

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
March 9, 2021

A regular meeting of the Fairbanks North Star Borough Planning Commission was held via Zoom from the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

The meeting was called to order at 6:00 p.m. by John Perreault, Chair.

A. ROLL CALL

COMMISSIONERS PRESENT: Chris Guinn Savannah Fletcher
John Perreault Mike Kenna
Eric Muehling Shane Koester
Sandra Mota Kerynn Fisher
Jason McComas-Roe

COMMISSIONERS ABSENT (A) & EXCUSED (E): Doug Sims (E)

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Annmarie Billingsley, Asst. Borough Attorney
Sarah Bingham, Planner II
Sharon Wittenkeller, Recording Clerk
Alexis Fackeldey, Zoom Technician

B. MESSAGES

1. Communications to the Planning Commission

Mr. Spillman gave an overview of upcoming Planning Commission case load and meetings. He provided an update on the Comprehensive Road Plan and the Comprehensive Trails Plan. He stated that there will be more opportunities for Commissioners to participate in phase II of the APA conference at the end of March. Mr. Spillman further noted that the JHAC building and its elevators are now open to public access.

2. Citizen's Comments – limited to three (3) minutes – None.

3. Disclosure & Statement of Conflict of Interest – None.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by **Commissioner Muehling** and seconded by **Commissioner Guinn**. Carried without objection or roll call vote.

D. MINUTES

Minutes from February 23, 2021 were approved.

E. QUASI-JUDICIAL HEARING

1. **CU2021-005**: A request by Patricia Manuel for conditional use approval of a daycare facility for 12 children in the Two-Family Residential (TF) zoning district on Lot 10, Block 37A, Aurora Subdivision Second Addition, located at 2212 Jack Street.

Oath Administered.

Sarah Bingham presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval.

The Commission questioned and discussed the following items with staff:

- Mitigation plan for drop off and pick up times.
- Requirements for outdoor parking space with access to plugins for winter.
- Increase in garbage from the daycare and who is responsible for handling disposal of garbage.
- Location of a parked trailer on the property and a condition to locate it elsewhere.
- Parking area for parents that are dropping off.
- 3 point turns in the driveway, backing out into the road and pulling in and backing out of the driveway.
- Code requirements for 2 parking spots and the maneuvering needed to be done on site.
- Additional parking location and street access for the second staff member.

Applicant Testimony

Patricia and Jefferey Manuel presented their case for their conditional use permit for their daycare for 12 children located at 1212 Jack Street, Fairbanks, Alaska. The Manuel's provided the following information and followed up with questions the Commissioners previously had regarding:

- The second employee being Patricia Manuel, the parking space for the second employee being located inside the garage.
- The trailer will be moved to a different location.
- Providing the required 2 inches of gravel on the unpaved portions of the driveway once the snow is cleared.
- Multiple site inspections from the Fire Marshall, the Engineering Department (of the City of Fairbanks) and Public Works (from the City of Fairbanks).
- All regulations are met, including the appropriate exits from the house.

The Commission questioned and discussed the following items with the applicants:

- Time of day for parents dropping of children currently attending the daycare and anticipation of parent drop off times when the daycare reaches full capacity.
- Staggered drop off times of up to 20-30 minutes between drop off times.
- Stop signs in the neighborhood to slow down vehicles and traffic circles.
- Traffic volume and speed limits in the neighborhood.
- The maximum number of children allowed in the home daycare based on the size of the house which is determined by the state.

Interested Person Testimony

Leonard Thiltgen, of Fairbanks, Alaska spoke of his concerns of increased traffic and speeds in relation to drop off and pick up times at the daycare.

Hild Peters, of Fairbanks, Alaska spoke of her support of small businesses as well as her concerns of increased traffic on Esquire Avenue, drop off and pick up times at the daycare, and the quiet of the neighborhood.

Applicant Rebuttal

Jeffery and Patricia Manuel addressed the concerns of staggered drop off times, traffic and parking concerns, and the quiet and safety of the neighborhood.

