

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
March 16, 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
 Brian Flemming Ian Michael Hebert
 Nello Cooper Michael Wenstrup
 Pamm Hubbard

MEMBERS ABSENT:

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning
 Jim Lee, Deputy Director of Community Planning
 Mark Mussman, Planner III
 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
 - **Mr. Hernandez** announced that at the last Assembly meeting, they passed the rezone for Rural and Agricultural-5 to Rural Farmstead-2 for Mr. Bryan.
 - **Mr. Hernandez** explained the competition on the "Don't Be Fuelish" program.
 - **Mr. Hernandez** addressed our new Regional Comprehensive pocket plan abstract.
 - **Mr. Hernandez** advised that on Thursday, March 18, 2010, the Borough Assembly is having a work session on the Land Suitability analysis land use map that the Borough is developing. The Assembly wants to find out more about the Grandfather Rights and other issues.
3. Citizen's Comments – limited to three (3) minutes
 - a. Agenda items not scheduled for public hearing.
 - **Mark Kline**, neighbor of the Fred Meyer West store, spoke on the 8 foot fence that is proposed by Fred Meyer – he does not think that it is sufficient. He thinks it should be taller than 8 foot. He would like Fred Meyers to change their habits on the snow plowing and street sweeping starting at 11:00 pm – he mention the City noise ordinance and that he would be addressing this issue if the fence is not adequate to keep the noise down – he will file an appeal.

- **Mr. Wenstrup** asked **Mr. Kline** if the 8 foot fence is his concern – the noise issue. He asked about the security issue that he mentioned at the last meeting.
- **Mr. Kline** said yes – the security issue – people will be scaling the fence. He mentioned that he had numerous criminals from the Fred Meyer store crossing his property – he thinks it would be a preventive measure to put in a taller fence that people could not scale to get into his yard.
- **Mr. Pruhs** asked if his concerns had been properly addressed through the Borough's system.
- **Mr. Kline** replied that it depends on what transpires from this meeting. He said that Fred Meyer mentioned that they were putting in a higher fence then retracted the fence.
- **Mr. Pruhs** asked if he had been in contact with the Borough Staff.
- **Mr. Kline** said he had one of the Staff's business cards.
- **Mr. Cooper** asked what made him think that the people that were in his yard were criminals.
- **Mr. Kline** said the police were in the yard as well.
- **Mr. Hebert** address the report from the engineer that was studying the acoustics of the area and they say that acceptable levels of noise in a residential area is 55-60 decibels. He explained the different levels of noise in the neighborhood; the most significant noise was the overhead air traffic. He asked if the air traffic could also be interrupting Mr. Kline's sleep as well.
- **Mr. Kline** asked about the time frame of when this acoustical sound study took place and who hired the consultant.
- **Mr. Hebert** said Fred Meyer hired the consultant and this was a recent study.
- **Mr. Kline** asked what the time span was for the study.
- **Mr. Hebert** said that it doesn't specify.
- **Mr. Kline** said that it doesn't account for the street sweepers and traffic that goes behind Fred Meyers – heavy equipment that works 24-7.
- **E. Thomas Robinson**, neighbor behind Fred Meyer West, spoke about the presentation that Fred Meyer gave at the last meeting. He spoke about neighbor comments that said the fence should be 8 foot higher – the one that exists is 6 foot and 8 foot higher would equal to 14 feet. He was in contact with Fred Meyer about the changes to the fence - he was expecting some feedback from Fred Meyers by email and they did not respond as of 6:15 pm tonight.
- **Bruce Creager**, Barghausen Representative, spoke about the improvements in the electrical and mechanical systems that would help attenuate some of the noises if not all the noise. Mullins Acoustics took a look at the key noises that were expressed by the neighbors and the findings and recommendations are as follows:
 1. Install rubber pads under the dock plates to mitigate the noise of the forklifts.
 2. Install screens at each of the three loading docks to further mitigate the noise of the load / unload activities.
 3. Change the Emergency Generator testing to be done between the hours of 9 am and 11 pm.

