

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES  
March 02, 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  
                                 David Pruhs                      Brian Flemming  
                                 Ian Hebert                        Michael Wenstrup

MEMBERS ABSENT:      Jennifer Peterson              Nello Cooper  
                                 Pamm Hubbard

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

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments:
  - **Mr. Marsh** announced that the financial disclosure statements are due on March 15, 2010.
2. Communications to the Planning Commission
  - **Mr. Hernandez** stated that the rezone of the Lucky Shot Subdivision was turned down by the Assembly at the meeting on February 25, 2010.
  - **Mr. Hernandez** announced the work session on the Downtown Design Standards on March 16<sup>th</sup> at 6:00 p.m.
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. Hebert**.

Objections

None

**MOTION APPROVED**

E. CONSENT AGENDA ITEMS

F. PUBLIC HEARING

**CU2010-004** A request by Steve Bouldin for conditional use approval of a guesthouse in the Rural Residential zone on Lot 12B Block 3 Fairfields Subdivision. **(located west of Palomino Drive and south of Arabian Court)**

**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 there were any questions for Staff.

**Mr. Wenstrup** wanted clarification on the covenants – do we have to worry about this?

**Mr. Hernandez** stated no.

**Mr. Wenstrup** asked about the 25 foot proposed distance from the edge of the property – is that the minimum required?

**Ms. Kellner** replied yes.

**Ms. Klepaski** clarified that even if we approve the conditional use, it does not over ride the covenants.

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

PUBLIC HEARING OPENED

**Gary Jennings** lives in the neighborhood. He said that there are numerous properties in the neighborhood that have out buildings. He said that Mr. Bouldin maintains his house and property and has done many improvements. He spoke in favor of this conditional use.

**Mr. Temple** has a question for legal – it relates to a question he may ask the applicant. He wanted clarification if this conditional use is approved – does it mean it has to be built the same size as it was proposed.

**Mr. Hernandez** replied that the guesthouse has to be smaller than the principle building. It doesn't matter if it is rented or if someone resides in the guesthouse for free.

**Mr. Temple** asked if we could put conditions on the size of the guesthouse.

**Mr. Hernandez** replied yes.

**Mr. Marsh** asked **Mr. Jennings** if he were aware of the covenants on the properties in the subdivision.

**Mr. Jennings** is not familiar with what the covenants specifically are.

**Steve Bouldin**, the applicant, is looking to build a 16' x 24' cabin for his mother-in-law. There is no plan for septic at this time. He would like this conditional use approved.

**Mr. Temple** noted that covenants may not allow what you are proposing – have you researched the covenants to see if this is the case.

**Mr. Bouldin** said that the covenants read it cannot be an attached rental. He is not proposing a rental.

**Mr. Temple** asked if he understood that if he built something that was against the covenants, that your neighbors could sue you and force you to tear down the structure.

**Mr. Bouldin** replied yes.

**Mr. Temple** asked if you were limited to the 16' x 24' cabin – could you live with that.

**Mr. Bouldin** replied yes. He said the two cabins that he has built in the past were 16' x 24' in size. That is the plan for this guesthouse.

**Mr. Temple** asked if the future building is limited in size and no outhouse is permitted on site, will you have a problem with that.

**Mr. Bouldin** replied no.

**Mr. Wenstrup** asked if your mother-in-law decides that she would like plumbing in the guesthouse – what would your plan be.

**Mr. Bouldin** replied that he would have to research that to see if the original septic system on the property would handle an extra bathroom.

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

**Mr. Flemming** asked the location of Lot 4, Block 12, the property owned by one of the respondents to the DPO.

**Ms. Kellner** pointed it out on the overhead.

**Mr. Marsh** asked if the applicant will retain a surveyor to locate the 25 foot setback of the property.

**Mr. Bouldin** said he would need to have a surveyor.

**Mr. Pruhs** asked if there will be a kitchenette facility in the guesthouse.

**Mr. Bouldin** replied yes – might not have a stove.

**Mr. Pruhs** asked if he was going to have a Toyo heater.

**Mr. Bouldin** replied yes.

PUBLIC HEARING CLOSED

**MOTION** Move to approve **CU2010-004** with one (1) Condition and four (4) Findings of Fact by **Mr. Temple**, seconded by **Mr. Wenstrup**.

