PLANNING COMMISSION MEETING

October 10, 2017
AGENDA

October 10, 2017
6:00 p.m.

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments
2. Commissioner’s Comments
3. Communications to the Planning Commission
4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda
5. Disclosure & Statement of Conflict of Interest

C. 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 Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

D. *MINUTES


E. *CONSENT AGENDA ITEMS

1. *HP2018-002: A request by the State of Alaska, Department of Transportation and Public Facilities for local planning authority approval of the Richardson Highway Milepost 357-362 Bicycle/Pedestrian Path project. This project proposes to construct a mixed-use pedestrian and bicycle facility adjacent to the Richardson Highway between Badger Road and Airport Way/Gaffney Road in Fairbanks, Alaska. Page 19
F. PUBLIC HEARING

1. **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)

2. **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)

G. NEW BUSINESS

1. Consideration on research and outreach efforts to re-evaluate how the FNSB regulates small-scale agricultural operations and small livestock in urban and residential zones. Discussions may include topics covered during the September 19, 2017 work session which included review of existing regulations, results of community surveys, interviews with local subject matter experts, and review of zoning regulations from other communities which may include formation of a Subcommittee to work with the FNSB Community Planning Department.

H. EXCUSE ABSENT MEMBERS

I. COMMISSIONER’S COMMENTS

1. FMATS

J. ADJOURNMENT
MINUTES

September 19, 2017
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 7:33 p.m. by Chris Guinn, Acting Chairperson.

MEMBERS PRESENT: Charles Whitaker Mike Stepovich  
John Perreault Eric Muehling  
Robert Peterson Mindy O’Neall  
David Brandt Chris Guinn

MEMBERS ABSENT: Patricia Thayer Wendy Presler

OTHERS PRESENT: Christine Nelson, Director of Community Planning  
Kellen Spillman, Deputy Director, Community Planning  
Manish Singh, Planner  
Stacy Wasinger, Planner  
Don Galligan, Transportation Planner  
Wendy Doxey, Assistant Borough Attorney  
Nicole Nordstrand, Administrative Assistant

1. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

There were no comments by the Chairperson.

2. Commissioner’s Comments

There were no comments by Commissioners.

3. Communications to the Planning Commission

Mr. Gilligan reported that the Fairbanks Metropolitan Area Transportation System (FMATS) are looking at growth scenarios and how that may impact transportation improvements over the next 25 to 30 years Plan and will be doing an exercise in scenario planning by holding a Planning Charrette on October 2, 2017 from 1:00 – 4:00 p.m. He further invited and encouraged Commissioners to attend the event.

Ms. Nelson communicated that the Downtown Fairbanks Planning Community Meeting will be held Wednesday, September 27, 2017 from 6:00 – 9:00 p.m., at the Westmark Fairbanks Gold Room.
Ms. Nelson asked for any Commissioner interested in attending the Alaska American Planning Association conference in Anchorage on November 12, 2017 to let her know as soon as possible so arrangements can be made.

Ms. Nelson advised of an updated marijuana permit list in their packet.

4. Citizen’s Comments – limited to three (3) minutes

There were no comments by Citizens.

5. Disclosure & Statement of Conflict of Interest

There were no disclosures or conflicts of interests.

C. * APPROVAL OF REVISED 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.

PASSED WITHOUT OBJECTION

D. MINUTES


E. APPEALS

1. GR2017-171: An appeal by Ray Brasier of the denial of a request on behalf of Patricia Anne Cornwall Roth IRA for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing four-plex building in the Two-Family Residential (TF) zone for the property on Lot 2E, Block 99, Fairbanks Townsite (located at 1122 Eighth Avenue, on the north side of Eighth Avenue, northwest of Cowles Street).

Mr. Brasier was present via telephonic participation.

CHAIR REMINDED EVERYONE OF PREVIOUS OATH TAKEN

Clerk provides a brief summary on the September 6, 2017 proceedings in this matter, noted the presence of Commission Muehling at this proceeding, and stated for the record that Mr. Muehling had previously listened to the September 6, 2017 proceedings on this matter in its entirety. Mr. Muehling confirmed for the record that he listened to the audio recordings of the September 6, 2017 proceedings.

