Please refer to Planning Commission Rule #25: Any action taken during this meeting is subject to reconsideration during this meeting or at the next. A request for reconsideration at the next meeting must be submitted in writing by a Planning Commissioner (who voted on the prevailing side) by the close of business the day following the meeting.

Opening Statements, Agenda and Consent Agenda(*)

Audio Track 1

APPROVED

RZ2018-001: A request by Robert Dyer to rezone approximately 17.5 acres from General Use 1 (GU-1) to Rural Residential (RR) or other appropriate zone. The proposed rezone includes parcels described as Benshoof Subdivision – Phase 2, Block 1, Lots 15-24 and Block 2, Lots 1-6 (located on Benshoof Drive and Golf Court, south of Chena Slough, east of Badger Road and north of Bradway Road). (Staff Contact: Manish Singh)

Audio: Track 1

FINDINGS OF FACT

1. The FNSB Regional Comprehensive plan assigns ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations to the subject parcels. These land use designations envision primarily residential land uses which are sensitive to the natural systems and have adequate water and sewer facilities.

2. The current GU-1 zone is not consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations because the GU-1 zone is intended for rural areas where community sewer and water systems are unavailable. The GU-1 zoning allows for most residential, commercial and industrial use without any permits with the exception of a few very intensive commercial and industrial uses that require a conditional use permit.

3. The subject properties are already developed with only residential uses. Twelve (12) of these 16 parcels are currently developed with residential uses and four of these 16 parcels are currently vacant.

4. The current GU-1 zone is no longer appropriate for the subject properties because it does not provide any regulatory protection to the existing residential character of the neighborhood.

5. The proposed RR zone is more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations because the RR zone is intended for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available.

6. The proposed RR zone is consistent with FNSB Comprehensive Plan Land Use Goal 3, Strategy 7, Action A which is to maintain existing residential areas that accommodate
diverse lifestyles. The proposed RR zone would protect the character of this existing neighborhood along Benshoof Drive which is already developed with residential uses.

7. The proposed RR zone is consistent with FNSB Comprehensive Plan Land Use Goal 4, Strategy 10, Action B which is to develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses. The proposed RR zone would allow the subject parcels to avoid potential land use conflicts and would require a 25-foot setback from the property lines. The RR zone would require a 100-foot buffer from commercial marijuana establishments and a 1,000-foot buffer from sexually oriented businesses.

8. The proposed RR zone does not make any of the existing lots within the proposed rezone boundary nonconforming because the minimum lot size requirement of 40,000 sq. ft. for the RR zone is same as the GU-1 zone and all 16 subject parcels have more than 40,000 sq. ft. lot area.

9. The proposed RR zone does not make any of the existing uses within the proposed rezone boundary nonconforming because 12 of the 16 subject parcels for this rezone request are currently developed with residential uses and four of these 16 parcels are currently vacant.

10. The proposed RR zone could potentially make two single-family residences and three accessory structures nonconforming as it pertains to the setbacks in the RR zone. These structures will be eligible for grandfather rights affirmation. Borough Assembly has waived the applicable fee for grandfather rights requests within one year of rezoning.

11. The proposed RR zone conforms to the public health, safety or welfare because:

   a. It would protect the residential character of the neighborhood along Benshoof Drive and promote residential type uses which would be more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations.

   b. It would allow the subject parcels to avoid potential land use conflicts and would require a 25-foot setback from the property lines. It would require a 100-foot buffer from commercial marijuana establishments and a 1,000-foot buffer from sexually oriented businesses.

   c. It does not have the potential to increase the current traffic and trip generation levels existing in the neighborhood because most properties in the rezone area are already developed with single-family residences. Moreover, this rezone and the resulting residential character of the neighborhood along Benshoof Drive will eliminate the potential for unknown and potentially unlimited trip generation under its current GU-1 zoning classification.

   d. The floodplain approvals for any parcel, fully or partially in a floodplain, are required by Title 15 of the FNSB Code irrespective of their zoning designation.

   e. It would better protect the existing wetlands. It has a 25-foot setback requirement from the property line on the side of the slough where the wetlands are located, and current GU-1 zone does not have any setback requirements.
12. The rezone is not a spot zone because:

a. It would promote residential type uses which would be more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designs. Additionally, the proposed RR zone promotes FNSB Comprehensive Plan goals Land Use Goal 3, Strategy 7, Action A and Land Use Goal 4, Strategy 10, Action B.

b. (1) The proposed RR zone benefits the property owner because it would protect the character of this existing neighborhood along Benshoof Drive that has already developed residentially, (2) The proposed RR zone will have no impact on the adjacent landowners because the RR zone allows for only residential type uses and the proposed rezone area has already developed with only residential uses, (3) The proposed RR zone on the subject parcels would promote residential type uses more consistent with the Comprehensive Plan land use designs, thereby benefitting the community.

c. The total area of the proposed rezone boundary is approximately 17.5 acres. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone.

d. The area within the remainder GU-1 zone boundary is estimated to be more than 10,000 acres. Therefore, this rezone would not constitute a reverse spot zone because this rezone does not single out parcels of GU-1 zoned land totally different from that of the surrounding area.

