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 Jerry McBeath, Chair.

MEMBERS PRESENT: Jerry McBeath Flor Banks
Chris Guinn Sean Reilly
Robert Peterson Patricia Thayer
Charles Whitaker

MEMBERS ABSENT: Mark Billingsley Troy Bouffard

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Planning Director
Nancy Durham, Planner III
Wendy Doxey, Asst. Borough Attorney
Mary Bork, Administrative Assistant IV

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments:

Mr. McBeath reported that since the public hearing for CU2016-001 on October 27th that he had meet with Ms. Doxey and Ms. Bork and that several decisions had been made 1) that Nancy Hanson, whose testimony was denied because it was to be presented by another person although she was not available for cross examination was not available. Ms. Hanson had learned that this meeting item would reconvene at the next meeting and Mr. McBeath would allow her testimony. Anyone else in the determined to be same situation would be allowed to testify; 2) the commission has new procedures for receiving, viewing, and vetting documents. 5 documents were received concerning CU2016-001, 3 were allowed into evidence, 2 documents were rejected because the commission did not receive them in time to read them nor were the authors of the documents (1 a traffic report and the other an appraisal) available for cross examination. He was asked to reconsider the 2 documents, he read the reports and felt that they had some bearing, which he allowed to be submitted at the continuation, but neither author was available for cross examination during the evidentiary hearing; 3) he announced that at the conclusion of the reopening of the Hearings there will be the opportunity of closing comments by four parties. These parties would include: FNSB staff person, a representative of the parties who object to the conditional use application, a representative of the parties who accept the conditional use application, and the applicant. Each party would have the right to cross examine testimony; 4) as a quasi-judicial proceeding, the Planning Commission (PC) has the option to move into executive session and make a recorded decision behind closed doors where only the PC, Ms. Doxey as Legal Counsel and Ms. Bork as the PC secretary. Mr. McBeath declared that he was strongly opposed to moving into executive session but the PC could feel otherwise.
2. Communications to the Planning Commission

NONE

3. Citizens’ 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

4. Disclosure & Statement of Conflict

Mr. Whitaker declared a potential Conflict of Interest with the ADOT projects; the Main Engineer was one of his customers with business of less than $1,000 annually.

Mr. McBeath stated that he sees no conflict and inquired if Mr. Whitaker could be fair and impartial without prejudice to all the parties concerned.

Mr. Whitaker replied that he could.

Ms. Thayer made it known that her company has a term contract with ADOT and is currently working on a different project with the Engineer of HP2016-001 and HP2016-002. There is no involvement with the projects at hand.

Mr. McBeath requested further clarification on the economic nature of the dealings. The dealings would be with ADOT as an entity but not with any of the Engineers on the projects.

Ms. Thayer replied that currently the dealings are with ADOT right of way, but depending on possible future changes, the situation in which she would have to work with one of the Engineers that are also involved in the current projects could occur. However there is nothing slated at the moment.

Mr. McBeath asked Ms. Doxey if a vote is required.

Ms. Doxey stated that it sounds like the potential interest is not connected to any of the matters that are currently under consideration.

Ms. Thayer confirmed Ms. Doxey’s statement.

Ms. Doxey inquired if there is a financial interest that could be varied by any of Ms. Thayer’s decisions.

(Answer inaudible)

Mr. McBeath queried if Ms. Thayer’s firm had anything to deal in reference to 3 parcels of the second ADOT project, in which there are right of way away acquisitions.
Ms. Thayer declined.

Mr. McBeath declared that he doesn’t think there was a conflict.

C. *MINUTES*

Mr. McBeath stated that there was no chance to review the minutes as they were just received by the Planning Commission. The vote to approve the minutes will postponed until the Dec. 8, 2015 meeting.

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 without the minutes, by Ms. Thayer, seconded by Ms. Banks.

Objections
NONE

MOTION APPROVED

E. CONSENT AGENDA ITEMS

NONE

F. RECONVENCED QUASI-JUDICIAL HEARING OF OCTOBER 27, 2015

CU2016-001: A request by Annie Dougherty on behalf of the Chugach School District for conditional use approval of a school administrative office and classroom facility with related guest facilities for short-term stays (FOCUS Homeschool) in the Two-Family Residential (TF) zone on Lots 1, 3, W5 & E5, Block 05, Charles Slater Subdivision and Lots 20 & 21, Block 01, Charles Slater Subdivision (Located at 200 & 210 Well Street, at the east end of Well Street).
(Staff Contact: Nancy Durham)

Identification of Interested Persons Opened

Mr. McBeath stated the names of 5 interested persons as identified via the DPO list and sign up sheet.

Mr. Clendaniel introduced Ms. Lareena Goertz as an additional Interested Person. Ms. Goertz arrived late.

Mr. McBeath inquired if Ms. Goertz received a Dear Property Owner (DPO) letter.

Ms. Goertz confirmed that she did receive a DPO letter and was unable to attend the last meeting.

Debra Ackiss confirmed that she received a DPO and was unable to attend the last meeting.
Identification of Interested Persons Closed

Public Oath Given

Interested Person Testimony Opened

**Nancy Cook Hanson** spoke in opposition of the request citing concerns in regards to traffic, the value of homes, not just for the immediate residents, but for the borough tax base. She noted that Terrence Cole with the University of Alaska wrote a report for ADOT, where the objective of the report was to identify any buildings/properties that could be nominated to the national history register; Cole noted that Betty Street was marked an alley on the subdivision plat. She addressed how the request would negatively impact the historic preservation of Fairbanks.

**Mr. McBeath** inquired if **Ms. Hanson** knew that the site previously housed a dry cleaning establishment and a Bed and Breakfast.

**Ms. Hanson** stated that she did not know about the dry cleaning establishment, but was aware about the Bed and Breakfast.

**Fritz Kuykendall** (representative for party opposing the conditional use application) asked for proof that the property had been used as a dry cleaning establishment.

**Mr. McBeath** deferred the question to the applicant to occur later in the meeting.

**Charles Gray** spoke in opposition. He noted that the residents have tried to preserve peace and quiet by utilized petitions and attending hearings in the past.

**Thomas Brunner** spoke in opposition relaying that the commission should consider if the use conforms to the intent and purpose of Title 18 and the comprehensive plan which states: “1. Office Buildings, schools, etc., shall be located without impacting residential uses. 2. The foremost aspect of land use involving private property is the intention and maintenance of private property rights and the role of the commissioners in protecting them to the maximum extent possible.” He stated that the proposal would be an inconsistent and incompatible land use. He had additional concerns about noise, air pollution, and traffic congestion. He asserted that the comprehensive plan support of alternative education in the staff report and 1E in the findings of fact were in error and that correctly zoned property is available to Focus that was an offer an alternative that did not harming anyone.

**Michael States** spoke in favor of the request. He noted that the school was small and had no concerns in regards to possible traffic increase.

**Mr. Kuykendall** inquired if **Mr. States** was aware that the site was operating last winter and if he had seen or heard any traffic throughout that time.

**Mr. States** replied that he did not even know that the school had been operating all winter, which how little it affected him.

**Ms. Goertz** spoke in support citing the positive influence of a school in the neighborhood. She expressed her surprise to the opposition and reported that to her knowledge there was no increase in traffic.
Ms. Banks queried if there was any relation between Ms. Goertz and the applicant.

Ms. Goertz said that she had no relationship other than that Ms. Dougherty had sent a letter asking if neighbors who support the application would speak on the applicant’s behalf. Ms. Goertz declared that she said that she would.

Debra Ackiss spoke in opposition citing the significant use by numerous students, overnight guests, teachers, counselors, special education staff, visiting district personnel, etc. which would require dormitory zoning. She defined dormitory as a building used as group living quarters for students or employees. She further noted Dormitory zoning was not an allowed use in a Two Family Residential (TF) zone. She said that per Attachment H, activity participation more than doubled in the last two years which raises the concern over higher activity enrollments. She reported that there was a substantial increase in heavy traffic and traffic backups during the morning and afternoon hours. She attributed an accident to Focus.