- **Tom Gibbons**, Fred Meyer Representative, talked about the short time span in getting an acoustical consultant. He did say that he told Mr. Robinson that he would email him a response on Fred Meyer's plan of action. He talked about the air compressor at the store if running correctly – they should not be heard – they are quiet. If they are not working properly, they are going to run full bore with a high pitch and this becomes an operational problem that can be fixed. In the compactors, the hydraulic units that compress the trash are loud. He spoke of the different levels of noise.
- **Mr. Temple** said that he found the Mullins Acoustics report very informative. He asked Fred Meyer's why the change from an 11-12 foot fence to an 8 foot fence.
- **Mr. Creager** said that there were a number of factors that went into making that decision. After looking at the Mullins Acoustics report we found it was not necessary to put in a sound attenuating fence if Fred Meyer made a few changes with the loading dock, rubber pads under the dock plates, and changed testing hours of operation for the emergency generator.
- **Mr. Temple** clarified that the plan for the taller fence – was it before you received the Mullins Acoustics report.
- **Mr. Creager** said no – they had the Mullins Acoustics report in hand but he misunderstood the report but then it came clear that they would be in compliance with the noise problem with the changes that have been recommended and Fred Meyers would only need to build the 8 foot decorative fence.
- **Mr. Temple** asked about the sound mitigation – if it was part of Barghausen Consulting report.
- **Mr. Creager** said yes.
- **Mr. Temple** asked if there were any other changes other than what was shown on the exhibit that would be done to address all the issues.
- **Mr. Creager** said that the solid wood fence on the property line is depicted on the drawing as a 7 foot fence but Fred Meyers is installing an 8 ft fence. (Item #1)
- **Mr. Gibbons** said that on the five (5) air compressor fans above the loading docks – if they are not operating efficiently they will go on full bore with a high pitch but this can be taken care of right away.
- **Mr. Temple** asked about the screen walls and rubber pads – these will be installed.
- **Mr. Gibbons** said yes.
- **Mr. Temple** asked about the hours of operation for the Emergency Generator – the mitigation plan states 9 am – 6 pm but in your report it states 9 am – 11 pm.
- **Mr. Creager** said that the sound mitigation exhibit is the correct document – should be 9 am - 6 pm.
- **Mr. Temple** said from 6 pm to 11 pm – they will not be testing.
- **Mr. Creager** said that is correct.
- **Mr. Temple** wanted to know more details about the Emergency Generator – if this is not in test mode – will it just come on during the night hours.
- **Mr. Creager** said it only comes on during emergency situations or when testing.
- **Mr. Temple** noticed that the Mullins Acoustics recommended four items in mitigation and two were addressed – what's the status with the silencer for the generator and the upgraded muffler?

- **Mr. Creager** said that the generator attenuation would not be warranted should the generator not be tested during the day time hours. The noise level it generates is acceptable. If the generator was to operate during emergency situations – it would be running at a higher volume and the City has an ordinance allowing standards for emergency equipment.
- **Mr. Temple** clarified that there is no need to make the equipment quieter because Fred Meyer is going to be careful when they test.
- **Mr. Creager** answered yes. Fred Meyer is looking at options for a muffler for the generator but they do not have an answer for the Planning Commission tonight.
- **Ms. Peterson** stated that she did listen to the audio of the last meeting – it looked like Fred Meyer focused on what the minimum requirements would be to follow the law. There was a concern from the neighbors about privacy and trespassing. She asked why not the 12 foot fence – why the 8 foot.
- **Mr. Gibbons** said the main reason is that it's a challenge to get any fence in that area because of the easement. It could be easier if Fred Meyer installed the new fence against the existing fence but GVEA will not let them do that.
- **Mr. Creager** commented that the existing fence is a cyclone fence – 6 foot in height and it would be easy to scale the fence. We are going to install an 8 foot wooden fence – this fence would be harder to scale. We could do a flush surface on the Fred Meyer side of the fence.
- **Ms. Peterson** asked what would be the construction difficulties of installing a 12 foot fence.
- **Mr. Creager** said larger posts, larger footings – underground utilities, overhead telecommunications, gas main – these all have to be taken into considerations with approval of GVEA.
- **Brian Peters**, Fred Meyer representative, explained that a chain link fence you install a pipe into a concrete footing and running the chain link from post to post. A 12 foot fence, with existing soil conditions, you have to go down 6 – 10 feet, sink a wide flange beam, and be able to pour concrete around it. We were thinking of putting it where the guard rail is but the existing trees would need to be taken out. You can't re-plant the trees because of the easement.
- **Mr. Fleming** asked why not install it where the existing cyclone fence is.
- **Mr. Peters** said that there are power poles and transformers. If we installed the fence where the guard rail is – the trees would have to come out – there is also fire hydrants – to access the fire hydrants, we would have to move the entire water main or we would need to step the fence around the fire hydrants. We can't step the fence because we would be stepping back into the easements. If we go to CMU – we would have to pour footings. Fred Meyer has a footing for an 18 foot tall ceiling wall inside the building – the footing is 25 feet wide and 45 foot long. So if we were to put in a 25 foot wide concrete band that runs about 5 foot deep – we would have to tear out everything that is in the easement now.
- **Ms. Peterson** said that Fred Meyer is saying it's impossible to build a 12 foot fence.
- **Mr. Peters** said he believes so. He added that it's not going to be easy to build an 8 foot fence but he thinks they can do it.
- **Mr. Hebert** does not see where it reads 8 feet in the sound attenuating plan – he sees a 7 foot fence.
- **Mr. Creager** said that the sound mitigation plan does read 7 foot fence but we are offering tonight to install an 8 foot wood fence.

