

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
May 11, 2021

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in-person and on Zoom in a hybrid format from the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

The meeting was called to order at 7:00 p.m. by John Perreault, Chair.

A. ROLL CALL

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

COMMISSIONERS ABSENT (A) & EXCUSED (E): Shane Koester (E)

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Annmarie Billingsley, Asst. Borough Attorney
Melissa Kellner, Planner III, Long Range Planner
Sarah Bingham, Planner II
Sharon Wittenkeller, Recording Clerk
Sarah Schacher, AK DOT & PF
Michael Lund, AK DOT & PF

B. MESSAGES

1. Communications to the Planning Commission

Kellen Spillman provided an update on the upcoming May and June Planning Commission meeting agenda items, including work sessions. He also provided updates on staffing which included the resignation of Planner III, Kristina Heredia and the new FTE positions that will be advertised for two Planner III's and a Planner I position. He noted that zoning permits and grandfather rights requests are almost triple their normal case volume. In closing he noted that the RFP is still out for the downtown plan.

Ms. Nelson commented on the May 6, 2021 memo from Mayor Ward on Board and Commission COVID meeting protocols which was emailed to the Planning Commission. She reminded the Commission that since they are in hybrid meeting status that it is essential for all attendees of future meetings; staff,

applicants and Commissioners to inform the Clerk of how they plan to attend by 5:00 p.m. the day before the meeting for planning purposes. The Clerk's Department will be taking over clerking duties for all Boards and Commissions starting on July 1, 2021.

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 McComas-Roe and seconded by Commissioner Sims. Carried without objection or roll call vote.

D. MINUTES

Minutes from April 27, 2021 were approved.

E. QUASI-JUDICIAL HEARING

1. **CU2021-010 AK Kids Bilingual Daycare:** A request by Diana Muentes for conditional use approval of a Daycare Facility for 12 children in the Two-Family Residential (TF) zoning district on Lot 16, Block 40, Aurora Subdivision 2nd Addition, located at 2058 Bridgewater Drive, Fairbanks, AK.

Oath Administered.

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

The Commission discussed and questioned the following items with staff:

- Other conditional use permits within the subdivision.
- Length of time that AK Kids has been in operation.
- Number of children enrolled at the daycare.
- Whether there were any code enforcement complaints.
- Traffic route in and out of the neighborhood to the daycare.

Applicant Testimony

Mr. Jose' Samudio provided the report on behalf of the applicant; Diana Muentes, and spoke to the following:

- They are applying for the conditional use permit as required by the State of Alaska for daycare licensing approval.

- The direct route to the daycare is off Aurora Drive and Bridgewater Drive.
- The daycare has been in operation at 2058 Bridgewater Drive for two years and before that for four years at another location.
- They have up to 12 children enrolled.
- There are three staff members; two who are residents, and 1 non-resident.
- Staff and parent parking locations.

The Commission discussed and questioned the following items with Mr. Samudio:

- Drop off and pick up times.
- Traffic trips per day.
- Whether there were any issues with traffic.

Interested Person Testimony

Chair Perreault opened interested person testimony. Being that there were no members of the public who wished to provide testimony, interested person testimony was closed.

MOTION: I move to approve the Conditional Use Permit (CU2021-010) for a day care facility on Lot 16, Block 40, Aurora Subdivision 2nd Addition with seven (7) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval made by Commissioner McComas-Roe and seconded by Commissioner Kenna.

ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED – CU2021-010 APPROVED

Commissioner McComas-Roe concurred with staff's recommendation and supported the motion.

Commissioner Muehling spoke of his support of the CUP noting that daycares are needed, there is low impact to traffic volumes and routes, and that there are no negative impacts.

Commissioner Fletcher concurred with Commissioner Muehling and highlighted on the concern noted in the written affidavit, and that there are no safety concerns with the implemented conditions.

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 vehicle circulation 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 with adequate gravel.
4. No materials or vehicles, other than employee vehicles 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 year-round.
6. Drop off and pick up times shall be staggered to ensure that client vehicles do not exceed one vehicle 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 use 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 renewing their 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 Bridgewater Drive which is a local road maintained by the City of Fairbanks.
 - f. Bridgewater Drive has the needed capacity to serve the day care facility safely and without any congestion occurring from the use.
 3. The proposed conditional use protects public health, safety, and welfare because the day care facility complies with Title 18 standards for the TF zoning district (FNSBC 18.44) as well as with other applicable land use related laws.
 - a. With the 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. LEGISLATIVE HEARINGS

1. **RZ2021-004:** A request by Gary Powell to rezone approximately 67.5 acres from Light Industrial (LI) to Heavy Industrial (HI) for property located north of Tria Road and west of Peger Road.