Mr. Clendaniel inquired how Ms. Ackiss determined that an accident was directly related to Focus.

Ms. Ackiss acknowledged that this was an assumption because she did not know who else would be headed that direction except for the residents.

(Mr. Kuykendall asked an inaudible question)

Mr. McBeath replied that the PC received and reconsidered 2 reports – an appraisal and a sound report.

Mr. Kuykendall reported that neither author was available.

Mr. McBeath stated that an opportunity had been create to allow the authors of the reports available for cross examination, the commission has received the reports, but the applicant had not spoken on them.

Mr. Clendaniel inquired if Mark Smiley as a witness (traffic engineer) could respond.

Mr. McBeath allowed the request.

Mr. Kuykendall asked if he could object.

Mr. McBeath stated that Mr. Kuykendall could not object.

Mr. Smiley said that he had reviewed the reports from Mullin Acoustics and Northern Appraisers and had listened to the audio from the previous meeting. He declared that the reports contain false statements, used incorrect methods and had incorrect conclusions. The acoustic report doubled the number of vehicle pass bys, used an incorrect number of parking spaces, and conflicted with established methods and measures and further, it took into account unoccupied property. The report by Northern Appraisers incorrectly compared Focus to a charter school. He added that the conclusion was based on opinions by other real estate professionals in response to traffic conditions reported by the Kuykendall’s.

Mr. Smiley added that Ken Risse’s testimony contained false statements that incorrectly used public school land use codes over private schools land use codes. Mr. Smiley asserted that
using private school land use codes created more realistic modeling whereas using public school codes would have artificially lowered the traffic rate. He refuted Mr. Risse’s determination that using the independent variable of square feet/gross floor area was more appropriate than (using) the number of students. He explained that for citing land use codes for public schools, the ITE Manual states that, “since the ration of floor space to school student population area varies widely among the schools surveyed, the number of students maybe a more reliable independent variable on which to establish trip generation rates.” Mr. Smiley disagreed with Mr. Risse’s assertion that the number of students served was likely over 100 and challenged Mr. Risse’s accusation that his report favored the applicant by predicting low number for Focus homeschool.

Mr. Smiley clarified that the note of caution in the ITE manual regarding small sample size for private schools was a caution to use carefully, not a prohibition. He added that Focus homeschool was closer to a private school than to a public school and when applying the week day trip generation rates, the private school land use code with number of students as an independent variable was most appropriate. He addressed Mr. Risse’s analysis of Focus operating as an administrative center, where Mr. Risse’s suggested that Single-10 Office Building was better choice than corporate headquarters building and explained that Focus home school was a regional hub headquarters and that the corporate headquarters description was that of a single tenant office building that housed the corporate headquarters of an organization, the more specific category that applied should be a more realistic land use code.

Mr. Smiley imparted that in regard to hypothetical bed and breakfast occupancy rates that could operate on the site, Mr. Smiley assumed full occupancy of 100% where the ITE Manual states that the average was 78% whereas Mr. Risse supported 43.7% based on international data and his own B&B business. Mr. Smiley conveyed that Alaska Industrial Development and Export Authority reported that during peak periods, Fairbanks better quality hotels typically operate at or near capacity. It was Mr. Smiley’s opinion that Alaska was a more popular tourist destination than national and international averages and that the weeks a hypothetical full capacity B&B operates should be considered similar to projected trips for focus home school for the school year although there should be much less traffic at Focus during summer and holiday periods. He added that to be consistent, the travel demand analysis only considered Focus Homeschool traffic rates during the school year and only considered a hypothetical B&B during the summer and winter peak travel seasons.

Mr. McBeath communicated that Mr. Smiley provided a rebuttal against the two reports but also of other testimony. He clarified that at this part the PC was considering the two reports. Mr. McBeath asked Mr. Kuykendall if he needed time to refute Mr. Smiley’s rebuttal.

Mr. Kuykendall asked if it would be appropriate for Mr. Risse to defend the two letters.

Mr. McBeath said that he didn’t think any good mission would be accomplished. He explained that the commission was considering the two reports that he (Mr. Kuykendall) had asked the PC to consider.

Mr. Kuykendall asked (inaudible) if Mr. Smiley had received the revised Mullin’s acoustics letter dated November 2015. He explained that Mr. Smiley’s rebuttal was based on an outdated report.

Mr. McBeath responded that PC had received two copies of the report, the first from Oct 21 and the second from November 9, 2015.
Mr. Reilly asked Ms. Nelson to recall a recent race track application where noise was an issue; did Ms. Nelson say that there was no noise ordinance within the state and within the borough?

Ms. Doxey noted that in this case Ms. Nelson was a party.

Mr. Reilly inquired of Ms. Doxey about noise ordinances that could act a as a guide.

Ms. Doxey answered that there was a law within the City of Fairbanks that would apply to the area which addresses the potential for noise complaint. (In) the section on disturbing the peace, it speaks to an offense by generating a loud sound or noise to include repeated and continuously shouting or playing music with reckless disregard to the peace and privacy of others to include a definition of what it considers a loud sound. The section also had a provision about the hours for various sounds. It does not specifically address decibels and was more of a subjective standard.

Interested Person Testimony Closed

Mr. Kuykendall asked if Shane Koester could come forward.

Mr. McBeath allowed Mr. Koester to come forward and asked if Mr. Koester was sworn in two weeks ago.

Mr. Koester affirmed that he had been sworn into at the previous meeting. He spoke in opposition to the request relaying that per FNSB ordinance, conditional use permits were only allowed where there was "a public need for the particular use in a particular location". He reported that under Alaska Supreme Court case law, this language must be given meaning. The school does not the serve area children in particular and with other schools nearby there was no public need. He explained that Goal 1 of the Comprehensive Plan states that the foremost aspect of land use involving private property was the retention and maintenance of private property rights. Protecting these rights to the maximum extent possible, not working to accommodate other uses was paramount to the plan. He asserted that zoning must be enforced rather than modified to change use and that the proposed use does not fit TF zones. He added that the use did not match Title 18 definition of school of a building used primarily for teaching and instruction on a daily bases as its primary use. He conveyed that per the applicant’s application, the building uses include office, social activities, counseling, parent visits, guest facilities for short term stays etc. which was indicative of a dormitory which is not allowed in TF zones. The primary teaching and instruction was done elsewhere by the parents. He spoke to increased traffic. He further explained that the proposed use did not protect private property rights, or promote the general welfare of the residents nor provide safe traffic flow on public streets. He stated that Well Street was a local road, not the recommended connector or arterial that all Fairbanks schools and other homeschool centers use. He also spoke to concerns about noise pollution, loss of privacy, safety and security issues, and air pollution due to increased traffic on Well Street and Slaterville. He relayed that similar schools such as Raven and IDEA were permitted in the HI and LI zones.

Mr. McBeath inquired if Mr. Kuykendall had communications with his neighbors to identify opposition to the application.

Mr. Kuykendall confirmed that there was ongoing communications via email.
Mr. Spillman queried if the statement in regards to “no other schools in Fairbanks located on local roadways” could be repeated.

Mr. Koester restated, “Well is a local road not the recommended connector or arterial that all Fairbanks schools and other home schools centers use.”

Mr. Spillman inquired as to what functional classification was Mr. Koester using.

Mr. Koester replied that used the FSNB map that was provided on the GIS. He indicated that he looked up all 36 schools and the roads next to them and concluded that every single school was connected to at least one minor road.

Mr. Maas affirmed that he had sworn in two weeks ago. He spoke in support for the request attesting that the facility was needed and his child utilized the school and has benefitted from that attendance. He communicated that Focus was an asset to the neighborhood and that there were other children just outside of the 500 foot (DPO range) who utilized the school. He conveyed his surprise about fear and assumptions made by the opposing side in regards to possible increase of traffic, speed, quiet, and safety. He summarized that Focus was a school, not a business and that the benefit of education outweighed anything else.