MOTION: I move to approve the Conditional Use Permit (CU2021-005) for a day care facility on Lot 10, Block 37A, Aurora Subdivision 2nd Addition with seven (7) conditions as amended, and adopting the staff report and three (3) Findings of Fact in support of the approval made by **Commissioner Fisher** and seconded by **Commissioner Guinn**.

*The 3rd originally recommended condition "Outdoor activities, other than pick up and drop off, shall be limited to the hours of 7:00am to 6:00pm and shall be supervised" was removed creating the amended seven (7) conditions.

ROLL CALL

Nine (9) in Favor: Fletcher, Guinn, Kenna, Koester, McComas-Roe, Mota, Muehling, Fisher, Perreault.

Zero (0) Opposed:

MOTION CARRIED – CU2021-005 APPROVED

Conditions for Approval

1. The maximum number of children permitted at the day care is limited to twelve (12).
2. The hours of operation of the day care facility shall be limited to 6:00am to 6:00pm, including drop off and pick up activities.
3. The gravel portion of the driveway, travel surface, and parking area, as shown in the applicant's site plan, shall be surfaced with at least two inches of compacted gravel no later than July 1, 2021 and that surface shall be maintained.
4. The open trailer parked in the employee parking spot shall be moved to a location that does not interfere with the day care's parking plan. No materials or vehicles, other than the employee's vehicle or client vehicles, shall be parked or stored in the designated parking areas.
5. All outdoor parking spots, including the drop off and pick up area, shall be plowed and maintained.
6. Drop off and pick up times shall be staggered to ensure that client vehicles do not exceed three vehicles simultaneously within the designated parking area.
7. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

Findings of Fact for Approval

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes.
 - a. The proposed conditional is consistent with the 'Urban Area' FNSB Regional Comprehensive Plan land use designation because the day care facility will provide "essential human services for residents" of the borough "that will

- enrich the quality of life for all residents,” mentioned in Strategy 1 of Goal 1 in the Community and Human Resources section of the Comprehensive Plan. The added land use also “fit[s] the diverse needs of the community,” corresponding to Goal 3 in the Land Use section of the Comprehensive Plan.
- b. The conditions that limit the number of children, outdoor activities, hours of operation and parking restrictions, promotes public health, safety, and welfare and protects private property rights.
 - c. The applicant is in the process of obtaining a state license for a day care facility from the Alaska Department of Health and Social Services, the state agency that is responsible for regulating childcare facilities. Obtaining a state license is dependent on obtaining this conditional use permit.
 - d. The FNSB Eielson Air Force Base Regional Growth Plan shows that “The FNSB region has a shortage of affordable infant and preschool age childcare options” demonstrating that this application meets the purpose of a conditional use, to meet “the public need for the particular use in a particular location” as stated in FNSBC 18.104.050.
2. There are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.
- a. The day care facility has adequate water supply and sewage capacity because the property is served by Golden Heart Utilities.
 - b. The facility has adequate power supply because it is served by the GVEA grid.
 - c. The facility has adequate fire services because the property is served by the City of Fairbanks Fire Department.
 - d. The facility is served by the City of Fairbanks Police Department for law enforcement.
 - e. The subject property has access from Jack Street which is a local road maintained by the City of Fairbanks.
 - f. Jack Street has the needed capacity to serve the day care facility safely and without any congestion occurring from the use.
3. The proposed conditional use will protect the public health, safety, and welfare with the suggested conditions.
- a. With recommended condition, the hours of operation for the day care facility will not negatively impact the residential neighborhood because the day care would not operate in the evenings or night, when more residents are home. These hours of operation are consistent with the City’s noise ordinance.
 - b. The noise produced by the day care facility does not negatively impact the residential neighborhood because, as conditioned, the day care is for a maximum of 12 children and the outside playtime is limited.

F. PUBLIC HEARING

Kellen Spillman presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval.