MOTION: To deny the appeal and uphold the Administrative Hearing Officer decision to not affirm recognition of legal nonconforming use status (grandfather rights) for an existing four-plex building in the Two-Family Residential (TF) zone for the property on Lot 2E, Block 99, Fairbanks Townsite, adopting the staff report and eight (8) findings of fact by Mr. Muehling and seconded by Mr. Guinn.
Discussion on the Motion

Mr. Muehling communicated that in his review of the previous proceedings he noted that there was speculation about whether a building permit could effectuate a change in zoning, whether people knew what they were doing or the permit was issued in error, and stated that no evidence was presented. He continued that the Applicant’s desire is to get grandfather rights is to enable the new owner to get financing which cannot be considered by this Commission. He further talked about the use of the structure as a four-plex having never been properly permitted under the law and noted the general lack of any evidence to the contrary.

Mr. Guinn summarized the evidence presented concerning the history of the property and authority, and noted that the electric and plumbing permits issued by the City of Fairbanks, while noting the dwelling as a four-plex, speculated that may have been done for identifying purposes rather than zoning purposes. He further stated that there may be other options available to the owner in resolving this issue, including Estoppel. He asked Ms. Doxey to explain.

Ms. Doxey read the definition of Estoppel from Black’s Law Dictionary 7th Edition. She communicated the application of applying Estoppel in the present matter before the Commission.

Mr. Guinn asked if an Estoppel judgment was obtained, the City or Borough would be prevented from requiring it be torn down or used as a four-plex.

Ms. Doxey responded there has to be some action against a property to trigger an affirmative defense, and the property owner could go to Court and say that the code cannot be enforced against them because they are estopped from any enforcement action.

Discussion ensued by Mr. Guinn and Ms. Doxey related to a question posed by Mr. Guinn that if at least 50% of the property burnt down, would the property owner be able to rebuild if grandfather rights were granted, and discussed related codes that may apply.

Mr. Muehling asked if the estoppel claim only applies to the original builder.

Ms. Doxey explained that the estoppel claim likely runs with the land.

Mr. Perreault asked if the estoppel could take into account the damage that could or would be done in making it more difficult to secure grandfather rights.

Ms. Doxey explained it would go towards the detrimental reliance.

Mr. Brandt discussed the belief that a “mistake” was made in the issuance of the permit, and stated his disbelief that it was a “mistake”, and stated the builder did everything correct in building the four-plex, and testimony has shown there are other multi-family structures in the immediate area and time period, so there had to be a process that allowed it.

Ms. O’Neall stated her agreement with Mr. Brandt, though noted the action might not be legal.

Mr. Brandt responded that it would be legal if, at the time, the officials issuing the permits also issued the variance, which is not known. He stated that the structure was built in the middle of town as a four-plex, everyone knew it was a four-plex in a two-family zone, and permits were issued. He indicated there is neither proof of it being an error nor any proof a variance was

Planning Commission  9  October 10, 2017
issued, so logically, since it was known, it had to have been allowed to be built in that zone rather than a mistake having been made.

Mr. Perreault stated he would not support the motion and indicated that the City, on multiple occasions, signed permits wherein it was listed as a multi-dwelling, and the repeated behavior by the City building official demonstrates evidence that it was not a mistake. He noted there is no evidence a variance was issued, but stated that is not evidence of its absence.

Ms. Doxey reminded Commission of the legal standards and findings of fact that would need to be developed in order to support a motion to approve the grandfather rights, and discussed substantial evidence standard, burden of proof, and inadequate evidence.

Ms. O'Neall asked what happens if the evidence does not exist.

Ms. Doxey replied that the Commission has to, by code and legal case law, rest its decision on substantial evidence and it cannot rest its decision on speculation.

Mr. Perreault interjected that the decision to deny also cannot be based on speculation.

Ms. Doxey responded that if there is not substantial evidence to approve the application, the Applicant has not met its burden, so by default, the legal option is to deny. She resumed her answer to Ms. O'Neall's question, and stated as an example that if a variance had been issued, but there are no documents to present to support one being issued, testimony from a City of Fairbanks employee could have been presented on the historical knowledge on how these types of matters were handled related to variances, zoning, building, etc., all of which are currently lacking from the record.

Mr. Brandt reiterated that it is also not known if the permit was issued in error per finding of fact number 7, and stated that the evidence presented supports that the permits were issued on purpose better than an error having occurred.

Ms. Doxey responded that if there is disagreement with a finding of fact, the wording can be changed, and further stated her understanding of the evidence is that the zoning at the time the structure was built was residential and it did not allow four-plexes. She explained that if a building permit said four-plex and it was allowed, it was not correct, whether purposefully incorrect or a mistakenly incorrect, it was not allowed in that zone.