Mr. Peterson inquired if Mr. Maas was a property owner.

Mr. Maas replied that he was a renter in the affected area.

Ms. Banks queried how long Mr. Maas was staying in Alaska in order to clarify if he was submitting his statements based on a short-term interest.

Mr. Maas responded that he had a long-term interest in the neighborhood.

Mr. Kuykendall asked if Mr. Maas transported his child to Focus when it was not supposed to be operating.

Mr. Maas affirmed that he did not.

**Closing Comments**

Mr. Spillman communicated that Planning Staff reviewed the application for conditional use permit in the same manner that Planning Staff would review any other conditional use application. He read aloud from Title 18 (18.54.030.B.2), “Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies and other public services to the proposed conditional use”. He noted that the majority of the discussions were related to this criteria. He explained that staff objectively reviewed the applicant’s submitted materials in terms of both on-site transportation facilities as well as off-site transportation facilities. Mr. Spillman added that the 5 conditions proposed by staff met the second provision of the conditional use criteria. He further explained that the applicant proposed an adequate number of parking spots in addition to a turn-around that met national standards for emergency vehicles for the property. In terms of off-site facilities, staff reviewed the application in terms of the one road condition where the City of Fairbanks repaved Well Street. As it pertains to trip generation, the applicant submitted a traffic impact analysis study that was stamped by a licensed professional engineer. He clarified that there were multiple Traffic Impact Analysis studies (TIA) submitted, but first TIA was not accepted because he (Mr. Spillman) found errors in it. The final TIA was accepted by himself and the Borough engineer.
Mr. Spillman commented that he found errors in the TIA comments made by the public and the information provided by area experts were not stamped by a professional engineer. He added that the proposed conditions in terms of parking included a turnaround surfaced with a minimum of gravel, delineated parking spaces, included all season maintenance of the parking and turn-around areas, and contained a condition limiting the number of students and people. Mr. Spillman commented that he wasn’t aware of any other schools in the FNSB that limited the number of students and that proposal for a student limit on the property was determined to be compatible with the area. He concluded that a 500 student facility in this area would not be a compatible development for the two family zone on this street, but that was not the application nor in the TIA evaluated by staff; staff’s opinion was that with the added conditions, the request was consistent with the criteria put forth in the conditionally use section of Title 18.

Mr. McBeath inquired about the TIA’s from Mr. Risse and Mr. Kuykendall, what errors did Mr. Spillman find?

Mr. Spillman answered that he found errors in the same section that Mr. Smiley pointed out. He explained that he had a discussion with the Borough engineer concerning the land use code for middle schools as presented by Mr. Risse. Mr. Spillman quoted from the Land Use Code, “Because of the ratio of floor space to student population varies widely among schools surveyed the number of students may be a more reliable independent variable on which to establish Trip generation rates” as opposed to the floor area that was used.

Mr. McBeath clarified that there were two narratives, one as presented in the staff report which determined that there would be fewer trips generated and less traffic than produced through a B&B, the second narrative that the Kuykendall and the Risse reports seemed to convey was that there would substantially more traffic, suggesting that the TIA defect pertained to the development of the metric.

Mr. Spillman agreed, adding that it’s not just the development of the metric but also the variable used in terms of the square footage of the property. He explained that he would not have considered the cabin in a TIA because the school was not proposing using the cabin as classroom area; he would have taken that out of the square footage calculation. Mr. Spillman added Mr. Risse evidence estimated on the high end.

Mr. McBeath inquired about condition 5 where no more than 30 students or 50 total people should on the subject properties at any time; how would this be enforced?

Mr. Spillman asserted that it would be enforced because the applicant has to comply with their conditional use. He explained that a complaint to investigate wasn’t necessary because it is a condition of the conditional use permit. Community Planning has a code enforcement officer; if we believe that the applicant was not abiding by that condition, the code enforcement officer can take action. There was also a criterion in Title 18 for revoking conditional use permits.

Mr. McBeath inquired about the history of a cleaning service on the property in 1967. Was this added to the report by staff?

Mr. Spillman answered that the applicant supplied the information.

Mr. Riley asked for clarification regarding condition 5, keeping the number of individuals at 50. The exact wording refers to “properties”, should it be amended to say “property?” He explained
that the wording could be debated, was it that there could 50 (people) in the park lot and another 50 in another area?

Mr. Spillman clarified that, “the prosed development actually spans 6 separate lots, so that’s what was being referred to.”

Ms. Banks asked if the max number of students that can be on the property accounts for the 127 that were going to stop by every week. What was the counting based on?

Mr. Spillman responded that this condition was on the property at one time and the Commission could amendment if they wished.

Mr. Kuykendall asked Mr. Spillman if the projected 29.8 trip ins was accurate given that the growth rate of Focus could be over 300 people in the next 5 years.

Mr. Spillman responded that it was the correct based on the number students on site, not the number of students in the home school program in general.

Mr. Kuykendall asked if the numbers were based off of K-12 stats presented by Stutzmann.

Mr. Spillman clarified that FNSB staff did not provide the TIA. Staff accepted the TIA provided by Stutzmann and determined that the K-12 private school was an appropriate land use classification.

Mr. Kuykendall asked Mr. Spillman if he aware that there were only two studies done, “that's what Ken Risse brought up, 2 studies done, there were 535 students in the school that they did. Monroe has 400 in the total school and so there had to have been some busing and that's the point we brought up that there would be parent cars and the traffic would be much greater. Would you feel comfortable with it?”

Mr. Spillman responded that he was comfortable with the study because it was very similar to other land use codes including elementary schools and middle schools that had significantly higher rates or significantly higher study numbers.

Mr. Kuykendall inquired about consideration for the on-site parking, if there was an event where would 30 or 40 cars park at one time?

Mr. Spillman answered that staff did consider this and it was why the parking lot was designed. He asserted that the FNSB didn't design it the parking lot, it was an accepted proposal that had a hammer head style turn around with Y-style turn around that was usable at max capacity. He added that there was no parking on Well Street per city ordinance. The school was answerable as to where large numbers of vehicles could park because they would need to park in legal parking area, not on Well Street.

Mr. Kuykendall asked, “your part of accepting this proposal, you limited them to 30 students and 50 people on site at one time. Now they were only saying they were gonna have an average of 12 students. Do you feel like this is limiting? Is it limiting them allowing 30 students?”

Mr. Spillman affirmed that there was a cap. He explained that staff didn’t find a 500 student school building appropriate for the location, but staff felt that 30 students was appropriate based on the generation rate that 30 students would produce.
Mr. Kuykendall inquired if Mr. Spillman realized that the Stutzman report projected a 100% occupancy and did staff use that information as a comparison to accept the proposal?

Mr. Spillman replied that he was aware.

Mr. Clendaniel thanked the commissioners for taking the time to engage in the planning and zoning process. He referred to the 3 standards for conditional use. 1. Conform to Title 18, 2. Necessity of adequate infrastructure, 3. Conditional use needs to protect the public health, safety, and welfare. He communicated that the Focus Homeschool Building was a school and that there will be daily instruction supplemented with limited classes. He added that the infrastructure with the Y-turn around would be a public turn around that benefitted the neighborhood. Parking spots would be added to allow enough parking. He stated that the traffic study, which was stamped by a traffic engineer and accepted by FSNB, made sense by using the K-12, student land use code for the times there would be classes. The use of square footage would not be as accurate due to the schools ability to either overuse or underuse square footage. He urged those opposed to look at the critical issues.

Mr. McBeath inquired about 210 Well Streets usage history in 1967 Fairbanks Cleaning service.

Ms. Dougherty answered that it was not a dry cleaning but a carpet cleaning service. She stated that she found the information in the City of Fairbanks records.