Discussion

**Mr. Temple** concurs with Staff recommendations. He thinks a non-rental guesthouse is appropriate for this location. He proposes adding a condition that the guesthouse would not be larger than 16' x 24' as proposed by the applicant and a condition that an outhouse not be installed in the future.

**MOTION** Move to approve **CU2010-004** with three (3) Conditions and four (4) Findings of Fact by **Mr. Temple**, seconded by **Mr. Pruhs**.

**Ms. Klepaski** would like to know if **Mr. Temple** would like to amend the condition remaining – it does read:

1. Should a septic system or outhouse be constructed in the future, it must meet Alaska Department of Environmental Conservation standards and regulations

**Mr. Temple** proposes removing the words “or outhouse” from the Condition #1 so it would still reference a septic system being constructed.

**Mr. Marsh** added there should be a condition for not constructing an outhouse.

**Mr. Temple** is proposing three (3) conditions.

**Ms. Kellner** showed the conditions on the overhead as follows:

1. Should a septic system be constructed in the future, it must meet Alaska Department of Environmental Conservation standards and regulations.
2. No outhouse shall be constructed on the lot.
3. The size of the guesthouse shall be limited to 16' x 24' as proposed by the applicant.

**Mr. Hebert** added that he has seen some nice outhouses that are built to DEC specs. He would like to know more of why this condition is added – is it because of the comments of the neighbors.

**Mr. Temple** explained that it is not appropriate for this residential neighborhood.

**Mr. Marsh** added that since an existing septic system is on the property – it would not be appropriate to have an outhouse.

**Mr. Hebert** said his mother had an outhouse that was only used in the summer to save the septic system and she lived in a nice neighborhood near Pearl Creek.

**Mr. Marsh** asked if there were any other comments on the conditions.

**Mr. Marsh** asked if there were any objections to the conditions.  
None.

**Mr. Hebert** commented on the size of the cabin and asked if the applicant was to build a garage and have his mother-in-law live in it – that would have been allowed by rural residential standards.

**Mr. Hernandez** replied no – if you have a garage and put a dwelling unit on top of it then it would have to go through conditional use approval.

**Mr. Hebert** asked if they just lived in the garage – would it be ok.

**Mr. Hernandez** replied no – they would be using it as a dwelling unit.

**Mr. Hebert** does not want to limit the applicant to 16' x 24' just in case the applicant needs to add on for a bathroom. He is not in favor of the third condition.

**Mr. Flemming** agrees with **Mr. Hebert** – there are already conditions and as long as it is smaller than the main dwelling – it is considered a guesthouse so he doesn't believe that we need to constrict him on the size.

**Mr. Temple** is willing to agree to this conditional use based on the plan that is provided. It doesn't constrict the applicant because he has the right to seek an additional conditional use in the future if needed.

**Mr. Wenstrup** asked **Mr. Temple** if he would consider amending the cabin to 500 – 600 square feet or less.

**Mr. Temple** is in agreement to what the applicant is proposing.

**Mr. Marsh** asked if there were further discussion.

**Mr. Marsh** asked for a roll call on Condition #3.

#### ROLL CALL

Four (4) in Favor: **Mr. Pruhs, Mr. Temple, Mr. Wenstrup,  
Mr. Marsh.**

Two (2) Opposed: **Mr. Hebert, Mr. Flemming**

**Mr. Marsh** added that we now have three (3) conditions and four (4) findings of fact as amended.

**Mr. Temple** added that it is not his intent to over-rule the covenants – based on land use rules for conditional uses – the plan as submitted is appropriate.

