land use conflicts; and Strategy 10, to attract and support development that is compatible with and enhances existing land use.
2. RE-2 is more appropriate because it reflects the existing development and land use and the Comprehensive Plan's Preferred Residential designation.
3. RF-2 is less appropriate because it is less compatible with the Rural Residential zoning to the east.
4. Leaving TL2926 out of the rezone does not create a spot zone because the rezone is consistent with the Comprehensive Plan, benefits the landowners and the neighbors, and exceeds 13 acres.
5. TL2926 will not be left as a spot zone because it is contiguous to RA-5 zoning to the west.
6. The proposed zone does not jeopardize public health, safety or welfare.

MOTION Move to approve **RZ2010-006** to Rural Estate-2 with six (6) Findings of Fact by **Mr. Pruhs**.

Mr. Marsh asked if there were any objections on the Findings of Fact.
None.

ROLL CALL

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

Zero (0) Opposed:

MOTION TO AMEND, PASSED.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. COMMISSIONER'S COMMENTS

1. FMATS

- **Mr. Wenstrup** said that they have not met since our last meeting.

2. Title 17 Rewrite Project

- **Mr. Hernandez** announced no change in Title 17.

3. Comprehensive Plan Advisory Board (CPAB)

- **Ms. Peterson** said that there has not been a meeting.

4. Other Commission Comments

- **Mr. Flemming** commented on a job well done by Staff.
- **Mr. Pruhs** also thanked **Ms. Kellner** for a job well done on her staff report.
- **Mr. Marsh** encouraged the Planning Commission to attend Thursday, May 6th Assembly meeting on the Budgets.

I. ADJOURNMENT

There being no further business the meeting was adjourned at 8:20 p.m.