Mr. McBeath inquired about the more recent Alaska Memories Bed and Breakfast.

Ms. Dougherty replied that she spoke to the previous owners who indicated that the B&B was built by the owner previous to them who left the property to his sister. The sister then operated it as a B&B for a while and then decided to leave.

Mr. Kuykendall inquired if Mr. Clendaniel was aware that a school was not acceptable in a TF zone.

Mr. Clendaniel asked for clarification.

Mr. Kuykendall clarified that Mr. Clendaniel mentioned that this was a school, but a school was not permitted in a TF zone.

Mr. Clendaniel stated that he had communicated it was a school building, which was an appropriate conditional use.

Mr. Kuykendall queried if Mr. Clendaniel had read the definition of a school building. He further asked if 6 hours of instruction a week was the primary use.

Mr. Clendaniel responded that the definition of a school building was in the code.

(The commission took a 15 minutes recess)
MOTION Move to approve CU2016-001 with 5 conditions and 3 Findings of Fact by Mr. Guinn, seconded by Mr. Peterson.

Discussion

Ms. Banks spoke in favor of denial of the application and noted that the safety hazard, noise pollution, and increase in traffic were a concern.

Mr. Riley spoke in favor of denial citing overall safety and the impact to the feel of the neighborhood. He agreed that there was a need for Focus, but not in that particular location.

Mr. Guinn spoke in favor of denial, reasoning that the position and access issues were the primary concerns.

Mr. Whitaker spoke in favor of denial and communicated that the lack of another access in to the school from Minnie Street was the deciding factor.

Ms. Thayer spoke in favor of denial and specified that her concern was the health, safety, and welfare due to the road being a loop with only one way in and one way out.

Mr. Peterson spoke in favor of approval and remarked that if Focus was not allowed to move onto the property, the opposition could end up with worse neighbors.

Mr. McBeath spoke in favor of approval explaining that as educator who had worked with former home school students, he found the Focus program to be well designed in that it allowed for social interactions within the home school setting. He expressed that the majority of the opposition stemmed from a NIMBY reaction, which was not solid reasoning. Mr. McBeath stated that he believed that the traffic safety issues had been satisfactorily met. He had visited the location and neighborhood and felt that for the kind of there was sufficient space. He added that the street parking problems for Well Street have been there since the beginning of the Fairbanks, but that was a problem for the City of Fairbanks not the Planning Commission. When I asked people who complained about current parking difficulties that they may erroneously attribute to Focus and asked if they had gotten in touch with Fairbanks authorities, none of them said words to the effect that they had gotten in touch with their city government and complained. He believed that if the neighborhood organized that the City would hear their complaints if several people made persistent complaints. Elaborating further, he explained that the commission received two reports one real estate values with no author to cross examine and second report on noise where author said that there was no real way to deal with the problem, but there was no evidence given (to support) that the noise would be sufficiently great to cause a problem. He concluded that after hearing all the analysis and all parties involved, he didn't believe the commentary, for the most part, responded to the question asked and that the applicant met the burden of proof.

Ms. Doxey believed that the commission received contradicting evidence and requested more development in discussion on traffic in particular, safety and welfare.

Mr. McBeath requested to first vote on the main motion.
ROLL CALL

Two (2) in Favor: Mr. Peterson and Mr. McBeath

Five (5) Opposed: Mr. Riley, Ms. Banks, Mr. Guinn, Mr. Whitaker, and Ms. Thayer

MOTION FAILED

Ms. Thayer requested clarification on conflicting traffic information.

Mr. McBeath replied that two (2) narratives presented to the Commission in Mr. Spillman staff report with information to the effect that he accepted the TIA and that it indicated that the overall traffic would be less than that of the previous B&B. Mr. Kuykendall and Mr. Risse produced information using different calculations that determined that traffic would be greater.

Ms. Thayer conveyed that she did not hear in any of the traffic analyses the fact that there was only one way in. She asked if in dealing with students, if there was a different criterion the commission needed to look at (versus a homeschool) as far as more than one access in and out for safety purposes.

Mr. Spillman responded that this issue was considered and in terms of it being a one way street it did play into the capacity. He added that the amount of vehicles produced per hour wouldn't come close to justify a capacity calculation where hundreds of vehicles per peak hour, not necessarily 30 vehicles per week day were needed. Capacity was taken into account, but was deemed not applicable in this case. For health and safety purposes on the one way in, one way out, the City of Fairbanks was consulted. The Fire Department consolidated their comments and relayed that they had no health and safety concerns.

Mr. Clendaniel disclosed that the school had been talking with the owner of the lot that backs up to the property about the possibility of having a gate, which could be opened in emergency situations to provide emergency access out. This would not be for everyday use.

Mr. Maas related that they adapted to narrow streets and difficult road conditions and reported that Joy Elementary School and Effie Cochran School were both on single entrance streets.

Mr. Kuykendall commented that he would have to communicate with licensed engineers on how the traffic was calculated.

Mr. McBeath inquired of Ms. Doxey if the opportunity for a motion existed to develop of finding of facts at a later time.

Ms. Doxey confirmed that it was possible.

Mr. McBeath asked in the current situation, would this be the best course to follow.

Mr. McBeath further inquired what would happen if in trying to ascertain what the facts really were, the motion passed no longer became attractive which was the danger of splitting.
Ms. Doxey agreed and suggested a full developed discussion of the facts supporting the decisions that needed to be made and what the Commissioners were considering. From there, develop the motion and the findings of fact.

Mr. McBeath asked the Planning Commission to provide supporting evidence to constitute the findings of fact in order to have a motion.

Mr. Riley specified three finding of facts in support of denial: 1. Propose that the conditional permit does not conformed to Title 18 due to the applicants desire to allow Dormitory style living arrangements which was addressed during testimony; 2. Approval of CU permit would heavily affect the public health, safety, and welfare of the neighborhood; 3. Communicated that there was not adequate existing transportation facility serving the site specifically on the road usage issues.

Mr. McBeath asked Mr. Riley that in respect to the first suggestion was it true that the applicant proposed dormitory style housing? What concrete evidence supports that there would be dormitory style housing? Does overnight stays on occasions by teachers and perhaps occasional students accompanied by adults constitute dormitory style housing?

Ms. Doxey conveyed that the PC could look to Title 18 definitions to find the dormitory definition and apply the testimony to decide whether it meets that definition. (Ms. Doxey read from the definition), “Dormitory means a building used as a group living quarters for students, members of the religious order, or employees as an accessory use for a college, university, boarding school, orphanage, convent, monastery, other institutional use or industrial use.” She remarked that it was up the PC to decide whether the facts fit this particular definition thus, as you suggest Mr. Riley, it doesn't fit with Title 18 concerns.

Mr. Riley replied that his interpretation of the testimony in regard to other uses was that students or teachers could stay overnight to suggest dormitory style use.

Ms. Doxey asked the PC to develop the record as to whether the evidence demonstrated that those uses were as an accessory use for a college, university, boarding school, orphanage, convent, monastery, other institutional use or industrial use. She explained that in order for that kind of overnight stay to be a dormitory it has to be in an accessory use for these specific uses.

Mr. McBeath relayed that he did not believe that there was evidence to support the first finding of fact as provided by Mr. Riley. In terms of the second finding concerning the adverse effects to public health, safety, and welfare, Mr. Spillman recited evidence from the City Fairbanks that there were no safety issues. He added that the PC heard from a local government authority that was in charge of these kinds of determinations and that the question had already been asked and answered.

Ms. Banks commented that although there was expert advice from somebody that didn’t live in the neighborhood, she believed the experts in front of the commission. Her opinion was based on their comments. Can that be valid?

Ms. Doxey answered that it was within the purview of PC to choose what evidence it hears if it conflicts whether to believe some over others.

Ms. Banks inquired if the commission needed to write or at least to talk about specifics.
Mr. McBeath answered that the commission needed conditions and finding of fact to accompany a motion to deny.