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

#### ROLL CALL

Six (6) in Favor: **Mr. Pruhs, Mr. Temple, Mr. Wenstrup, Mr. Hebert, Mr. Flemming, Mr. Marsh.**

Zero (0) Opposed:

**MOTION TO APPROVE, PASSED.**

#### PUBLIC HEARING

**CU2010-005** A request by Fred Meyer Stores, Inc. for conditional use approval of a large scale development in the Light Industrial zone on Tract A Fred Meyer Subdivision. **(located south of Airport Way, west of University Avenue and east of Sportsman Way)**

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

**Mr. Hernandez** added that the City has its own landscape requirements and the Borough has theirs. Mr. Shuttleworth said that since the Borough has already started this process – the City is not going to enforce their landscaping requirements. The City will probably annex this property on March 4<sup>th</sup>.

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

**Mr. Hebert** asked if the City Building Department will review the building itself.

**Mr. Hernandez** does not know about the building construction – that is something the applicant should check out with Mr. Shuttleworth.

**Mr. Pruhs** asked about Page 6 on the staff report - #6 from the Recommendations – financial guarantee for landscaping – has the applicant done this?

**Mr. Mussman** replied that the Landscape Review Board and Fred Meyer representatives have a meeting on March 9, 2010. They anticipate that they will have a financial guarantee at that time.

**Mr. Pruhs** asked Staff what an appropriate financial guarantee would be – is it a percent of the cost of the estimated amount – is it a bond – is it escrow or a lien on the building.

**Mr. Mussman** replied that the manner of the financial guarantee could be a bond, cashier's check, or cash. The Landscape Review Board needs to come up with an appropriate cost that will be required to finish the landscaping of Fred Meyers. When the landscaping is complete – they will get their money returned.

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

**Mr. Wenstrup** asked about the decorative fence that will be along the south side except for Lots 1 and 2 - is that because they are commercial?

**Mr. Mussman** replied that it is not required for the fence to be adjacent to Lots 1 and 2 because they are zoned Light Industrial and are not a residential zone.

**Mr. Wenstrup** needed clarification on who made the decision of raising the fence a foot.

**Mr. Mussman** replied that it is a definition of a decorative fence.

**Mr. Temple** asked if there is any benefit for using a sound buffering fence.

**Mr. Mussman** said that was not proposed. In the citizen participation meeting, there was only one comment regarding sound having to do with trucks and mechanical equipment with the operations of the store. We now have additional public comments regarding noise factor.

**Mr. Temple** asked if that was something the Planning Commission should consider.

**Mr. Mussman** said that is something that the Planning Commission can consider. There probably will be public testimony on the noise factor tonight.

**Mr. Marsh** asked about the large development standards.

**Mr. Mussman** said that Fred Meyer did approach us with that question since they were only adding 18,000 sq ft or approximately 9%.

**Ms. Klepaski** said the definition does state that once you make an addition, then you would fall under the large scale ordinance and proportionality has more to do with landscaping that is required. We don't have a proportional language in our ordinance.

**Mr. Hebert** asked about the façade of the building – does it meet the standards.

**Mr. Mussman** answered yes.

**Mr. Hebert** asked about the details of the garbage / dumpster container.

**Mr. Mussman** replied that on the preliminary site plan – there are two trash collection locations. He pointed it out on the overhead. These will be enclosed and when they are full a gate will have to be opened. The applicant will be able to address this better.

**Mr. Flemming** asked about the temporary storage – outdoor storage area.

**Mr. Mussman** showed on the overhead where the outdoor storage area is being relocated.

**Mr. Hebert** asked about the level of involvement that the Planning Commission is suppose to take on a box store – the building itself.

**Mr. Hernandez** said that the main point is the landscaping and to make sure the store itself does not have a box appearance. Look at pedestrian lighting issues.

**Mr. Marsh** asked about Condition #3 – revised site plan – does this take care of the requirements in Condition #1.

**Mr. Mussman** said that they received the site plan today and that meets the requirements of Condition #1 and #3.

**Mr. Marsh** asked if we needed Condition #1 any longer.

**Mr. Mussman** replied no. Condition #3 needs to have the outside storage referenced. The approval is based on February 17<sup>th</sup> and March 1<sup>st</sup> site plan.

**Mr. Marsh** would like to see those changes made to the conditions.

**Mr. Hebert** asked when the zoning designations were put in place along the south side.

**Mr. Mussman** does not have the exact dates for the zoning. The airport noise sensitive area was not added to this property.

