

FAIRBANKS NORTH STAR BOROUGH
Planning Commission
July 13, 2021
6:01 p.m.

A regular meeting of the Planning Commission was held Tuesday, July 13, 2021, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

ROLL CALL

There were present appearing personally and telephonically:

Chris Guinn	Shane Koester	Jason McComas-Roe
Doug Sims	Kerynn Fisher	Savannah Fletcher
Sandra Mota	Eric Muehling, Vice-Chair	John Perreault, Chair

Comprising a quorum of the Commission, and

April Trickey, CMC, Borough Clerk
Adena Benn, CMC, Deputy Clerk
Christine Nelson, Community Planning Director
Kellen Spillman, Community Planning Deputy Director
Don Galligan, Transportation Planner IV
Sarah Bingham, Planner III
Annmarie Billingsley, Assistant Borough Attorney

Absent & Excused

Mike Kenna

MESSAGES

1. Communications to the Planning Commission

Kellen Spillman, Community Planning Deputy Director provided an update on clerking functions, staff vacancies and promotions, permit volumes, upcoming Planning Commission meeting agenda items in August, and status updates to the Comprehensive Road Plan including a digital open house.

2.a Citizen's Comments on agenda items not scheduled for public hearing.

NONE

Messages – continued

2.b. Citizen’s Comments on items other than those appearing on the agenda.

NONE

3. Disclosure & Statement of Conflict of Interest

NONE

APPROVAL OF AGENDA AND CONSENT AGENDA

FISHER, moved to approve the agenda.
Seconded by KOESTER

VOTE ON MOTION TO APPROVE THE AGENDA.

Yeses: Fisher, Koester, Mota, Muehling, Fletcher,
McComas-Roe, Sims, Guinn, Perreault

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

APPROVAL OF MINUTES

1. Planning Commission Regular Meeting Minutes of June 22, 2021 were not available and removed from the agenda and consent agenda.

QUASI-JUDICIAL HEARING

1. **CU2021-014:** A request by Emily Smola for conditional use approval for a guesthouse in the Rural Residential (RR) zoning district on Lot 1, Bear Run Subdivision, located at 2495 Nugget Loop in Fairbanks, AK.

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

The Commission questioned and discussed with staff the following:

- Current driveway access safely located on an outside corner visualized by staff.
- Distance in feet of the proposed driveway to Goldstream Road.

- Adequate reaction time for turning off Goldstream Road onto Nugget Loop.
- Whether there was an existing driveway permit.

Emily Smola, Applicant, clarified the language provided by the staff report on the sewage, noting the toilet is a composting toilet with no water involved in the filtration system.

The Commission questioned and discussed with the applicant the following:

- Soil types of property.
- Current driveway permit confirmation.

Chair Perreault opened and closed interested person’s testimony. There were no citizens signed up to provide testimony.

McCOMAS-ROE,
Seconded by FLETCHER

moved to approve the Conditional Use Permit (CU2021-014) for a guesthouse with one (1) condition, and adopting the staff report and three (3) Findings of Fact in support of the approval.

Commissioner McComas-Roe concurred with staff’s findings and recommendations and supported the motion.

Commissioner Fletcher stated the lot is twice the required size, adding an additional building is an appropriate use for the area, and Ms. Smola provide a well thought out design.

Commissioner Muehling stated the sewage plan, soil types and driveway locations will protect the health and safety of the community.

VOTE ON MOTION TO APPROVE THE CONDITIONAL USE PERMIT (CU2021-014) FOR A GUESTHOUSE WITH ONE (1) CONDITION AND ADOPTING THE STAFF REPORT AND THREE (3) FINDINGS OF FACT IN SUPPORT OF THE APPROVAL.

Yeses: Muehling, Sims, McComas-Roe, Fisher, Guinn, Koester, Fletcher, Mota, Perreault

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

CU2021-014 CONDITIONS OF APPROVAL

1. If an addition is made to the guesthouse that increases the size of the guesthouse to be greater than the principal dwelling, an amendment to the conditional use permit is required pursuant to FNSBC 18.104.050(D).