- **Mr. Flemming** wanted clarification from **Mr. Peters** – for an 18 foot CMU wall you would need a 25 foot wide footing for a commercial building.
- **Mr. Peters** said that it would be acting as a share element.
- **Mr. Flemming** said if he did the math – a 12 foot wide, 12 foot high CMU wall – what would be the footing – 20 or 18 foot.
- **Mr. Peters** said possibly. He talked with some engineers and they said that CMU is not an option for building a wall outside with the soil conditions.
- **Mr. Flemming** said that we are talking about building fences and Fred Meyer keeps referring to easements and utilities but there is no document from GVEA. How does Fred Meyer know that they can build an 8 foot fence or a 12 foot fence?
- **Mr. Creager** said that he has been in correspondence with the utility companies. He has both verbal testimony and an email from GVEA. GVEA wants Fred Meyers to replace the existing fence with a wooden fence. We discussed the overhead clearance with GVEA.
- **Mr. Flemming** needed clarification on where the trees were going to be planted versus the fence to be installed.
- **Mr. Creager** said that the trees that **Mr. Peters** was referring to related to if the fence was going to be built where the guard rail is presently.
- **Mr. Flemming** said for a 12 foot fence – footings would be too large and you would have to remove trees. For an 8 foot fence – the footings will not be too large and you would not have to remove trees. It's a 4 foot difference.
- **Mr. Creager** said it relates to the location of the fence.
- **Ms. Hubbard** said that she lived next to a Target store with a 8 foot cement wall dividing the store from her property – it blocked the noise. Is there no other option besides wood for building the fence?
- **Mr. Creager** has some information from Mullins Acoustics regarding noise as an acoustical damping device.
- **Mr. Peters** said that wood absorbs sound and reflects sound – steel and concrete only reflect sound.
- **Mr. Pruhs** asked where the Fred Meyer representatives reside – mostly Portland, Oregon. He mentioned that they did not deal with a lot of snow.
- **Mr. Peters** announced that he was originally from North Dakota.
- **Mr. Pruhs** asked if there were any on site managers present from Fairbanks. He talked about living around snow removal areas and the sound it generates. He asked if they had a plan in place about the snow plowing and Fred Meyer being a good neighbor.
- **Mr. Peters** said that growing up in North Dakota you expected that to happen in the winter months. They always plowed during the mornings before people left for the day.
- **Mr. Pruhs** said that all of the representatives will go back to Portland and there is no operations manager in this Assembly room telling us the policy that Fred Meyer will follow.
- **Mr. Gibbons** said that he consulted with his operations people on the snow plow issue. They do snow removal in the evening because the parking lots are empty. It would be awkward to have the snow plow come back a second time to finish the snow plowing. They snow plow after 11:00 pm in Fairbanks.
- **Mr. Pruhs** said that the City of Fairbanks has equipment ordinances of hours of operation.