Ms. Banks asked if more time was needed.

Mr. McBeath agreed that it was needed.

Ms. Banks voiced that she really needed to have more to base her decision on Title 18.

Mr. McBeath asked Ms. Banks how much time she needed?

Ms. Banks answered that she didn’t know.

Mr. McBeath remarked that the PC just had a 15 min recess, if the commission recessed for 30 minutes, then we should probably divide up the work. Since Mr. Riley proposed a difficulty with the dormitory, Mr. McBeath asked him if he would to address that issue and find some evidence that he had heard to support it and in terms of health safety and welfare issues would Mr. Riley like to be in charge of that. Mr. McBeath asked for members in the majority to find reasons to sustain their support (of denial).

Mr. Guinn remarked that his concern was access and volunteered to work with Flor on developing an access or finding a fact.

Mr. Whitaker volunteered to work with Mr. Guinn and Ms. Banks.

Mr. Peterson asked for clarification by Mr. Spillman on the two different opinions on the traffic studies.

Mr. McBeath answered that Mr. Peterson could ask Mr. Spillman that question and then the issue will be opened again.

Mr. Peterson queried if the PC used the more aggressive traffic study would that have changed the Planning Department’s position as far as the recommendation for approval.

Mr. Spillman answered that he couldn’t definitely say that this was the case. He explained that was not the evidence presented to the department. Personally, he would not have accepted that and would have suggested some changes. If there really was a 40 or 64 hundred square foot school proposed in that location and it was presented by a stamped engineer’s TIA addressing why square footage was a better alternative for evaluation on (other than students), I would considered that. We would have considered that as staff and possibly would have either denied or recommended different conditions. He stated that he was not presented with that satisfactory evidence. In was staff's opinion that a lot of the concerns were addressed via conditions, which was why four (4) of the conditions directly addressed traffic and transportation.

Mr. McBeath inquired if the interested persons had further questions of Mr. Spillman’s clarification as asked by Mr. Peterson.

Mr. Kuykendall said that in the application the purpose was to allow Focus homeschool to operate as school building with related guest facilities for short term stays on land zone TF.

Mr. McBeath asked what was the question in response to?
Mr. Kuykendall answered the dormitory issue.

Mr. McBeath conveyed that Mr. Spillman was asked whether he would have changed his recommendation if the TIA had been different.

(The Commission took a 30 minute recess)

Mr. McBeath announced that different members of the PC had discussions (behind the dais) on how to phrase findings of fact.

MOTION Move for reconsideration of the Main Motion by Ms. Thayer, seconded by Mr. Whitaker

Discussion

Ms. Thayer conveyed that the decision needed to be based in fact for Title 18 and the information based on the one way in and one way out that Mr. Spillman was able to provide after the vote cleared up her confusion. She noted that she should have asked for clarification before the vote. There was information provided by both parties, where it would appear that there was give and take on both sides, but based on the evidence presented, she was not able to come up with anything that would meet the criteria for a finding of fact that would support a denial.

Mr. Whitaker agreed with Ms. Thayer, adding that both the City Fire Department and the City Police indicated no safety problems. He stated that it was tough coming up with a finding of fact to deny the application.

ROLL CALL

Four (4) in Favor: Mr. Whitaker, Mr. Peterson, Ms. Thayer, and Mr. McBeath

Three (3) Opposed: Ms. Banks, Mr. Guinn, and Mr. Riley

MOTION APPROVED

PUBLIC HEARING

HP2016-001 Steese Expressway to Front Street Bicycle/Pedestrian Path. This project is proposing to create a new bicycle and pedestrian link between the Steese Expressway Bridge and the Graehl Park path. Right-of-way acquisition in not expected.

Duane Davis, ADOT, gave an overview of the project features. He explained that the current separated path that runs along the Steese Expressway had no Americans with Disabilities Act (ADA) accessible route from this separated path to Front Street or to Graehl Park. The only access at this current time was a set a stairs that leads to a path under the Steese Expressway Bridge. One of the points of this project was to provide an ADA accessible route that connects the separated path to Front Street and in doing so it will also connect the paths that cross under
the north end of the Steese Expressway Bridge; basically we will have a 3-way transportation link. ADOT has been working with the FNSB Parks and Recreation. There was a socially developed path that bisects the park that was problematic for Parks and Rec who have identified that it leads to space usage conflicts for higher speed bicycles passing through other park patrons that maybe not watching for bicyclists. In times when the Chena River is high, this was actually a dry slough that runs across north end of Bentley Island and passes under the Steese Expressway by way of one culvert and then it also passes out to the Chena River by another culvert. This area frequently floods and when the area is flooded this path was not passable; Parks and Rec. has asked us to reroute or consider rerouting this path which were propose to do by creating a bypass around the periphery of the park in order to achieve that transportation linkage. He added that the proposal included a change to the nature of the park’s current parking on Front Street, which was not in compliance with the City’s on street parking ordinance. It did not allow any portion of a vehicle within 10 feet of the center line, this occurs when people just nose to park resulting in the back end of their vehicles obstructing the lane of traffic. This is a 2-way road that dead ends road, but parked cars obstruct the one east bound lane. In order to rectify this problem, we propose parallel parking on street that complies with the City’s street parking ordinance. We also propose, in coordination with FNSB Parks and Rec, to put a sidewalk along the Front Street frontage with curb and gutter which would necessitate a new storm drain system. The Steese Expressway path would be realigned to come down the embankment towards Front Street and come back up and rejoin the path up on its way to 3rd Street.

Questions by the Planning Commission

Mr. Peterson inquired about concerns from any of the residents about the project.

Mr. Davis answered not from actual residents, but more from people that were travelling from Island Homes that were trying to make connections on the Old Steese. They were supportive because it gave them year-round access.

Mr. Peterson asked if you change to parallel parking, would that cut the amount of cars that could park to a third. Was there no way to take some of the green space away and move the cars closer to the river, so there can still be the same amount of parked cars.

Mr. Davis affirmed that Mr. Peterson was right, the number of parking spaces would potentially be reduced, but the current parking was not in accordance with the city ordinance and then it becomes an enforcement issue. People were not allowed to park the way they park now. You were losing what you don’t have.

Sarah Schacher, ADOT, added, that ADOT talked extensively about this with the Parks and Rec. Parks and Rec was aware of the constraints of parking through the small park, particularly boat trailer parking associated with the boat launch. We talk about that in this project and in the next project (HP2016-002 Wendell Street Bridge), but Title 18 does not require that businesses be provided with on street parking. Businesses have to support their parking needs on their own property and the park operator was very confident that the vast majority of parking that happens here was not necessarily from park patrons but from people patronizing the businesses. He was not willing to donate park space for the purpose of business parking.

Mr. Davis added that there was a benefit to having parallel parking adjacent to this sidewalk which was that it was adjacent to the playground equipment which places an additional buffer between traffic and playing children.
Mr. Whitaker asked if diagonal parking was considered.

Mr. Davis illustrated how this option wouldn’t work due to geometry. The most efficient as Mr. Peterson pointed out to get the maximum amount of parking spaces would be to nose in, but unfortunately results in the backend of vehicles being too close to the roadway’s centerline.

Mr. Guinn asked if the spaces were going to be striped, so people will know to park parallel and not the old manner.

Mr. Davis answered that this was the intention.

Mr. McBeath noted that packet page 44 listed a project funding of $25,000 for right of way. Mr. McBeath thought the project required no right of way.

Mr. Davis affirmed that this was correct, but ADOT needs some temporary construction easements to facilitate construction of the path.

Mr. Spillman presented the staff report. Based upon staff analysis, the Department of Community Planning recommended approval of the proposed request with the following Findings of Fact in support of approval:

1. **The Steese Expressway to Front Street Bicycle/Pedestrian Path project** will “provide quality and economical public services facilities that improve accessibility to all public facilities (i.e. ADA guidelines)” *(Community and Human Resources Goal 1, Strategy 4, Action B)* by adding an ADA-accessible pedestrian facility to increase accessibility to Graehl Park and Front Street.