**Mr. Hernandez** said that it has been zoned Light Industrial for at least 20 years since he has been working for the Borough. The airport noise sensitive area has been around for about 12 years.

**Mr. Hebert** said that when the residents bought – it was Rural Residential.

**Mr. Hernandez** replied that the residential area is Single- Family 20.

**Mr. Hebert** asked if any of these homes knew they were against Light Industrial property.

**Mr. Hernandez** replied yes.

**Mr. Marsh** asked about the site plans – on the west side, there indicated an 80 ft US Fish & Wildlife easement.

**Mr. Mussman** said that the applicant has said that US Fish & Wildlife area has been abandoned.

**Mr. Hebert** asked for clarification on the fence – is the decorative fence going to be installed in lieu of the fence now.

**Mr. Mussman** said that the plans received yesterday showed that the fence is constructed as close as possible to the existing chain link fence.

**Mr. Hebert** said – but it doesn't replace it.

**Mr. Mussman** said the chain link fence will remain.

## PUBLIC HEARING OPENED

**E. Thomas Robinson**, resides at 3744 Mitchell Ave, owns Lot 8, Block 1, Fairwest West Subdivision. They purchase the property in the spring of 1977. We tried to buy property from Fred Meyer before the box store was built to provide a buffer but Fred Meyer refused. We have problems with noise & air pollution – it is unbearable. We smell the food cooking all year long and diesel fumes. A 7 ft decorative fence will not keep the noise away. He passed to the Chairman comments from a neighbor.

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

**Mr. Temple** asked about experiences with negative noise – needed **Mr. Robinson** to clarify the noise and the time of day.

**Mr. Robinson** said the noise is 24 hours – the semi trailers are parked there –refrigeration units running, heaters, and ventilation of the building, gun shots, 4-wheelers, snow machines, and the equipment that cleans the parking area.

**Mr. Temple** said that vehicular noise is your concern.

**Mr. Robinson** said pollution of all types.

**Mr. Pruhs** asked if he was at the Aspen meeting with Fred Meyer representatives.

**Mr. Robinson** said that he was out-of-state.

**Mr. Pruhs** asked if he had met with the Fred Meyer representatives and given his concerns.

**Mr. Robinson** said yes – he has talked with the manager of Fred Meyer. He asked the manager if he could plant trees to make a better buffer strip. He said that they would not allow it.

**Mr. Wenstrup** asked about the raven problem – it sounds like Fred Meyer is trying to solve that problem by putting the trash inside – if they do this, would that make you happy with that issue.

**Mr. Robinson** said that it sounds good. He said that they made promises in the past as well. He said that they also have problems with the meat scraps from Fred Meyers – the ravens pack food into the yard and they have fights over the food.

**Mr. Wenstrup** asked if prior to Fred Meyer being built – did you have drainage problems.

**Mr. Robinson** replied that the drainage went into the property where Fred Meyer is located. It had a slough where their building exists.

**Mr. Wenstrup** asked how bad the flooding was – is it every break-up.

**Mr. Robinson** answered with when there was a down pour of rain – early summer.

**Mr. Hebert** announced that he asked Staff how long the zoning was in place and he wanted to know if **Mr. Robinson** was aware that he was next to Light Industrial.

**Mr. Robinson** said that he was aware that it was federal property. He was told that the property changed hands with the Native Claims Settlement.

**Mr. Hebert** asked if he knew the process by which properties like McDonald's have been persuaded to build high noise reducing fences.

**Mr. Robinson** described that the neighbor hung Ronald McDonald from a tree in the neighboring yard – then McDonald's put up a high fence. In other States around freeways, they put up concrete fences.

**Mr. Hebert** asked if he would construct a concrete fence on his own property.

**Mr. Robinson** said that it would be on the utility right-of-way – he would have a legal problem if he did it himself. There is also natural gas and a water main located there.

**Mr. Hebert** asked if on his property, outside of the right-of-way, you would consider building a noise reduction fence there.