CU2021-014 FINDINGS OF FACT IN SUPPORT OF THE 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 'Outskirt Area' comprehensive plan land use designation because it supports a variety of residential development that currently exists throughout the neighborhood.
 - b. FNSB Regional Comprehensive Plan is sustained by the proposed guesthouse by exceeding the setback requirements in the Rural Residential zoning district, and thus maintaining property owners' rights and increasing the residential density in a manageable way.
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 proposed guesthouse (existing yurt) has a separate outhouse from the proposed 2-story cabin and should be maintained in accordance with ADEC regulations.
 - b. The subject property is served by the Chena Goldstream Fire Department for emergency fire response.
 - c. The subject property has adequate power supply because it is served by the GVEA grid.
 - d. The subject property is served by the Alaska State Troopers for law enforcement.
3. The proposed conditional use will protect the public health, safety, and welfare with the suggested conditions.
 - a. The conditional use does not greatly increase the residential density in the neighborhood because the lot size exceeds the minimum required in RR and the residential density of this lot aligns with the density of the neighborhood.

b. Noise, odor, dust and other negative impacts from a second single-family residence is not expected to exceed those negative impacts that are generated by the various types of residential development currently existing in the neighborhood.

c. The guesthouse (existing yurt) has an outhouse that is separate from the proposed 2-story cabin's sewage recycling filtration system. The outhouse is subject to ADEC regulations.

PUBLIC HEARING

1. **HP2021-008:** The Alaska Department of Transportation & Public Facilities, in cooperation with the Federal Highway Administration, proposes to construct five bus pullouts along College Road between University Avenue and the Johansen Expressway. The project also includes removal of two existing bus pullouts and realignment of the curb, gutter, and sidewalk between Aurora Drive and Spruce Street in Fairbanks, Alaska.

Don Galligan, Community Planning Transportation Planner IV, presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval.

The Commission questioned and discussed with staff the following:

- Safety at the Maryleigh Avenue and College Road intersection.
- Potential for bus pullouts to be used as turn lanes.
- Whether there is a formula used for the designation of bus pullouts in a certain density of population.
- How the number of bus pullouts is determined.
- Whether the bus pullouts will be sheltered.
- The reason the location of Hayes Avenue and Beaver Sports was chosen.
 - Whether the bus pullouts in the Hayes Avenue and Beaver Sports location could be moved further to the east.
- Right-of-Way acquisition scenarios for the bus pullout location near Beaver Sports.

John Netardus, Alaska Department of Transportation and Public Facilities Project Manager and Heather Eastabrook, PDC Engineers Consultant, addressed follow up questions from staff:

- The design of the bus pullout at Maryleigh Avenue.
- The current plan does not include shelters at the bus pullouts.
- The Hayes Avenue and Beaver Sports bus pullout location was chosen due to it being part of the 2014 corridor study, as well as its ¼ of a mile distance from the

Jarvis Avenue pullouts and the Farmer's Loop pullout which is centered between the two stops.

- Eminent domain; it is not the intent of DOT&PF to defer to eminent domain over the bus pullout near Hayes Avenue and Beaver Sports, they hope for a successful negotiation.

Commissioners questioned and discussed the following with the applicants:

- Enhanced safety at the Hayes Avenue and Beaver Sports location.
- Whether any of the accidents that occurred between 2006 and 2015 at the Hayes Avenue and Beaver Sports' location were due to not having a bus pullout at that particular location.
- Number of cars stopped or lined up in front of the Hayes Avenue and Beaver Sports location due to not having a bus pullout.
- Preliminary project cost estimate; 1.4 million.
- Whether the bus pullouts will remain if College Road were to be reconfigured.
- Whether, if the transit system changes their bus routes, would the bus pullouts be removed and replaced elsewhere.
- Whether there is a current bus stop at the Hayes Avenue and Beaver Sports location.
- Location of the two proposed bus pullouts near the Tanana Valley Fairgrounds; and if they are used as seasonal stops.
- The public outreach/open house for the project and whether specific locations were included in the open house.
- The rationale for removing an already constructed bus pullout.
- Communications with Beaver Sports.

Chair Perreault opened public comment.