- **Mr. Wenstrup** addressed that there is not a Fred Meyer representative from Fairbanks and there have been noise complaints for several years and when forced to do a study – Fred Meyers found out that they were in violation of the noise ordinance. Why couldn't this study have been done 10 years ago – some of the solutions were easy to fix and cheap.
- **Mr. Gibbons** said that he did not hear of any noise complaints and they would come to his desk.
- **Mr. Wenstrup** asked why Fred Meyer did not have a local representative present tonight to address some of these questions.
- **Mr. Gibbons** asked if there was an issue that has not been addressed. If he had known that we required a local representative – Fred Meyer would have had someone present.
- **Mr. Wenstrup** said that there were operational questions presented at the last meeting like the snow plowing questions. Do you believe that the changes that are being put into place for this plan will solve all the noise issues that are from the Fred Meyer store?
- **Mr. Gibbons** said yes.
- **Mr. Wenstrup** asked about the Fred Meyer plan on the flooding issue - it is to wait until spring break-up and see what the problem is and repair it.
- **Mr. Creager** said yes.
- **Mr. Wenstrup** said that we could make a condition that this item needs to be addressed and Fred Meyers will be ok with this condition.
- **Mr. Creager** said that is the only thing that can be done at this time. He gave some information on the draining and how it works and what some of the problems could be. Fred Meyers would like to investigate after break-up and solve the problem. Fred Meyers would be happy to do a site report and give it to Community Planning for review.
- **Mr. Wenstrup** asked if the 8 foot fence is as high as it can be built in that area without having tree issues – could it be 8 foot 6 inches. Why 8 foot and not 9 foot on the fence.
- **Mr. Peters** announced that is the size that he had a discussion with the structural engineers. 8 foot is a common size of lumber and we want to take this fence as close to the ground as possible. 8 foot is the threshold for wood in this instance.
- **Mr. Hebert** asked if they had any documentation supporting 8 foot as being the threshold for wood versus steel or is this just conversation.
- **Mr. Peters** said it's just conversation.
- **Mr. Marsh** asked about the compactors that Fred Meyer is building enclosures around so the noise would be mitigated also – is that going to happen.
- **Mr. Peters** said that needs revising – Fred Meyers is just enclosing the portion of the compactor, the shoot, and the hydraulics. Fred Meyers can't enclose the entire compactor because of code requirements and they will be in excess of 60 yards. There is an issue about temperatures below -30 degrees – the hydraulic lines freeze and the compactors quit working – that's why they use open top dumpsters. If we keep everything warm – we can keep everything running.

- **Chris Miller** talked about the development standards in downtown Fairbanks. He is a property owner downtown. It is a big deal for economic development. Our downtown now consists of parking lots – surface gravel parking lots. You need density, buildings, and people. We need to do something to try to get some economic development downtown. Why is Anchorage such a shiny community and Fairbanks such a rustic community – because they don't have any dirt – so they tear down the old and make new.
- **Mr. Pruhs** asked about Block 122 which encompasses Noble Street, Cushman Street, 11th and 12th Avenue - there is a big empty lot – what is that used for - over flow parking for Tanana Clinic. It is never used. Is there any aspect for changing the density requirements for office space usage and parking requirements?
- **Mr. Miller** said that they discussed it.
- **Mr. Pruhs** talked about other parking off of Cushman. He would like **Mr. Miller** to check up on parking spaces per square foot for offices.
- **Ms. Peterson** asked **Mr. Miller** how he would respond to individuals about the changes being proposed to Title 18 on Government encroachment on private property rights.
- **Mr. Miller** said nothing has happened – if you do nothing then nothing will happen.
- **Mr. Wenstrup** asked about tearing down the new transit station. That seems to be the biggest complaint from people – the life cycle of the building should be about 25 years.
- **Mr. Miller** said just imagine that it's a Community Center – an indoor place for people to gather by the time anything will change in the retail district. At the rate we are going - that building will be worn out. Downtown Association has been working on this plan since 2002 and has not gotten very far. It takes lots of meetings and lots of time.