**Mr. Robinson** said that he was going to put a RV shed up in the back yard.

**Mark Kline**, resides at 3754 Mitchell Ave, said that the proposed fencing is inadequate. It doesn't address the issues of the noise, garbage, and trespassing. This is industrial equipment and it is very noisy. He has had people fleeing from Fred Meyers and jumping over the fence – he fears for the safety of his family. They have tourists in RV's parked in Fred Meyer's parking lot – they walk their dogs at 3:00 in the morning and their trash ends up in our yard. The 7 foot fence that is proposed is nowhere near the buffer that is needed to contain the noise or privacy issue. If you call Fred Meyers and ask them to keep the noise down, they are rude.

**Mr. Wenstrup** asked if the fence was solid and 7 feet high – would that limit the theft and casing.

**Mr. Kline** said that would give you some privacy but doesn't do anything for the noise issue.

**Mr. Wenstrup** asked what the location of his property.

**Mr. Kline** replied Lot 9.

**Bruce Creager**, Barghausen Representative, is here to respond to the questions that were raised tonight. He gave his presentation including being in compliance with the large scale development requirements. Regarding the residential buffer on the south – the regulations require a 10 foot buffer – they are proposing 103 trees with a decorative fence 7 foot high.

**Brian Peters**, Fred Meyer representative, showed a larger version of the design of the project. He gave an overview of what kind of expansion that was being proposed including materials being used. He touched on the compactor issue – it will be closed with a gate so the ravens won't be able to disturb it.

**Mr. Wenstrup** asked about the enclosure in the back of the building – will it decrease the noise issue.

**Mr. Peters** replied yes.

**Mr. Flemming** believes that you are going above and beyond on the design issues but you are not addressing the fence issue. He asked for input on the design of the fence.

**Mr. Creager** replied that with the application of a large scale development regulation – the expansion should pertain to the expansion only, not to the entire store. We are expanding the store largely on the west side of the store. We are not doing anything to increase the amount of traffic or the amount of noise. With the improvements that Fred Meyer is making with the screening of compactor and docks with the requirement of the 7 foot fence and trees – that would take care of complying with the requirements of the code. They did address the questions that were raised at the citizen participation meeting. There were issues raised about the venting of the diesel generator and they are studying that issue now. They believe that they have addressed the citizens concerns at the meeting. We believe that a fence 7 foot in height would take care of the safety issues and it would give privacy. The fence will help with some of the noise but it won't eliminate it.

**Mr. Pruhs** asked if Fred Meyers did a cost comparison between a sound proof fence and a decorative fence.

**Mr. Creager** replied no.

**Mr. Pruhs** asked if they could do a design analysis between these two types of fences.

**Mr. Creager** said that his team would be able to do that.

**Mr. Pruhs** asked if Fred Meyers ever took into consideration the noise factor and the surrounding neighbors.

**Mr. Creager** said that it was not brought to the design team's attention until January 20<sup>th</sup> when they had their citizen participation meeting.

**Mr. Pruhs** said that the Borough is having Fred Meyer complete their issues on landscaping but it doesn't sound like Fred Meyer is doing anything for the neighbors south that have been there for a number of years – this is the neighbor's only chance to voice their opinion.

**Mr. Temple** addressed that it seems that nothing has been done to address the noise issue. This is the big issue. You have a good plan but you need to address the noise factor. Has Fred Meyer done anything with the vehicle issue, plow trucks, industrial type vehicle, or noise in general at all hours of the night?

**Mr. Creager** stated that from the citizen participation report - it read to make the fence that separates the loading dock / drive to private property at least 8 feet high and make it so that nobody can see into the back yards also to cut down excessive noise from the trucks. That is the only comment that Fred Meyer has received on noise. It is a general statement so we felt with the screening that was being provided at the loading docks that would screen the truck loading activity – we were taking care of a significant part of the noise problem as we understood it.

**Mr. Temple** understands that when you were designing this – you were never notified of complaints from the neighbors adjacent.

**Mr. Creager** never heard any comments about the noise before.

**Mr. Temple** asked if the engineer that was designing this expansion ever mentioned that there could be problems with noise complaints.