Greg Whisenhant, one of the owners of Beaver Sports, explained he was not aware of any other public meetings on the proposed bus pullout other than the Planning Commission meeting. He noted he was not contacted personally or by email. He further commented on the safety in the parking lot. He stated moving the entry and exit ramp from its current location further east and reducing the size of the ramp could cause safety concerns. The entry/exit ramp is 40 feet, the proposal shows the new ramp 30% smaller and there are a number of vehicles using the ramp at the same time. There is a blind corner when drivers enter College Road from the east, driving speeds of 35 mph or faster, when they come around the corner it gives little time for other drivers to pull out of the parking lot and onto the road. Currently, there are a lot of tail ended accidents in front of Beaver Sports, but if the ramp gets pushed further east and moved back 12 feet there will be even more of a blind spot for entering onto College Road. He spoke of snow dumping and how high the snow piles become causing more difficulty and less visibility for vehicles entering onto College Road. If the buses stop at the pull off, cars will be

delayed waiting to pull into the parking lot, he feels this could cause confusion, more accidents and a loss in customers.

Commissioners questioned and discussed the following with Mr. Whisenhant:

- Whether the snow dump is Beaver Sports' property or DOT&PF property.
- Number of events at Beaver Sports where all the available parking is used.
 - Whether people are parking elsewhere and crossing the street.
- Safety issues and right-of-way acquisition scenarios.
- Beaver Sports' stance on the right-of-way acquisition.

Commissioners questioned and discussed the following with DOT&PF staff:

- Whether there was consideration given to shifting the entrance of the parking lot further to the west to allow more line of sight around the corner for drivers.
- Whether snow piling blocks access to Hayes Avenue.

Chris Whisenhant of Goldhill, Fairbanks, commented on the blind spot when turning onto Hayes Avenue, and the vehicles parked on Hayes Avenue. He stated he was uncertain as to how the Beaver Sports exit to their parking lot using Hayes Avenue could be a safer option. He explained he has viewed many hours of accidents in that location on their security footage tapes. As a former bus driver, he believes the safer place to put a bus pullout would be down the street by the USGS building or Falafel restaurant which would give bus drivers more visibility versus a bus pullout by Beaver Sports where the bus drivers cannot see who is coming around the corner. He asked the Commission to reconsider the bus pullout location.

Commissioners questioned and discussed the following with Mr. Whisenhant:

- Whether the new bus pullout construction could move forward without the agreement of Beaver Sports.
- In the event the new bus pullout could not move forward, would Mr. Whisenhant still request for the commission to not approve the highway project.

John Netardus, DOT&PF Project Manager, rebutted and stated the comments made were fair and he asked the Commission to support the project and allow them to build as many of the safer bus pullouts as possible.

FISHER,
Seconded by SIMS

moved to approve HP2021-008 the College Road Bus Pullout Project as being consistent with the FNSB Comprehensive Plan, adopting the staff report and the two findings of fact in support of the approval.

Commissioner Fisher thanked the Whisenhants for their testimony, and staff and DOT&PF for their presentations. She noted there are merits to the project as a whole, she appreciated the concerns regarding traffic entering College Road. She further added the approach from Hayes Avenue has less of a line of sight, she was sympathetic to the safety concerns, less sympathetic to the loss of parking, overall, she supported the project and motion.

Discussion ensued on a question asked of Annmarie Billingsley, Assistant Borough Attorney whether the Commission had the ability to condition the project to prevent DOT&PF from taking property by eminent domain.

It was noted by Ms. Billingsley the Commission has the authority to put conditions on the project.

Commissioner Muehling thanked staff and DOT&PF for their presentations and it is now clearer through the presentations how important it is to have bus pullouts for safety consideration, having more bus pullouts on College Road will make it safer.

The Commission recessed and reconvened at 7:50 p.m.

Ms. Billingsley determined the Planning Commission, as a local government does not have the authority to prevent DOT&PF, a state entity from taking property by eminent domain. Commissioner Sims asked the Ms. Billingsley if it was feasible for the Planning Commission to approve the overall project without the Hayes Avenue bus pullout.

Ms. Billingsley encouraged the Planning Commission to articulate their concerns with the pullout and give DOT&PF the ability to alter the plan to meet the concerns.

Commissioner McComas-Roe urged a degree of caution when considering removing a pullout from the proposed project.

Commissioner Muehling agreed the Planning Commission is trusting the DOT&PF expert planners who have made it clear that a bus stop on College Road is a hazard, while the property owner expressed concerns for safety on the entrance to his property, AK DOT & PF did not, and further added that having a pullout in that location is the safest choice.