2. **The Steese Expressway to Front Street Bicycle/Pedestrian Path project** will “make the Borough more pedestrian friendly in urban and suburban areas” *(Transportation and Infrastructure Goal 1, Strategy 3)* by adding bicycle/pedestrian facilities to increase connectivity to a public park and existing public pathways.

3. **The Steese Expressway to Front Street Bicycle/Pedestrian Path project** will “promote a comprehensive Borough bicycle plan that links public facilities, including schools and parks” *(Goal 1, Strategy 2, Action C)* by creating a new link to the FNSB established and maintained Graehl Park.

4. **The Steese Expressway to Front Street Bicycle/Pedestrian Path project** incorporates “the river into the community’s daily life by increasing visual and physical access to and along the river” *(Goal IV, Policy 1, of the Chena Riverfront Plan)* by formalizing a sidewalk along Front Street, running parallel to the Chena River.

**Discussion**

Mr. Whitaker inquired if the parking west of the boat launch would be affected at all in this project.

Mr. Spillman responded that that would be in the next project.
Mr. McBeath asked if the term “social trail” was appropriate usage? People could go to the trail to socialize with one another; well-worn habitual paths were a better usage.

Mr. Spillman agreed.

Public Hearing Opened

Anna Plager, Chair of the Chena Riverfront Commission (CRFC), conveyed that the CRFC had a couple of sessions over the last year with Sarah and Duane. She appreciated how much coordination ADOT offered with the CRFC. She noted that there were 3 actual projects that would link together the Steese Highway connector.

Ms. Plager, as an individual, noted that the biggest issue besides pathways and access was toilets, which was something that had not really been discussed in a public forum although that maybe an issue for other departments. She added that the social trail may not be obliterated even if there was sidewalk.

Ms. Banks asked for clarification regarding Ms. Plager’s point of view concerning the social trail.

Ms. Plager replied that it was her belief that the intent of this project in cooperation with FNSB Parks and Recreation was to remove the social trail that runs along the base of the park parallel to the river. Ms. Plager asked what was going to happen to that area?

Mr. Davis clarified that ADOT was in discussion with Parks and Rec to reseeding that area.

Mr. McBeath asked Ms. Plager, as an experienced Park Superintendent, if she had any metrics to offer as to what percentage of increase necessitates justification for a porta-potties or another equivalent structure. I

Ms. Plager responded that the only metric she had was bladder length, but it’s really was a measure of how long someone recreates at the park. As the park improves, people will be inclined to stay longer. One of the thoughts the commission raised with ADOT was to expand the park over to the east side of the Steese Hwy where there was room as an ideal spot for putting in some kind of facility for restroom. It maybe that the area has highway ROW or was owned by the City.

Public Hearing Closed

MOTION Move to approve recommendation of HP2016-001 the Steese Expressway to Front Street Bicycle/Pedestrian Path, accepting the staff report and four Findings of Fact by Mr. Guinn, seconded by Ms. Thayer.

Discussion

Mr. Guinn appreciated Ms. Plager comment about the porta potties, but saw them as a separate issue for Parks and Rec. He hoped they would listen to the suggestion.
ROLL CALL
Seven (7) in Favor: Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. Thayer, Mr. Riley, Ms. Banks, and Mr. McBeath,

Zero (0) Opposed:

MOTION APPROVED

PUBLIC HEARING

HP2016-002 Wendell Street Bridge. This project is proposing to replace the Chena River Bridge at Wendell Avenue with a new bridge having wider sidewalks. Work also includes the following: reconstruct the bridge approaches to accommodate the new bridge’ construct a shared use underpass pathway for pedestrians and bicyclists to cross below the north end of the new bridge and access Graehl Park and reconstruct a portion of Front Street west of the Old Steese Highway to accommodate the new underpass pathway.

Duane Davis, ADOT, explained that the primary purpose was to replace the bridge and in doing so the approaches would also need replaced. One of the scope requirements was to create a linkage from Graehl Park over to Griffin Park. Two sets of non-compliant ADA (American Disability Act) concrete stairs exist on the north end of the bridge. Patrons of the park access the Old Steese Hwy by way of 40 Mile Avenue and down Second Street, which was a long, circuitous route. A series of 3 public open house meetings were held, the public’s input was used to provide direction and function. The general public consensus was to have an underpass crossing under the Old Steese Hwy along the north end of the bridge from the park with sidewalk access along the Old Steese to downtown destinations and Griffin Park. The project was a continuation of the Steese Expressway/Front Street path as a transportation linkage picking up from the boat launch and over to continue to the Old Steese. Considerations were taken to create safer access to bus lines; the nearest signaled crosswalk was at 3rd Street or at Dunkel. As part changing the approaches, room for the underpass path was made to come out in such a way that bicyclists could see around the corner and not run into people. The curve along Front Street at the river was changed, which requires Right-of-way (ROW) acquisition from two vacant lots. In accommodating the ADA compliance, the road profile must be changed along Front Street. DOT was in discussion with the City; DOT will resurface the remainder of Front Street to the cul-de-sac. On the south side of the river there was an existing connection to the Chena River walk path that runs along the river and there was a connection that went down to the path from Wendell Avenue, but there was not one on the other side. People who want to cross traffic were prone to cross in an undesirable area, DOT proposed a new path connector so that people could cross under in a safe manner. There was no current left-hand turn lane coming off of Clay Street, but they were investigating to see if one could fit.

Questions by the Planning Commission

Ms. Thayer inquired about upgrades to the boat launch.

Mr. Davis answered that there was nothing included to improve the ability to launch. He noted that an existing power pole located in the middle of the boat launch access was over the top of launch, it will be relocated as part of the project providing for better access. A crosswalk will be created across the top of the boat ramp to perhaps include some regrading for ADA compliance
although the area can’t be too steep because of the curved ramps in both projects that meet at the launch. The path will continue across the boat launch, but were not going to improve the ramp itself per se although erosion protection will be addressed on each side of the ramp, but weren’t doing anything specifically to the concrete slab going down in to the river.

Mr. McBeath inquired about the poor visual aesthetics; were there plans for beautification or was this a consideration in the design process.

Mr. Davis acknowledged that aesthetics were considered, but an overwhelming comment from the open house process was that the public would like the river crossing bridges to be consistent with each other. He said that the new Barnette Bridge sets the stage for consistency and that the public’s responses specific to railing resulted in favor of railings like that on the new bridge. Most of ADOT’s choices were driven by economics.

Ms. Banks inquired about the perceptions of the immediate neighbors.

Mr. Davis answered that the vast majority were in favor as they recognized the need to replace the bridge although there were concerns about noise from actual construction. Mr. Davis indicated an adjacent neighbor that ADOT would be working with to mitigate noise concerns.

Ms. Banks asked if the concern was about construction not the end results.

Mr. Davis agreed. He added that part of the open house process asked about function because several options were available to include coming up in a different location, but one owner was very clear that they didn’t want stairs near their property due to some of the social ills that happen around the bridge.

Sarah Schacher, P.E. with ADOT, added that there were concerns about having an underpass that were based on ideas that the areas under bridges in town were deemed unfavorable and we took great efforts to include input from the Fairbanks Police Department to include vertical abutment walls, lighting, more open areas to include a full view of the bridge from either side.

Mr. Spillman asked if the current bridge was structurally obsolete.

Mr. Davis explained that functionally obsolete and structurally deficient. The bridge was both. Per the federal highways definition, structurally deficient trumps functionally obsolete. The current bridge was deficient because the concrete deck was delaminating and in poor shape although that was not to say that the bridge wasn’t safe, an analysis determined that it would be more cost effective to replace the bridge with desired features than to retrofit the bridge. It was functionally obsolete because it no longer meets or matches modern design codes in respect to lane width, sidewalk width, or another geometric property of the bridge.