**Mr. Creager** said no.

**Tom Gibbons**, Fred Meyer representative, said that his office at this location was not aware that there was a problem with noise. If we were to have problems, our regional and store director would contact our office - that would be my office that would address these issues. We would contact the property owners and find out their situation. He has been at Fred Meyers for fourteen years and has never heard of a noise problem with this store.

**Mr. Temple** said that we are hearing different testimony tonight. There are definitely problems and we need solutions.

**Mr. Hebert** asked the design team if they would be open to the Planning Commission putting a condition upon the approval that you do integrate a sound fence with a specific height.

**Mr. Gibbons** said that they would have to analyze this – they do have problems with the easements and there is limited room to work with there. To come into compliance with the planting of the additional evergreen trees – it was impossible because it was so close to the easement area.

**Mr. Creager** said that it is something they could take a look at as a design team. If there is a condition that could not be met – if we can't get approval from the Utility Company to build a sound proof fence into the easement – the gasoline could be a problem and the water main – there are complications.

**Mr. Gibbons** added that the generators – they were looking into installing higher stacks. They could control the hours where they fire the generators for test and operations.

**Mr. Hebert** said that there are issues that you can't control - like horns and vehicles backing up. Do you think that a 7 foot decorative fence will take up less room than a sound fence?

**Mr. Temple** added that as proposed – Fred Meyers will have two fences there – the chain link and the new decorative fence. If you place just one sound fence - there would not be these issues as easements and utilities.

**Mr. Gibbons** added that a concrete wall would probably not be able to be built in the easements. We can look at other sound proof fences that might work.

**Mr. Peters** replied that with concrete you would need footings – there could be a 6 foot frost depth.

**Mr. Gibbons** added that the Utility Company is already not keen on the decorative fence and the landscaping of the trees near their easement.

**Mr. Creager** said that Pat McArdle, GVEA Representative, indicated some concern on the fencing within that easement. He has been sent the plans on the 7 foot decorative fence and it will be difficult to get that approved versus putting a more substantial fence in around the easement.

**Mr. Temple** said that we either add in a condition now that you will install a sound buffering fence or we ask for a postponement so you have time to look at a design and what options are available for a better noise buffering plan. Which would you prefer and if we postpone this – how much time would you need to look at those options.

The **Fred Meyer** design team needed to have a huddle. The Planning Commission took a break at this time.

**Mr. Marsh** asked if the design team had an answer for the Planning Commission.

**Mr. Creager** said that we have a significant obstacle in getting from the Electric Association anything higher than the existing cyclone fence that is already installed. We believe that Fred Meyer could construct a 10 foot high fence continuous along the south property line and for those residents that their lots are opposite the loading dock areas – Lots 8, 9, and maybe Lot 10 – Fred Meyer could switch out, on the north side of the residences, windows that are for noise reduction.

**Mr. Hebert** asked Staff what the proper way would be to negotiate through an issue like this.

**Mr. Marsh** clarified **Mr. Hebert's** question for Staff and directed it to **Mr. Hernandez**.

**Mr. Hernandez** stated that the best thing to do is to postpone this until our next Public Hearing on March 16<sup>th</sup>. Fred Meyer needs to check with residents to see if they want new windows. It might be a good idea to let Fred Meyer's come up with a good solid plan.

**Mr. Hebert** stated that he has prior commitments in two weeks so he would like to give his suggestions and thoughts through the discussion phase.

**Mr. Hernandez** said that way Fred Meyers would have a good idea what the Planning Commission is thinking.

**Mr. Pruhs** asked the design team if this two week time period would put a delay in construction.

**Mr. Gibbons** answered with the timing is going to be very critical and maybe **Mr. Van Kirk**, our Project Manager, will be able to answer this question.

**Mike Van Kirk**, the Project Manager, said that the end of April – beginning of May is when construction is going to begin.

**Mr. Peters** said on March 26<sup>th</sup> they will be starting the bid process, so they need all their construction documents complete and all the designs finished at that point. Then **Mr. Van Kirk** can decide who will be working on the project. April 22<sup>nd</sup> will be the beginning of the project – prior to that they will begin mobilization – the contractor will be on site. If we need to go to March 16<sup>th</sup> – that leaves a minimal amount of time to get approval and move on and if we can't meet those dates, then it could push the whole project from happening this year.