**RECOMMENDED FOR APPROVAL**

**RZ2018-002:** A request by Northland Surveying & Consulting LLC on behalf of Alaska Railroad Corporation to rezone approximately 12.597 acres from General Use 1 (GU-1) to Multiple-Family Residential/Professional Office with a 25 foot Waterways Setback Designation overlay (MFO/WS) or other appropriate zone. The proposed rezone boundary includes parcels described as Tracts 4 and 5 of Chena Landings Subdivision (located off of Chena Landings Loop Road, south of Phillips Field Road, east of Peger Road, and north of the Chena River). (Staff Contact: Stacy Wasinger)

**Audio:** Track 2

**FINDINGS OF FACT**

13. The FNSB Regional Comprehensive plan assigns ‘Urban Area’ designation to the subject property. This designation envisions area that is served by community sewer and water and includes the most intensive of residential, commercial, and industrial uses. The GU-1 zone allows many more intensive uses and all uses permitted in the MFO zone are already permitted on the subject parcel in the GU-1 zone. The property owner intends this property to be developed as a mix of residential and nonresidential and requests the rezone to MFO/WS to ensure compatible uses. It will also allow a subdivision with smaller lot sizes than the GU-1 zone; because community water and sewer are available, smaller lot sizes are supportable. As such, the MFO zone is more compatible with the proposed use of the subject parcel by the property owner.
14. The current GU-1 zone is no longer appropriate for the subject property because community sewer and water is available and the Comprehensive Plan designation of ‘Urban Area’ is more consistent with the MFO zone with a WS overlay zone than the GU-1 zone.

15. The proposed MFO/WS zone is consistent with FNSB Comprehensive Plan goals:
   a. Land Use Goal 1, Strategy 3; to work to reduce to the fullest extent possible the natural conflict that develops between private property right and community needs and interests.
   b. Land Use Goal 3, Strategy 6; to provide a variety of residential land use opportunities.
   c. Environment Goal 3, Strategy 7; to consider land development toward areas where natural systems will be least adversely affected.

16. The proposed MFO/WS zone is consistent with the following goals of the Chena Riverfront Plan, which is an element of the FNSB Comprehensive Plan:
   a. Goal I, Policy 4: “Maintain riverfront residential property land use through use of consistent zoning.”
   b. Goal V, Policy 2: “Support appropriate comprehensive planning and zoning to achieve development that is consistent with this plan.”
   c. Goal V, Policy 2, Objective B: “Create a rational and variable river setback distance based on consideration of river erosion rates, bank stability, aesthetics and habitat.”

17. The proposed MFO zone does not make any of the existing or proposed lots, structures or uses within the proposed rezone boundary nonconforming because the subject property is currently vacant. The WS overlay will make the portion of the existing pedestrian bridge within 25 feet of the ordinary high water mark of the Chena River, on the southernmost portion of Tract 4, legal non-conforming because this structure would require a conditional use under the WS overlay zone.

18. The proposed MFO with 25 foot WS overlay zone conforms to the public health, safety or welfare because:
   a. It is compatible with the existing surrounding land uses and will not allow the more intensive uses that are currently permitted in the GU-1 zone. Because all uses that are allowed in the MFO zone are already permitted in the GU-1 zone on the subject property, the rezone to MFO would not increase or detrimentally impact traffic.

   b. The MFO zone establishes a 20 foot front and rear-yard and 10 foot side-yard setbacks. These setbacks will help provide fire separation between buildings on adjacent properties and allow additional privacy for each lot. The WS establishes a 25 feet setback from the ordinary high water mark of the Chena River, helping to protect the river bank from construction.

19. The rezone is not a spot zone because:
a. It is consistent with the FNSB Comprehensive Plan goals Land Use Goal 1, Strategy 3, Land Use Goal 3, Strategy 6, and Environment Goal 3, Strategy 7. A mix of residential and non-residential development as permitted in the MFO zone is consistent with the ‘Urban Area’ land use designation. Because community sewer and water are available, the MFO zone is more consistent with the ‘Urban Area’ land use designation than the GU-1 zone.

b. (1) The MFO/WS zone benefits the property owner because it would allow for a mix of residential and nonresidential development of the property with restrictions that do not allow more intensive uses currently allowed in the GU-1 zone; (2) The proposed MFO/WS zone will have benefits for the surrounding residentially developed and vacant properties because it limits potential future uses to low intensity and establishes setbacks; (3) The proposed MFO/WS zone would have benefits for the community because it would provide additional variety of housing options and provide a buffer from the Chena River bank that does not exist with the current GU-1 zone.

c. The total area of the proposed rezone boundary is approximately 12.597 acres. The subject parcel is adjacent to GU-1 zoning on the north side of the Chena River. Although the rezone area is not over 13 acres, the proposed zone is more consistent with the Comprehensive Plan. This rezone would not constitute a reverse spot zone because it does not leave GU-1 parcels as small remainder.

RECOMMENDED FOR APPROVAL

New Business, Excuse Absent Members, Commissioner’s Comments and Adjournment.

Audio: Track 2

Further information may be obtained from FNSB Department of Community Planning at 459-1260 or by calling the Planning Commission Clerk at 459-1277.