Mr. Whitaker inquired about the supporting piers on the water, how many were going to be in the river way.

Mr. Davis explained that the existing bridge was a five (5) span bridge, which meant that were four (4) sets of piers; the proposed bridge will be a three (3) span bridge, there will only be two piers in the river.

Mr. Whitaker asked if Barnette Bridge only had one (1) pier.

Mr. Davis believed this to be correct.

Mr. Whitaker if there was a way to have a single pier without a high cost.
Mr. Davis answered that it wouldn’t be possible to have a single pier that would also achieve some of the other goals to include a path under the bridge. The path necessitates certain height clearance, which over steepens the approaches due to the short distance to 2nd Street.

Mr. Whitaker inquired about the elevation, specifically the clearance under the Barnette Bridge.

Mr. Davis responded that out of necessity, the Barnette Bridge was designed and built the way that it was because 1st Street was at a certain elevation and the lay of the land on the other side of the river a little bit lower. The Wendell Bridge has higher clearance. The lower cord of the girders of the proposed bridge should have close to the same navigational height clearance although the geometry will change.

Mr. Whitaker questioned if the new piers were better designed so that they don’t collect debris such as logs.

Mr. Davis remarked that he shared Mr. Whitaker’s concern. He reported that the new piers will be a new type, a type of concrete wall that channels the river into lanes. The new pilings would be almost four (4) foot diameter pipes set in a row, which allows water to spill through them although this wasn’t to say that it would necessarily reduce the amount of debris that gets hung up on them.

Mr. Spillman presented the staff report. Based upon staff analysis, the Department of Community Planning recommended approval of the proposed request with the following Findings of Fact in support of approval:

1. The Wendell Avenue Bridge project will “encourage location, design, and maintenance of roads based on their function and community needs” (Transportation and Infrastructure: Goal 1, Strategy 1) by replacing an aging and functionally obsolete bridge that is an important vehicle connection between downtown and local businesses, residences, and FNSB parks that facilitates riverfront tourism and community activities.

2. The Wendell Avenue Bridge project will “promote a comprehensive Borough bicycle plan that links public facilities, including schools and parks” (Transportation and Infrastructure: Goal 1, Strategy 2, Action C) by adding a safer and more bicycle-friendly connection between downtown and local businesses, residences, the Chena Riverwalk Path, and two FNSB established and maintained parks.

3. The Wendell Avenue Bridge project will “make the Borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas” (Transportation and Infrastructure: Goal 1, Strategy 3) by adding a safer and more pedestrian-friendly and ADA-accessible connection between downtown, businesses, residences, parks and existing pathways, and beneath, instead of across, the Old Steese Highway.

4. The Wendell Avenue Bridge project will “improve existing and creates new walkways in urban areas that meet design standards” (Transportation and Infrastructure: Goal 1, Strategy 3, Action A) by providing ADA-accessible connections where none currently exist between the bridge and new and existing public walkways along Front Street, beneath the Old Steese Highway and in Graehl Park.
The Department of Community Planning recommends adoption of the following Findings of Fact in support of approval, as stated in the 2009 Chena Riverfront Plan:

5. The Wendell Avenue Bridge project will “create and enhance physical and visual access to the river for all people” (Goals, Policies and Objectives: ACCESS) by providing safer and more pedestrian-friendly physical and visual access to the river via Graehl Park and the public boat launch and from the bridge for viewing river-related activities by bicyclists, pedestrians and individuals with ADA accessibility needs.

6. The Wendell Avenue Bridge project will “maintain and enhance year-round public access to the river at Griffin Park, Golden Heart Plaza and additional access points in order to enhance their contributions to the Yukon Quest, the Open North American, cross country ski races, Golden Days and other river-related activities” (Goal 2, Policy 7, Objective A) by providing safer and more pedestrian-friendly public access for viewing races and other river-related activities from Graehl Park and the bridge itself and physically accessing the river via the Park and the public boat launch.

7. The Wendell Avenue Bridge project will “construct new paths along, above, and as close as possible to the riverbank in order to take full advantage of river views” (Goal 4, Policy 1, Objective D) by adding shared-use pathways along Front Street, beneath the Old Steese Highway, in Graehl Park (as close as is practical on the river side of proposed parking spaces), and from Ferry Way to the Chena Riverwalk Path and by creating wider shared-use pathways and shoulders on the new bridge.

8. The Wendell Avenue Bridge project will “enhance trails along the riverfront” (Goal 4, Policy 1, Objective F) by creating increased connectivity between existing trails (i.e. Chena Riverwalk Path) and proposed facilities bicycle/pedestrian facilities within Graehl Park and beneath the Old Steese Highway.

9. The Wendell Avenue Bridge project will “consider the aesthetic effect of all new bridge construction and evaluate new bridge projects from the perspective to the river as well as from the river” (Goal 4, Policy 4) by proposing a new bridge aesthetically similar to the one that it will replace with similar views to the river, but with three spans compared to the existing five, thus requiring fewer piers as viewed from the river.

Public Hearing Opened

Anna Plager, spoke in favor of the project, noting how the project was a perfect example of how much ADOT had been working with community. She said that initially the project was design to not go along the riverfront nor under the bridge connect. It was notable in the development along the riverfront to have a pedestrian developed pathway that was well maintained and constructed from the Steese to the Peger Bridge. She added that Barbara Carlson brought a comment to the Chena Riverfront Commission regarding ideas for bridge beautification. Ms. Carlson was encouraged to speak to ADOT.
Mr. Davis remarked that ADOT had spoken to Ms. Carlson and asked her to make a proposal for evaluation, but ADOT was still waiting for the proposal.

Ms. Schacher encouraged public input on beautification. She remarked that such ideas had to be treated delicately because ideas on beautification were subjective; one idea cannot speak to what the whole community would want.

Public Hearing Closed

MOTION Move to approve recommendation of HP2016-002 the Wendell Avenue Bridge to the Fairbanks Star Borough Assembly, accepting the staff report and nine Findings of Fact by Mr. Whitaker, seconded by Ms. Thayer.

ROLL CALL

Seven (7) in Favor: Mr. Whitaker, Mr. Peterson, Ms. Thayer, Mr. Reilly, Ms. Banks, Mr. Guinn, Mr. McBeath

Zero (0) Opposed:

MOTION APPROVED

PUBLIC HEARING


Anna Plager, Chair of the Chena Riverfront Commission, communicated that the Chena Riverfront Commission had visited the Planning Commission approximately one year ago, at the end of the 5 year update, when they suggested that they wanted to go out for public comment. She spoke about the changes in the first 12 pages (most of which were grammatical) and that there were 5 major revisions to the plan as presented in the meeting packet to the Planning Commission on this day. She explained that the fifth condition was to encourage blocking off the streets downtown and that it needed to be specified in the plan.

Discussion

Mr. Whitaker inquired about Elodea.

Ms. Plager explained that it had been banned in the whole state, but that doesn’t stop the spread.

Ms. Durham explained that there was a proposed substitute ordinance in the addendum which expresses the plan in legislative format. The plan had been recommended for approval by the Parks and Rec Commission, and if the Planning Commission recommends approval, it will then be presented before the Fairbanks City Council for their adoption and ordinance. Finally, it will be before the FNSB Assembly for adoption.

Public Hearing Opened

NONE
Public Hearing Closed

MOTION Move to make recommendation to Borough Assembly to approve PA2014-002 by Mr. Peterson, seconded by Ms. Whitaker.