**Mr. Pruhs** asked **Mr. Hernandez** if the completion of all landscaping approved by the Landscape Review Board and a final landscape plan has been submitted. May be the Planning Commission could have the Landscape Review Board finalize the offer on the fence.

**Mr. Hernandez** said that it is not the position of the Landscape Review Board to do the finalization but the Planning Commission to finalize it.

**Mr. Marsh** asked about fencing along the west side of Peger Road – north of Airport – there is a sound fence between the road and the neighborhood. It doesn't look out of the ordinary – it is constructed of wood. This fence is reasonably effective. It doesn't need to be concrete. A lot of the complaints are due to operational aspects of Fred Meyer.

**Mr. Wenstrup** wants to address the issues of the drainage. The neighbors did not have this problem before Fred Meyer was built.

**Mr. Van Kirk** said that this is the first they have heard of it.

**Mr. Peters** said that there was a comment about the flooding happening after heavy rains. Our building doesn't sheet drain water onto the site.

**Mr. Wenstrup** asked where the water is going.

**Mr. Peters** replied that it is collected and sent into the central system.

**Mr. Wenstrup** asked - like a sewer system on site.

**Mr. Creager** said that the original plans showed that there are a series of drainage swells located along the perimeter of the property illustrated on the site plan. We have not been asked to evaluate these swells – we were not informed of a problem of drainage leaving the property.

**Mr. Wenstrup** has a concern on this issue and needs it address before next meeting to see if anything can be done to improve drainage.

**Mr. Creager** said the best they can do is take a look at the 1992 design plans. Given the site conditions now covered with snow – it would be difficult to evaluate if it was built per plan or a potential breach in the swell system. Fred Meyer's ability to evaluate this problem will be extremely limited.

**Mr. Marsh** asked about the 80 foot fish & wildlife easement on the site plan.

**Mr. Gibbons** said that easement has been terminated by Fish & Wildlife.

**Mr. Marsh** said it should be deleted from the site plan. He raised a question about site lighting – are they going to use the LED lights

**Mr. Van Kirk** said LED is not what they are proposing to use.

**Mr. Wenstrup** asked about the heated sidewalks – if there is going to be heated sidewalks, how far out from the building will they be placed.

**Mr. Van Kirk** said that they are looking at 13,000 sq ft of heated sidewalks – they will be in the entry ways and out to some of the parking area to keep that clear.

**Mr. Peters** stated that 60% of the front of the store will have canopies overhead which will help to have less snow on the sidewalks.

**Mr. Pruhs** asked if this postponement will stop the construction.

**Mr. Gibbons** said that likely it can. Fred Meyers is on a critical time path.

**Mr. Hebert** described another plan, using Target as an example, and their analysis of the storm water run-off and the ability of the swells to capture the run-off from the parking lot were a lot more substantial. He thinks there is a lot of green space visually but he is not sure if it is sufficient. He asked about the snow stops – are they a standing seam design and a metal roof.

**Mr. Peters** said yes to both.

**Mr. Hebert** asked if it would make sense to create a sound deadening fence from Lots 5 – 10. He asked if they recognized that there is no way to stop all noise from contractors and distributors.

The design team all agreed.

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

#### PUBLIC HEARING CLOSED

**MOTION** Move to approve **CU2010-005** by **Mr. Temple**, seconded by **Mr. Wenstrup**.

#### Discussion

**Mr. Hebert** asked if it was a requirement in the application under this large scale development ordinance to create a drainage plan.

**Mr. Temple** commented on the applicant doing a great job except for the noise issue. He looks forward to having this issue addressed so he can recommend approval.

**Mr. Marsh** seconds **Mr. Temple's** comments.

**Mr. Pruhs** thanked Fred Meyer for their acknowledgement of this issue and they probably were not aware of it.

**MOTION** Move to postpone **CU2010-005** by **Mr. Temple**, seconded by **Mr. Pruhs**.

**Mr. Hebert** wanted to discuss the postponement. He thinks there is a way the Planning Commission can craft this ordinance and approve it at this meeting. Internally, he thinks that we can trust Staff to deal with this issue. He thinks the Planning Commission can put in an extra condition stating that they could build a sound buffering fence along with the Utility Company's approval.