1. **HP2021-003 Old Steese Highway Reconstruction:** A request by the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) for local planning authority approval of the Old Steese Highway Reconstruction project. AK DOT & PF Northern Region is proposing a project to reconstruct Old Steese Highway between the Third Street intersection and the Johansen Expressway, making it a uniform 5 lanes for traffic with two lanes in each direction of travel and a center turn lane, 4 foot shoulders, curb, gutter, drainage improvements, and sidewalks throughout the length of the corridor in Fairbanks, Alaska.

The Commission questioned and discussed the following items with the Applicant, Russel Johnson, AK DOT & PF Highway Design Project Manager and Gary Jenkins, Dowl Engineering Design Consultants, Lead Engineers on the project:

- Budget for winter sidewalk maintenance; City of Fairbanks maintenance responsibilities and agreement with AK DOT & PF.
- Use of sidewalks during winter months.
- 4-foot shoulder standards for the highway project size and placement for temporary snow storage.
- Bicycle use options on shoulders during summer and winter months.
- Pedestrian signals at the Trainor Gate and Old Steese intersection, and at the Helmericks and Old Steese intersection.
- Pedestrian push buttons at signalized intersections.
- Comments from the public who are unhappy with the R.O.W plans.
- Residential areas impacted by the R.O.W.
- Whether AK DOT & PF ever considered closing a certain section of Trainor Gate Road.
- Zoned parcels affected by R.O.W.
- Pedestrian navigation options from the residential neighborhood areas to the shopping district.

The Commission questioned and discussed the following items with FNSB staff:

- AK DOT variance submission during project.
- Minnie Street and 3rd Street intersection at Old Steese; configuration of a 4-lane road.
- Strategy 4 of the Comprehensive Plan, on the integration of safe multi-use trail circulation into road networks with respect to the 4-foot shoulder that may not be useable in the winter.

Public Testimony

Chair Perreault opened public testimony. Being that there were no members of the public who signed up or wished to give public testimony, public testimony was closed.

MOTION: to approve HP2021-003 the Old Steese Highway Reconstruction project as being consistent with the FNSB Regional Comprehensive Plan, adopting the staff report and two findings of fact, as amended, in support of the approval made by **Commissioner Muehling** and seconded by **Commissioner Guinn**.

Commissioner Muehling stated that the community should be headed in a direction toward more connections for non-motorized routes because not everyone has a car and noted it as a social justice issue. Winter bicycling is a growing mode of transportation and a 4-foot wide shoulder is not a special accommodation for non-motorized users, it is the minimum. Shoulders are used for temporary snow dumps and they are not always available for bicycle riders. He further noted his concern that the project and Commission were stating that the project was consistent with the Comprehensive Plan with respect to integrating bicycle and circulation routes and he did not feel that the project was consistent with the Comprehensive Plan in that regard.

MOTION TO AMEND FINDING OF FACT 2.C. The project is minimally consistent with Strategy four, which states integrate safe multi-use trail circulation into road networks and maintain multi-use trails for commuter and recreational purposes. Action B; encourage use of non-motorized transportation systems. This project adds a 4-foot shoulder throughout which can be used by bicycles. However, this project does not provide a separate, non-motorized bicycle facility that would safely expand and integrate bicycle circulation routes made by **Commissioner Muehling** and seconded by **Commissioner Fisher**.

Commissioner Muehling stated his support of his amendment to Finding of Fact 2 C and that the project only minimally supports the Comprehensive Plan Goal to safely expand and integrate bicycle circulation routes, and in the winter the project does not support it at all. The Finding of Fact should not state that it does. He stated it was a good plan; the best they can do to improve an area in an already developed urban setting.

Commissioner Fletcher stated it is important to make these kinds of corrections if they're envisioning a future where pedestrians can bike. Biking needs to be made inviting to do so, not just on minimal levels of safety that should already be in existence. One way to address the number of vehicles on the road is to make appealing, safe, and accessible alternatives. Commissioner Fletcher also stated her support for bike friendly or non-motorized future plans.

