

DEPARTMENT OF COMMUNITY PLANNING  
STAFF REPORT

**RZ2005-005**

TO: Fairbanks North Star Borough Planning Commission

RE: RZ2005-005 A request by Milt Behr to rezone TL-2808, Section 28, T 1S., R 2W, from Rural Estate-2 to General Use-1, General Use-1 with Special Limitations and Outdoor Recreation or other appropriate zones. (located south of Chena Point Avenue and east of Pickering Drive)

I. GENERAL INFORMATION

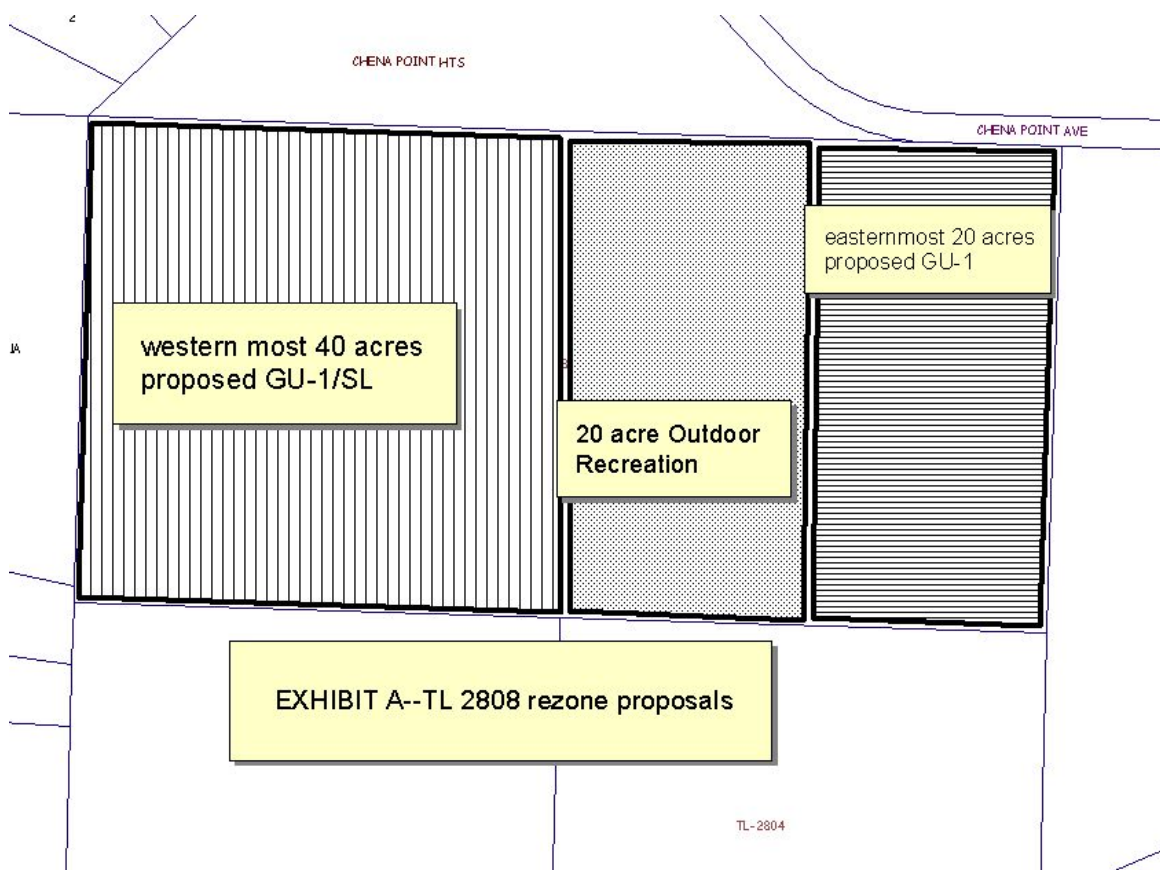
- A. Purpose To rezone an 80 acres from RE-2 to GU-1, GU-1 with Special Limitations and Outdoor Recreation
- B. Location West of Chena Pump Road, south side of Chena Point Avenue
- C. Access Chena Point Avenue
- D. Size/Pan #
- | Lot/TL  | Sf.    | Pan#   |
|---------|--------|--------|
| TL 2808 | 80 ac. | 566225 |
- E. Existing Zone Rural Estate-2  
-Minimum lot size 80,000 sf.
- F. Proposed Zone GU-1, GU-1/SL, OR  
-Minimum lot size 40,000 sf.
- G. Existing Land Use Vacant, initial clearing
- H. Surrounding Land Use/Zoning  
North: Vacant / RE-2  
South: Vacant / RE-2  
East: Gravel pit / GU-1  
West: Residential / RE-2
- I. Zoning History  
UU to Q in 1972  
Q to RE-2 in 1988
- J. Comprehensive Plan Designation Perimeter
- K. Community Facilities  
Water/sewer: None  
Electricity: GVEA available
- L. Code Violations None
- M. Soils Lemeta Peat
- N. Flood Zone AE; 100 yr floodplain
- O. Ownership Milton Behr  
P O Box 71938  
Fairbanks, AK 99707
- P. Applicant Same