**Mr. Pruhs** concurs with **Mr. Hebert's** thoughts – time is of the essences. Fred Meyers has come to a conclusion on all other citizen issues and we are just dealing with the noise issue at present.

**Mr. Wenstrup** is in favor of the postponement. This is giving the applicant time to come up with solutions.

**Mr. Marsh** asked **Mr. Hernandez** if the Planning Commission could be the finalization on this ordinance if they do not postpone it.

**Mr. Hernandez** stated that they could assume that responsibility. Staff does understand what the Planning Commission wants.

**Mr. Temple** asked if this is something that Staff could do before our next meeting.

**Mr. Hernandez** said it might take a couple weeks anyway.

**Mr. Temple** said that realistically asking them to come back at our March 16<sup>th</sup> meeting isn't going to delay it anymore than Staff would.

**Mr. Flemming** stated that it shows that Fred Meyers is only going to fence Lot 10, 9 , and 8 – if you are going to build a sound deadening fence on a couple of lots – you need to do it on all of them. The neighbors on the other lots are going to complain like Lots 3 – 12. Fred Meyer should look at all the lots.

**Mr. Temple** is uncomfortable passing this on to the Planning Department. The Planning Commission should make a decision at the next meeting.

**Mr. Marsh** said that the only real issue that the Planning Commission has is the sound problem with the neighbors to the south.

**Mr. Wenstrup** said that he feels the drainage is still an issue – he will probably be putting forth an amendment to the conditions on a drainage issue so he would like Fred Meyers to consider this issue in the next two weeks.

**Mr. Flemming** agrees with comments – if you look at C1.1 – Fred Meyer has a proposed snow storage right next to Lot 12 – it would be interesting to see what they are doing there for the drainage run-off in that area.

**Mr. Hebert** stated that there should be a condition saying the back area – the garbage area is always secured.

**Mr. Marsh** added that Condition #2 relates to if the building becomes unoccupied. The buildings are trailers and connexes – that's why we need screening.

**Mr. Marsh** asked if the Planning Commission is ready to vote on postponement.

#### ROLL CALL

Four (4) in Favor: **Mr. Pruhs, Mr. Flemming, Mr. Temple, Mr. Wenstrup**

Two (2) Opposed: **Mr. Hebert, Mr. Marsh**

#### **MOTION TO POSTPONE, PASSED.**

#### G. UNFINISHED BUSINESS

#### H. NEW BUSINESS

#### I. COMMISSIONER'S COMMENTS

##### 1. FMATS

- **Mr. Wenstrup** said that they have not met since the last Planning Commission meeting.

##### 2. Title 17 Rewrite Project

- **Mr. Hernandez** said that this project is still moving forward.

##### 3. Vision Fairbanks Update

- **Mr. Hernandez** said that the Planning Commission is having a work session on this on March 16<sup>th</sup> at 6:00 pm.

##### 5. Comprehensive Plan Advisory Board (CPAB)

- **Mr. Hernandez** said that CPAB has not met for awhile.

##### 6. Other Commission Comments

- **Mr. Marsh** talked about the parking requirements in Title 18 - that the original parking requirements were based on maximum number of vehicles at that time and not as minimums. This was being looked at and perhaps they could adjust them down.
- **Mr. Marsh** added that the only place that multiple cabins are allowed is under GU-1 zoning. Multi-family is an urban zone and not a rural zone. He thought that maybe cabins should be looked at and included in other zones. More than two cabins in other zoning would be non-conforming.
- **Mr. Hernandez** said this would be a good idea for Staff and the Planning Commission to get together to discuss what would be appropriate.

- **Mr. Wenstrup** asked that an email be sent out early to have the Commissioners that were not present tonight listen to the audio on this meeting concerning CU2010-005 before next meeting to make a quorum.
- **Mr. Hebert** apologizes on his lack of attendance.

I. ADJOURNMENT

There being no further business the meeting was adjourned at 10:03 p.m.