- 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

CU2010-006 A request by Jerry Colp for conditional use approval of a preschool in the Multiple Family zone on Lot 02L Block 115 Townsite. (**located east of Barnette Street and south of 11th Avenue**)

Melissa Kellner presented the staff report. Based upon staff analysis, the Department of Community Planning recommended approval of the proposed ordinance.

Mr. Marsh needed clarification on the site plan – there is a curb cut in line with the garage and then there is another curb cut that is showed on the overhead. Is the single driveway going to be maintained?

Ms. Kellner said that likely it will, but even without counting that driveway they have the correct number of parking spaces – they have 7 spaces and only 6 spaces are required.

PUBLIC HEARING OPENED

Ron Ricketts, resides at 666 11th Avenue, has no serious issues with the pre-school. He has a concern about the traffic that goes in front of the building. The traffic has been moderate until the last three years. Maybe the City can put a reduced speed limit in that area.

Michelle Amstrup, the applicant, wants to run a pre-school on 11th Avenue. She said that she would place some kind of markers or cones if needed. She would want to ensure that the families of the children could pull in and out of the driveway safely. She doesn't think the road is that busy during the day. She would like to have a pre-school with about 12 children ages 3-5. (3 children being her own) If there are families with more than one child enrolled in the pre-school that would cut down on parking spaces needed. Her hours will be 7 am to 6 pm – Monday through Friday, closed on Saturday and Sunday. This area seems like an ideal location with the fire station and police station being close that would allow field trips. She is here to answer any questions.

Mr. Hebert had a question on outdoor play space available and approved by the Owner.

Ms. Amstrup answered yes – there is behind the house - there is 900 sq feet. There is a requirement for getting a State license.

Mr. Hebert asked if the requirement includes fencing of the play space.

Ms. Amstrup said yes.

Mr. Hebert asked if the pre-school is next to the garage.

Ms. Amstrup said that it is not real close to the garage – it's a few feet away.

Mr. Hebert asked if the building area the pre-school is in – does it have a heat recovery ventilation system installed.

Ms. Amstrup answered yes.

Mr. Hebert asked **Ms. Amstrup** to verify if it has active ventilation in the garage as well as a heat recovery system in the unit.

Mr. Pruhs asked if the State brought you through the insurance requirements.

Ms. Amstrup answered yes – she is doing that now – the last item is the Fire Marshall inspection.

Ms. Hubbard wanted clarification – if it's a tri-plex – who is in the other units.

Ms. Amstrup replied the Owner and another renter in an upstairs apartment.

Ms. Hubbard asked if there was any objection from the renter against this pre-school.

Ms. Amstrup replied no.

Mr. Cooper wanted clarification on what type of barriers will be put up in the parking area.

Ms. Amstrup said that she doesn't know what is required but could use cones.

Mr. Cooper said that he does not think that cones can be used as barriers. You might be able to use big planters.

Mr. Flemming asked if **Ms. Amstrup** has done any research on sex offenders in the neighborhood. There is a state website that is available.

Ms. Amstrup said that she has not done that yet.

Mr. Flemming's main concern is if that renter decides to move out – you should make sure that the new renter is safe.

Mr. Wenstrup wanted to address the concerns of traffic in the area. How many vehicles a day will your pre-school add to the traffic of the area?

Ms. Amstrup replied that it could be from 6 cars or less at different times. That would be 3 cars for the family, 2 cars for the employees and 1 car for her.

Mr. Wenstrup asked if she was expecting cars to be driving in and out all day.

Ms. Amstrup said no.

PUBLIC HEARING CLOSED

MOTION Move to approve **CU2010-006** with three (3) conditions and four (4) Findings of Fact by **Mr. Hebert**, seconded by **Mr. Temple**.

Discussion

Mr. Hebert said that the State's requirements are sufficient for the pre-school. Looks like she has done her research – the Planning Department has not specified what kind of barriers for her to use but maybe there is already a code. He asked about ventilation for the safety of the children.

Mr. Wenstrup asked Staff what a barrier definition is.

Ms. Kellner would like to see something that is attractive and functional. The owner talked about putting up ropes – they will leave it up to the applicant. The applicant will also need to have access for snow removal. We do not have a specific standard for a barrier.