## II. ANALYSIS

The applicant first approached the FNSB with a rezone request in September of 2004. At that time, the request was to rezone approximately 133 acres from RE-2 to GU-1. The request was heard by the Planning Commission on October 26, 2004. Staff recommended denial of the request, but also recommended consideration be given to Special Limitations after a detailed development plan could be developed by the applicant. The Planning Commission postponed a decision at that time, giving the applicant the opportunity to further define development objectives for the property.

The current proposal reflects a revised rezone request, involving a smaller 80 acre parcel, TL-2808. Property contained in the original request has been sold to a commercial gravel pit operator and is no longer included in this request.

TL-2808 is shown as an 80 acre parcel, located south of Chena Point Avenue and west of Chena Pump Road. It is zoned entirely Rural Estate-2. The current rezone request is to rezone the eastern 20 acres to General Use -1 to allow for commercial gravel extraction, Outdoor Recreation for 20 acres that includes a high value wetland habitat, and the westernmost 40 acres to General Use -1 with Special Limitations that allow for commercial peat extraction for a limited time, reverting to a rural residential use, once the peat extraction is complete. Exhibit A describes the 3 different aspects of the request.



### Comprehensive Plan

The plan designation for the rezone site is Perimeter. The property is characterized as lowlands typically associated with the 100 year floodplain. Very high groundwater or surface ponding occurs frequently, which supports wetland vegetation and is the basis for the Outdoor Recreation portion of the rezone request.

#### Eastern 20 acres to GU-1

The easternmost 20 acres contains the best gravel resource according to core drilling results. Gravel extracted from this eastern 20 acres will be used for road construction and site development of the peat extraction portion to the west, as well as sold off-site on a commercial basis.

#### Central 20 acres to Outdoor Recreation

The central portion of the 80 acre parcel encompasses a high value emergent wetland as identified by the COE and USFWS. Attempts by local residents to purchase this portion of the property have not been successful. None the less, the applicant is proposing an Outdoor Recreation zone as a means of retaining undisturbed open space within this portion of the Chena Lowland area.

#### Westernmost 40 acres to GU-1 with Special Limitations

The westernmost 40 acres contains recoverable quantities of peat and is the only portion of the request being proposed to be subject to Special Limitations. The applicant has identified an extraction area where peat can be extracted, processed and either donated to a variety of athletic fields around the community as well as sold off-site on a commercial basis. The site plan illustrates an access road connected to Chena Point Avenue, turning south into the central portions of the 40 acres where peat extraction areas are located. Once the peat has been mined, the area will revert to residential uses with restrictions defined by FNSB 18.20 Rural Residential. Specific limitations being proposed are:

1. Hours of operation for the peat extraction will be limited to 7 am to 7 pm; 6 days a week, Monday through Saturday.
2. The maximum number of days per calendar year that extraction activity can occur is limited to 60.
3. The peat extraction activity will be further limited for a period not to exceed 7 years.
4. At the end of 7 years, the 40 acres will be subdivided in conformance with Title 17 subdivision requirements into residential lots, with uses restricted to FNSB 18.20 Rural Residential.
5. Reclamation of the extraction area will conform to requirements specified by the COE.

Land Use Goal 4 encourages land development opportunities while minimizing land use conflicts. The goal attempts to manage land use changes with a minimum of disruption. Action A supports innovative land development and compatible land use that addresses special area needs, site constraints, energy or design objectives. Action B stresses compatible land use by separating or buffering incompatible land uses.

Use of Special Limitations can be an effective means to promote plan objectives in minimizing conflicts while at the same time allowing for development opportunities. The extraction of sand, gravel, peat, placer and hard rock mining is recognized under Action B, which promotes the use of the following guidelines:

**a. Surrounding properties are not adversely damaged.**

- Surrounding properties are either vacant or existing commercial gravel operations. Residential properties located to the west of the rezone site will visually see development activity on the property during limited timeframes specified, but will not be physically or materially damaged.