Discussion NONE

ROLL CALL

Seven (7) in Favor:  Mr. Peterson, Mr. Thayer, Mr. Riley, Ms. Banks, Mr. Guinn, , Mr. Whitaker, Mr. McBeath

Zero (0) Opposed:

AMENDMENTS TO THE CHENA RIVERFRONT PLAN RECOMMENDED FOR APPROVAL

I. UNFINISHED BUSINESS

1. Discussion on IPads (data package versus wireless).

   Mr. Kellen announced that the IPads had been ordered and equipped with the technology for a dataplan. They will be rolled out in January. Computer Services will have a work session on how to use them. It will be beneficial in terms of saving time and money (paper).

2. Number for Quorum of Planning Commission

   Mr. McBeath announced that he had spoken with Mayor Kassel about the draft ordinance, which had been mostly crafted by Ms. Doxey. Mr. McBeath mentioned to the Mayor that it seemed sensible to ask that the quorum be a majority of the commission. The mayor was uncomfortable with that in that he thought there should be no fewer than five (5) commission members. Mr. McBeath explained that Ms. Doxey added a second statement of quorum to address what happens when a person has a conflict of interest when it was found during disclosure.

   Ms. Doxey said that she had emailed Mr. McBeath language that the Board of Equalization uses (BOE).

   Mr. McBeath announced that he found this language to be acceptable.

   Ms. Doxey explained that the language had not been suggested to Mayor Kassel.

   Mr. McBeath conveyed that the PC needed to be better protected. He asked the commission wanted to wait on making a decision pending the Mayor’s input on quorum in situations where quorum was meet at the beginning of the meeting and then loses it by the interpretation of the current rule concerning conflict.
Ms. Doxey read the language that applied to the BOE, “no hearing maybe held or decision made in the absence of a quorum except that a member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum” so once a quorum was held, if somebody was conflicted off, they were still counted for quorum purposes.

Mr. Guinn said that you need a majority of the quorum to pass even though one person was not voting.

Ms. Doxey agreed.

Mr. McBeath said that the possibility could exist where there were three or four people making a decision.

Ms. Doxey recollected that the rules for the PC commission say that the majority of the members present and voting.

Mr. Riley stated that you could have less than three.

Mr. McBeath agreed that was something to consider.

Mr. Peterson conveyed that if members were present and this situation happens, we would move forward although he would not like to see just two or three people voting. He founds nothing wrong with the rule the PC was proposing.

Mr. McBeath agreed that it was straightforward, but he wanted the PC to be comfortable with the rules. We don’t have anybody to speak in favor or opposed to it.

Ms. Banks said the PC could vote.

Mr. McBeath agreed in that it could be forwarded to Assembly.

**MOTION** Move to recommendation of a draft ordinance amending FNSB 2.040.030 regarding Planning Commission Quorum Requirements to the Fairbanks Star Borough Assembly by Mr. Peterson, seconded by Mr. Riley.

**Discussion**

Mr. McBeath explained that it would amend it to the language as provided by Ms. Doxey (line 37).

Ms. Doxey conveyed that the draft had not yet be introduced to the Assembly, so it was not a matter that the PC could introduce a substitute on, the formal way would be to create a communication to the Assembly asking them to introduce a substitute to make the amendments.

Ms. Nelson commented that the purpose of a PC was to represent the community and if the PC had an 11 seat PC, it was concerning that the potential exists that only three (3) people were making a decision.
Mr. Whitaker agreed with Ms. Nelson’s concern.

Ms. Nelson noted that the item was being set before the Assembly’s Committee of the Whole on Dec. 3, with potential hearing on Dec. 10.

Mr. McBeath stated that he had no qualms to send the amendment to the Assembly.

ROLL CALL

Six (6) in Favor: Ms. Thayer, Mr. Reilly, Ms. Banks, Mr. Guinn, Mr. Peterson, Mr. McBeath

One (1) Opposed: Mr. Whitaker

MOTION APPROVED

3. Attendance Rules

Mr. McBeath conveyed that the PC didn’t have attendance rules other than what Ms. Doxey sent out, which was just a paragraph that didn’t answer the question of whether someone’s absence from a meeting was or was not excused.

Ms. Doxey clarified that the PC attendance rules currently state that if a member fails to attend 5 consecutive meetings or 80% of meeting annually, they can be removed by the Assembly.

Mr. Riley conveyed that this issue could arise at the next meeting.

Mr. McBeath explained that a simple rule would be better than none, such as absences will be excused in the case of illness, family emergencies or work related assignments.

Mr. Riley agreed. He said that he had missed meetings and was unaware if he had been excused.

Mr. McBeath asked if the PC had its own authority to adopt a simple rule as the one he just conveyed.

Ms. Doxey stated that the PC can amend their own rules, but it had to be resolution that would need to be developed and introduced at the next Planning Commission meeting that would need to be passed by majority vote.

Mr. Riley and Mr. Peterson agreed that a resolution needed to be developed.

Ms. Banks had concerns about the language concern work related assignments.
Mr. McBeath said that he would on it by the next meeting.

J. QUASI-JUDICIAL HEARING

NONE

K. NEW BUSINESS – POSTPONED

1. Permit Process Matrix
2. Planning Commission sponsorship of possible Title 18 Amendments.

L. COMMISSIONER’S COMMENTS

Commissioner Activity Reports

1. FMATS

Mr. McBeath reported that there was a Cowles Street tour last week because it was an upcoming FMATS project and that it was interesting to see the kinds of changes that would be made on a major street. There was a meeting on Nov. 4th where the highlight was the coordinated transportation plan that came before FMATS. He noted that 43 groups participated in the effort.

Ms. Nelson communicated that in regard to bridge aesthetics, there had been discussion in the subcommittee that was dealing with FMATS policy in creating some sort of design guidelines that would help DOT planners and engineers integrate consist design elements into their projects. She and Judy Chapman (planner) had talked about it, but it was something that the subcommittee agreed would be helpful to make DOT projects or DOT funded projects have a little more aesthetics attached to them in a consist way that was not art committee (public process) driven way.

Mr. Spillman announced that he was asked by FMATS to participate in a road safety audit on Badger Road in response to numerous calls last winter at the state wide representative level and at the governor's level to reduce the speed limit on Badger. He reported that there was a lot of interested publicity regarding some very serious car crashes that occurred along the road. The statewide safety engineer was flown in and a couple of items noticed was that the type of road had a very high amount of access points (driveways) for an arterial type roadway, were numerous driveways were not desired because of the high change in speed. Most of Badger was two lanes, which increased the amount of rear end collisions. The State nominated the road for the Highway Safety Improvement Program and was awarded over $17 million dollars to put a turn lane in on Badger Road, the whole length will have a center turn lane. However, this really doesn’t address the driveways because it was the legal access.

2. Other – Closing Comments

Ms. Thayer relayed that it was a tough night in regard to the decision on Focus. Regardless of the decision, someone was not going to be happy. She commended the board for listening with respect.
Mr. Riley inquired about changing email passwords.

Mr. Spillman announced he will work with Mr. Riley to get this resolved.

Mr. Peterson stated that in regard to the Focus conditional use, it bothered him that there could have been interested parties outside of the arbitrary 500 foot radius. He would like the radius to be revisited.

Mr. McBeath conveyed a conversation with Mr. Guinn concerning who is and isn’t an interested party. Mr. Guinn had suggested a committee be formed to create screening criteria. Mr. McBeath had spoken with Ms. Nelson and Ms. Doxey and there will be a recommendation at the next meeting for a formation of committee of five (5) that will consist of two (2) members of the Planning Commission, Ms. Doxey, Ms. Nelson, and a member of the public as suggested by Ms. Nelson. The committee will look at the issue and report to the commission in January or February. These meetings will be noticed.

Mr. McBeath announced that there will be elections at the next meeting for chair and vice-chair and that a FMATS representative.

Ms. Nelson conveyed that it would be best to wait until the January meeting, when two new members join the board.

Stacy Wasinger, new Planner III, was introduced.

M. ADJOURNMENT

Motion to adjourn by Ms. Thayer, seconded by Mr. Peterson. The meeting was adjourned at 10:54 p.m.