Mr. Wenstrup asked if a barrier can be orange cones.

Ms. Kellner said if they were effective in ensuring that people were parking the proper way.

Mr. Hernandez said that Staff will have to look at that – cones might not be effective. He agrees with the applicant using ropes.

Mr. Wenstrup asked Staff if we should change the language in the Condition.

Mr. Hernandez replied that the Owner of the property is a traffic engineer for the City of Fairbanks. He would have a lot of ideas in this area.

Mr. Wenstrup does not think the traffic will be an issue – he spoke in favor of this conditional use.

Mr. Cooper would not like to see the conditional use based on a road study – he is in favor of this conditional use.

Mr. Marsh said that it appears to be a proper use for the area and the conditions are straight forward – he will be voting in favor.

ROLL CALL

Nine (9) in Favor: **Mr. Cooper, Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Hubbard, Mr. Flemming, Mr. Temple, Mr. Wenstrup, Mr. Marsh.**

Zero (0) Opposed:

MOTION TO APPROVE, PASSED.

G. UNFINISHED BUSINESS

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)**

Discussion

Mr. Temple thought that this was a well thought out plan with the exception of the sound issues – but with the Mullins Acoustics report it changed his concerns about the noise issues. This report was very helpful and it made several recommendations that will alleviate some of the noise issues. The 8 foot fence will address the noise as well. The 8 foot fence seems reasonable. It is not the applicant's responsibility to be concerned about people jumping over the fence – this can still happen. He is in favor of the conditional use.

Mr. Cooper agrees with **Mr. Temple** and thinks the applicant has taken a scientific approach for the noise issue and he agrees that no matter how high the fence is – it will not stop all of the sound or trespassers. The airlines are not going to change their flight path – he is in favor of this conditional use.

Mr. Wenstrup's concern is that Fred Meyer has not been a good neighbor in the past. He appreciates the work Fred Meyers has done in changing their plan to find solutions. The solutions they have come up with are good. He thinks that maybe Fred Meyers can change the time that they remove snow to the back of the store – that would be a good neighborly thing to do. He would like to make a motion to add a condition #11 that incorporates the drainage report – a field study and complete analysis to return to the Borough.

Ms. Peterson was disappointed in Fred Meyer's testimony at the March 2nd meeting when she listened to the audio. They just wanted to do the bare minimum but now they have returned with sound proposals. Provided that we add in the condition of the 8 foot fence, she will be in favor of the conditional use.

Mr. Hebert mentioned the Landscape Plan has it down as a 7 foot fence so it needs to be specified as an 8 foot fence.

Mr. Mussman announced that Condition #11 referenced the decorative fence approved by the Landscape Review Board. At that time, the fence was 7 foot. The Landscape Review Board said any changes to the 7 foot decorative fence could be approved by the Planning Commission. After tonight's hearing, it is an 8 foot wooden fence with a similar design.

Motion by **Mr. Hebert** to add to **CU2010-005**, Condition #2 and seconded by Mr. Pruhs to read as follows:

2. This conditional use approval is limited to the revised site plan received February 17, 2010 by the Community Planning Department, the site plan showing the approved location and screening of the outdoor storage area, the preliminary landscape plan approved by the Landscape Review Board on March 9, 2010 and the exterior color elevations received on February 22, 2010 by the Community Planning Department. Any revision to these site plans shall require a new conditional use, except for increasing sound attenuation or height of the fence.

Motion included by **Mr. Hebert** to modify **CU2010-005**, Condition #11 and seconded by **Mr. Pruhs** to read as follows:

11. Any change in the location of the eight foot, wooden decorative fence shall be approved by the Planning Commission.

Mr. Flemming added that Fred Meyer never addressed the fact that when you have all this equipment by a neighborhood – it will have sound issues. One of the remarks was that they never heard about it until someone complained. The study was not done until 15 years after the store was built. Why wasn't the noise study done prior to Fred Meyers store being built? He questions the credibility of the 12 foot fence when the architect made the comment that the 25 foot wide footing would be necessary for an 18 foot wall. He has built commercial buildings and has never heard of 25 foot wide footings for an 18 foot CMU wall. He would rather they give the reason of why they could not do a 12 foot fence. Some of their statements do not seem believable. The new plan is great but it should have happened many years ago. The Planning Commission has heard public testimony about utility easements but nothing in writing. Fred Meyer is just trying to get away with what they can and what would be the cheapest.