**b. Excessive dust does not materially affect surrounding properties.**

- Chena Point Avenue is a service area road that is the principal access route for a large area of the eastern slopes of Chena Ridge. As such, normal and routine dust generated by that traffic already occurs.

**c. Hours of operation, lights, and noise levels are compatible with surrounding uses.**

- The applicant has proposed special limitations on the peat mining portion of the development that addresses hours of operations and seasonal limitations. The peat mining portion is the western most area of the rezone site and is located closest to existing residential areas.

**d. Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.**

- Access to and from the site will be via Chena Point Avenue to Chena Pump and will not be routed through existing neighborhoods to the west.

**e. Sites are restored by the property owner for long term re-use consistent with the comprehensive plan on a case by case basis.**

- Both the peat mining area and easternmost gravel pit are regulated and permitted through the Corps of Engineers and will be subject to reclamation requirements imposed by wetland permits obtained by the applicant.

**f. Water quality and quantity are either not diminished or they are mitigated.**

- Water quality assurances are part of the wetland permitting process and will be included in wetland permit approvals.

### Compatibility

Surrounding land use and zoning to the west is residential in nature. Rural Estate-2 zoning prevails along much of the east facing portions of Chena Ridge, which is upslope and to the west of the rezone site. The principal access in and out of the residential area is Chena Point Avenue, which is a service area road. Zoning to the east is General Use-1 with land use being a mixture of residential and active gravel extraction. The Chena Marina subdivision is located a short distance to the east and is zoned General Use. Vacant property zoned Rural Estate-2 is located to the north along with an active gravel pit that is zoned General Use. Land use to the south is vacant and zoned both GU-1 and Rural Estate-2.

The subject property is classified as wetlands and falls under the jurisdiction of the Corps of Engineers (COE) regarding placement of fill. The applicant has been working closely with the COE and associated agencies. A permit has been approved by COE for the eastern 20 acres that involves placement of 9,700 cubic yards of fill into approximately 3 acres of wetlands to construct a commercial gravel mining operation pending a successful rezone. Buffering and reclamation standards are also stipulated in the permit. Future wetland approvals are pending and largely dependant on the outcome of the rezone request. The alternative objective of residential subdivision development under the current zoning, remains a viable option should the rezone request not succeed.

### Traffic

Adverse traffic conditions are not expected to occur as a result of the proposed rezone request. Given the current zoning of RE-2 and assumed 2 acre residential lots, approximately 35 lots could potentially be platted on the 80 acre parcel. Using the average of 7 vehicle trips/day/dwelling unit, 235 trips/day could be generated under current zoning development.

Under the proposed zoning less overall acreage will be devoted to residential use once the western 40 acre peat extraction area converts to residential use. At the one acre density, approximately the same number of trips could be generated. This assumes, 35 one acre lots and 7 trips/day/dwelling unit. Lot sizes may eventually be larger than one acre due to the size and shape of the peat extraction area. The center 20 acre parcel proposed to be Outdoor Recreation, will generate little if any traffic. The eastern 20 acres, proposed to be GU-1, will be used for both commercial gravel extraction and as a source of material for on site development. The overall traffic impact may be less vs what could be created with conventional residential subdivision development at the RE-2 density for the entire 80 acres.

### III. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends approval of the request as follows:

East 20 acres—Rural Estate-2 to GU-1  
Central 20 acres—Rural Estate-2 to Outdoor Recreation  
West 40 acres—Rural Estate-2 to General Use-1 with Special Limitations described as follows:

1. Hours of operation for the peat extraction will be limited to 7 am to 7 pm; 6 days a week, Monday through Saturday.
2. The maximum number of days per calendar year that extraction activity can occur is limited to 60.
3. The peat extraction activity will be further limited for a period not to exceed 7 years.
4. At the end of 7 years, the 40 acres will be subdivided in conformance with Title 17 subdivision requirements into residential lots, with uses restricted to those listed in FNSB 18.20 Rural Residential.
5. Reclamation of the extraction area will conform to requirements specified by the COE.

### IV. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the following findings of fact in support of approval:

1. The request is consistent with the goals and policies of the Comprehensive Plan, specifically Land Use Goal 4 to encourage land development opportunities while minimizing land use conflicts and the use of Special Limitations as proposed to increase compatibility with surrounding land uses.
2. The proposed zone does not jeopardize public health, safety or welfare.

Respectfully submitted,

Doug M. Sims, Planner III  
Division of Planning and Zoning

for

Bernardo Hernandez, Director  
Department of Community Planning

Attachment