Commissioner Fletcher agreed the Commission should trust in DOT&PF expertise, but local knowledge and expertise is also very valuable. She explained, in listening to the presentation by DOT&PF, there were some errors that stood out, including claiming the Presbyterian Church was to the east of the pullout area, when in fact, it is to the west of it. It did not sound as though DOT&PF had as much familiarity with the Hayes Avenue pullout as an alternative, and in fact Hayes Avenue does have less visibility being at a sharper angle as was heard in public testimony, with one of testifiers being a former bus

driver. It is a safety concern for private drivers and bus drivers, she is not convinced it is the safest place for a bus pullout due to the visibility constraints of traffic farther west. There is no guarantee that DOT&PF will not take the Beaver Sports property by eminent domain.

FLETCHER,
Seconded by SIMS

moved to amend to add a condition that DOT&PF not approve individual bus pullouts without ensuring that the pullout provides safe visibility for the bus drivers and personal vehicles entering traffic around the individual pullout.

Commissioner Muehling trusted that DOT&PF was already making safety value judgements on their projects and the request seems unnecessary.

Commissioner Sims disagreed that the request was unnecessary. He explained that what they are asking for with the condition, is for DOT&PF to take second look, and to be certain the proposed location does exactly what the condition is asking for. He did appreciate Commissioner McComas-Roe's comments about the ability of the property owner to influence the outcome on the location regardless of what the Commission does as a condition. The condition reinforces the concerns they have heard about the location.

Commissioner Koester stated he did not see an issue with the condition, noting there are safety issues to consider and he supported the motion.

VOTE ON MOTION TO AMEND TO ADD A CONDITION THAT DOT&PF NOT APPROVE INDIVIDUAL BUS PULLOUTS WITHOUT ENSURING THAT THE PULLOUT PROVIDES SAFE VISIBILITY FOR THE BUS DRIVERS AND PERSONAL VEHICLES ENTERING TRAFFIC AROUND THE INDIVIDUAL PULLOUT.

Yeses: Sims, Koester, Fisher, Fletcher, Guinn, McComas-Roe, Perreault

Noes: Muehling, Mota,

MOTION CARRIED 7 Yeses, 2 Noes

VOTE TO APPROVE HP2021-008 THE COLLEGE ROAD BUS PULLOUT PROJECT AS BEING CONSISTENT WITH THE FNSB COMPREHENSIVE PLAN, ADOPTING THE STAFF REPORT AND THE TWO FINDINGS OF FACT IN SUPPORT OF THE APPROVAL AS AMENDED.

Yeses: Guinn, McComas-Roe, Sims, Fletcher, Mota, Fisher, Muehling, Koester, Perreault

Noes: None

MOTION CARRIED 9 Yeses, 0 Noes

HP2021-008 CONDITION OF APPROVAL

1. DOT&PF not approve individual bus pullouts without ensuring that the pullout provides safe visibility for the bus drivers and personal vehicles entering traffic around the individual pullout.

HP2021-008 FINDINGS OF FACT IN SUPPORT OF THE APPROVAL

1. 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 Comprehensive Plan.

By allowing buses to pull out of the traffic stream for boarding and alighting it reduces the likelihood of rear end collisions. This improves safety for buses, their passengers, and the travelling public who might be involved in a crash.

2. The project is consistent with Strategy 2 which states “Support multi-modal transportation linkages”, Action B “Expand public transportation options” because adding the bus pullouts keeps College Road flowing and reduces congestion and makes using the transit system more viable.

EXCUSE FUTURE ABSENCES

Commissioner Fisher, Commissioner Koester and Commissioner Muehling may be absent at the August 10, 2021 meeting.

COMMISSIONER’S COMMENTS/COMMUNICATIONS

Commissioner Fletcher was happy to be attending in-person.

Commissioner Fisher appreciated the dialogue of the meeting.

Christine Nelson, Community Planning Director, explained they are working on scheduling a joint work session with the Platting Board and presenter John Bennet, Right-of-Way

specialist, on September 15, 2021. She expressed if there were any items or topics the Commission wished to address at the work session, to email them to herself or Mr. Spillman.

Mr. Spillman explained John Bennet's background; noting he was the former Right-of-Way Chief for the State of Alaska Northern Region.

Commissioner McComas-Roe gave a FAST Planning update on the July 7, 2021 meeting, topics of discussion included the Fairbanks Road Rail Crossing Reduction Realignment Plan, and the list of priority projects recommendation.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:17 p.m.

APPROVED: August 24, 2021