Ms. Peterson agrees with **Mr. Flemming**. This 8 foot wooden fence does not seem specific enough – they need to limit the gaps and make sure the fence goes down to the ground.

Mr. Hebert said that Condition #2 takes care of that – the Landscape Plan does show a continuous construction. You could be right – it could have gaps.

Mr. Marsh asked if you would like to make a motion and make the fence solid.

Motion modified by **Mr. Hebert** and second by **Mr. Pruhs** to add the word solid fence as follows:

11. Any change in the location of the eight foot, solid, wooden decorative fence shall be approved by the Planning Commission.

Ms. Klepaski added that using commas after each item modifies the fence.

Mr. Hernandez said if Fred Meyer doesn't put up a solid fence – we will go after them.

Mr. Marsh asked if there was any further discussion or changes to the conditions. He asked if they wanted to discuss the additional conditions recommended by Staff.

Mr. Hebert is happy to know that the City is annexing in this area so it falls in the noise ordinance area – this will help the home owners.

Mr. Hernandez wanted to add a Condition to read as follows:

- 15 The applicant shall verify the current condition of all storm water treatment and conveyance facilities on the site. Once the review of the storm water infrastructure is complete, the applicant shall make the necessary corrections to ensure all storm water is sufficiently treated and the run-off is directed away from adjacent properties. A report shall be submitted to the Community Planning Department by September 30, 2010, stating the findings of the study of the storm water system and any corrections completed

Ms. Klepaski and **Mr. Temple** helped with the wording of the above condition.

MOTION Move to approve **CU2010-005** with fifteen (15) conditions and four (4) Findings of Fact by **Mr. Temple**, seconded by **Mr. Hebert**.

Mr. Pruhs wanted to thank Borough Staff and thanked Fred Meyer for acting on every issue that was presented.

ROLL CALL

Nine (9) in Favor: **Mr. Cooper, Mr. Hebert, Ms. Peterson, Mr. Pruhs, Ms. Hubbard, Mr. Flemming, Mr. Temple, Mr. Wenstrup, Mr. Marsh.**

Zero (0) Opposed:

MOTION TO APPROVE, PASSED.

H. NEW BUSINESS

I. COMMISSIONER'S COMMENTS

1. FMATS

- **Mr. Wenstrup** said at the last meeting they approved more money for the LED light program. They had a discussion on when the trains hit University Road – at peak times. The DOT did a study on traffic – when the trains crossed the road and when the peak time is- peak time is 7:30. DEC presented a report that the PM2.5 is greatly affected by vehicle plug-ins – if more people would plug in their car at 20 above it would help the problem. They are in the process of updating the bike maps for Fairbanks.

2. Title 17 Rewrite Project

- **Mr. Hernandez** said that we are still moving forward on this rewrite.

3. Vision Fairbanks Update

- **Mr. Hebert** asked what the process of modifications is.
- **Mr. Marsh** replied that we have a preliminary draft of an ordinance – it will go before the City Council, they will recommend approval and make modifications – the Planning Commission will have public hearing on the proposed ordinance with further recommendations and modifications – then it will go before the Assembly.
- **Mr. Hebert** asked when the appropriate time is to make comments.
- **Mr. Hernandez** said that he could submit them early to the Community Planning Staff before public hearing.

4. Comprehensive Plan Advisory Board (CPAB)

- **Ms. Peterson** said that we have not met since the last meeting.
- **Mr. Hernandez** stated that the Borough Assembly is interested in what the CPAB project is all about. He will be giving a presentation to the Assembly on Thursday, March 18th. They also want to know about Grandfather Rights and a position paper about GU-1 to GU-5. He asked if anyone read the news article in the Newsminer given by Randall O'Toole on Smart Growth.

5. Other Commission Comments

I. ADJOURNMENT

There being no further business the meeting was adjourned at 9:45 p.m.