Commissioner Fisher echoed Commissioner Muehling and Commissioner Fletcher's comments and thanked Mr. Johnson, Mr. Jenkins and Mr. Spillman for their

presentations. She further commented on the limitations within the corridor of the project and appreciated the efforts to make the sidewalks wider, make the shoulder passable for a bike lane, and making these the bare minimums to strive for in future projects. She hoped that the amended finding of fact will set the groundwork for what they're looking for in future projects.

Commissioner Muehling stated that 4-foot shoulders are not a special accommodation, it is a minimum that you would expect on any highway in an urban setting. It is not a separate accommodation. Their goal is to expand the non-motorized routes in town and the project does not do that.

ROLL CALL ON THE MOTION TO AMEND

Seven (7) in Favor: Fletcher, Guinn, Koester, Mota, Muehling, Fisher, Perreault.

Two (2) Opposed: Kenna, McComas-Roe.

MOTION CARRIED – AMENDMENT APPROVED

ROLL CALL ON THE MAIN MOTION

Nine (9) in Favor: Fletcher, Guinn, Kenna, Koester, McComas-Roe, Mota, Muehling, Fisher, Perreault.

Zero (0) Opposed:

MOTION CARRIED – HP2021-003 APPROVED

Findings of Fact for Approval

1. HP2021-003 Old Steese Highway Reconstruction project is considered "Non-Significant" based on the MOU between the FNSB and AK DOT&PF because:
 - A. This action will not have a significant impact on the environment, community, or Comprehensive Plan,
 - B. This action is consistent with all locally adopted plans, and does not cause land use changes, and
 - C. This action does not change the function of the roadway or connecting roadways.
2. HP2013-003 Old Steese Highway Reconstruction project is consistent with the Fairbanks North Star Borough Regional Comprehensive Plan because:

- A. This project supports Goal 1, Strategy 1, Action C (“Ensure that road designs improve safety and minimize adverse impacts”) of the Transportation Section of the Fairbanks North Star Borough Regional Comprehensive Plan. The Old Steese Highway has a higher than average accident rate at the intersections along the corridor. This is due to congestion and poor intersection design. The proposed project will remove capacity restrictions and improve intersection operation and function. The new sidewalks and consistent 4-foot shoulders throughout improve safety for both bicycles and pedestrians throughout the project area.
- B. The project is consistent with Strategy 3 which states “Make the Borough more pedestrian-friendly in urban and suburban areas”, because adding .6 miles of sidewalk in Stage 1 of the project provides important pedestrian connections and makes it much safer than having pedestrians walking on the shoulder of the roadway.
- C. The project is minimally consistent with Strategy 4 which states “Integrate safe multiuse trail circulation into road networks and maintain multi-use trails for commuter and recreational purposes”. Action B. Encourage use of nonmotorized transportation systems. This project adds a 4-foot shoulder throughout, which can be used by bicycles, however this project does not provide a separate non-motorized bicycle facility that would safely expand and integrate bicycle circulation routes.

G. EXCUSE FUTURE ABSENCES – None.

H. COMMISSIONER’S COMMENTS/COMMUNICATIONS

Ms. Nelson gave a brief update on the flat budget for FY22, which included a request for code enforcement funds. Ms. Nelson informed the Commission of a proposal to the Assembly made by Mayor Ward to move and consolidate all clerking duties and functions to the Clerk’s department. The proposal includes moving two FTE positions to the Clerk’s department and would serve all Boards and Commission by the Clerk’s office. The proposal also included adding an additional Planner III in Current Planning, in the Community Planning Department by converting the Grants Coordinator position from the Mayor’s office to an FTE in Community Planning. Ms. Nelson explained the increase in conditional use permits and workload over the next two years for daycares due to new state requirements. She informed the Commission to expect up to 30 variances from AK DOT & PF in the near future. There was discussion on zoning permits vs. conditional use permits for the daycares.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.