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

Ms. Kellner noted a correction that the rezone request is for 58 acres not the 67.5 acres that was advertised on the agenda due to a mathematical error.

The Commission discussed and questioned the following items:

- Rationale behind original zoning designation of Light Industrial.
- Whether the rezone request would create any non-conformities or issues for current property owners.
- Flood zone and flood layer of the area.
- Whether the owners of the abandoned homes signed the support petition.

Public Testimony Opened

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

Applicant Testimony

Applicant, Gary Powell spoke to the following:

- The car parking lot, on the north side, across the tracks with abandoned vehicles on it that is up for sale and its history.
 - The owner of that lot did not have any opposition with the rezone and was concerned with the use of the zoning changing which could potentially void the land sale.
- Peger Road upgrades in the area are planned and are much needed.
- The abandoned cabins; Mr. Powell has not known of anyone living in them since he's been there since 1993.
- His flood plain elevation certificate shows his buildings are above the flood plain.
- Heavy Industrial is a good zone for the area.
- He missed a sale on his property because he was not zoned Heavy Industrial; which prompted him to make the rezone request.

The Commission discussed and questioned the following items:

- The intended use of the buyer Mr. Powell lost.

MOTION: I move to recommend to the FNSB Assembly rezoning the subject area (RZ2021-004) from Light Industrial to Heavy Industrial, adopting the staff report and

six findings of fact in support of this recommendation made by Commissioner Sims and seconded by Commissioner Muehling.

Commissioner Sims stated that the request is consistent with the Comprehensive Plan, it does not create any non-conformity issues and supported the motion.

Commissioner Perreault noted that he is pleased to see that a couple of the tax lots will have unified zoning across their length and will make future sales more convenient.

ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED – RZ2021-004 Recommended for Approval the FNSB Assembly

Findings of Fact for Approval

1. The FNSB Regional Comprehensive Plan designates the rezone area as 'Heavy Industrial Area'. The Heavy Industrial Area is intended for "*activities such as manufacturing, processing, and storage that handle explosives or other hazardous materials, or emit noise, air, chemicals, or other pollutants detrimental to surrounding land uses and should therefore be developed in areas sufficiently buffered to avoid detrimental effects.*"
2. The current LI zoning is less consistent with the Comprehensive Plan 'Heavy Industrial Area' designation because the LI zone does not allow all industrial uses.
3. The HI zone would better implement the Heavy Industrial Area land use designation because the HI zone allows for all industrial uses.
4. The rezone conforms to the following FNSB Regional Comprehensive Plan goals:
 - a. Land Use Goal 3, Strategy 8, Action A which is intended to "*provide for industrial land uses*" while "*protecting[ing] and preserv[ing] the integrity of industrially classified areas.*"
 - b. Land Use Goal 4, which is intended to "*develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses, and Strategy 10, Protect and preserve the integrity of industrially classified areas.* Action B in part recommends *rezon(ing) industrial-designated areas with appropriate industrial zoning.*

5. The rezone conforms to the public health, safety and welfare because:
 - a. The proposed HI zone will better implement the Heavy Industrial Area Comprehensive Plan land use designation, as it allows for the full variety of industrial uses intended in this designation.
 - b. The rezone would not make any existing uses nonconforming within the rezone area, as all uses permitted in LI are also permitted in HI.
 - c. The existing road network is capable of handling a traffic increase.
6. The rezone is not a spot zone or a reverse spot zone because:
 - a. The rezone is consistent with the comprehensive plan because it will better implement the Heavy Industrial Area land use designation. The rezone advances Land Use Goals 3 and 4 of the Regional Comprehensive Plan.
 - b. The implementation of the Comprehensive Plan is a benefit to the community by providing for a variety of land uses and preserving this industrial area.
 - c. The proposed rezone area is approximately 58 acres, which is larger than established spot zone thresholds.

G. EXCUSE FUTURE ABSENCES – None.

H. COMMISSIONER’S COMMENTS/COMMUNICATIONS

Commissioner Fletcher thanked Ms. Heredia for her service to the Community Planning Department.

Chair Perreault requested a volunteer to serve as the Planning Commission representative on the FAST Planning Technical Committee.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:16 p.m.