Mr. Perreault questioned the lack of evidence of it being a mistake or an error, and noted the repeated behavior showing it was known by the building official to be a four-plex and on one permit has a handwritten notation in the zoning space that it is “Multi-Res”. He reiterated that the City knew at the time what it was doing and what it was approving.

Mr. Muehling responded that the question still remains, does the person signing off on the building permit concern themselves with the zoning.

Mr. Perreault interjected with "we must assume the building official knows what the zone is".

Mr. Muehling resumed his statement, and commented that the Applicant has the burden of substantially proving, and stated that on page 585, the Applicant stated his grounds for the appeal and it lacks an affirmative defense.
Mr. Perreault responded that copies of the permits issued by the City have been entered into evidence which demonstrate what was filled out, specifically the permit on page 555, the same building official listed the zoning as multi-res, listed the use of structure as multi-dwelling, dated it, and described it as new construction.

Ms. Doxey reminded the Commission on what is required to grant grandfather rights and read FNSBC 18.108.020.

Mr. Guinn summarized that it was two-family before and it was two-family after.

Ms. Doxey explained it had to be lawful and then become unlawful due to a code change.

Mr. Brandt reminded everyone of prior testimony that in 1964, the City of Fairbanks issued building permits and was responsible for City zoning at the time. He stated that the repetitive nature of the issuance of permits for this four-plex and the existence of others in the area supports substantial evidence of it not being a mistake and it was allowed at the time.

ROLL CALL

Three (3) in Favor: Mr. Muehling, Mr. Peterson, and Mr. Guinn

Five (5) Opposed: Mr. Whitaker, Ms. O’Neall, Mr. Stepovich, Mr. Perreault, and Mr. Brandt

MOTION FAILED

Mr. Perreault requested a recess to present a new motion and findings of fact.

Mr. Guinn approved the request and instructed those in favor of approval to work with Mr. Perreault.

(Mr. Brasier disconnected from telephonic participation and advised he would be recalled when the meeting resumed.)

(The meeting recessed from 8:24 p.m. to 8:40 p.m. as indicated above)

MOTION: To approve the appeal and affirm recognition of legal nonconforming use status (grandfather rights) for an existing four-plex building in the Two-Family Residential (TF) zone for the property on Lot 2E, Block 99, Fairbanks Townsite, and adopting the following findings of fact:

1. The subject property was issued a building permit and multiple inspection reports clearly identifying it as a multi-family or four-plex building;
2. The City of Fairbanks had zoning and permitting authority at the time of construction;
3. Applicant’s testimony introduced evidence of other multi-family dwellings built around the same time in the immediate area and zone; and
4. This constitutes substantial evidence that the construction was legal and allowed according to the City of Fairbanks.
Discussion on the motion

Mr. Muehling stated the pre-requisite requirement of a code allowing a four-plex was never in existence. He explained that the findings of fact in the first motion, item number 3, should be added to this motion since that is the only way this motion can be granted legally.

Mr. Guinn sought clarification on Mr. Muehling’s intent.

MOTION: To amend the findings of fact to insert the original #3 findings of fact: The subject property has been zoned residentially since 1946. From 1946 to 1988, several Residential and General Residential zones were established by ordinances on the subject property that permitted single-family and two-family dwellings. However, at no time since the establishment of the 1949 Residential zone on the subject property has zoning allowed multiple-family dwellings on the subject parcel by permitted use, conditional use, or “special permit”, by Mr. Muehling.

MOTION DIED FOR LACK OF A SECOND

Discussion ensued about the findings of fact and the need for further development of the record that show the four-plex was legal at the time it was built.

Mr. Brandt communicated all the testimony given at the last hearing and this hearing was that the builder did everything right when the four-plex was built.

Ms. Doxey stated the Staff Report and its attachment showed uses that were allowed in the residential zone at the time, and asked if the Commission is rejecting that evidence.

Mr. Perreault and Mr. Brandt both stated they are not rejecting that evidence.

Mr. Brandt stated an error was made in issuing the permit.

Ms. Doxey directed the Commission to page 532 in the September 6th meeting record.

Mr. Perreault pointed to page 514 and read a portion of that code that would offer opportunities for a multi-family dwelling to be constructed in the zone.

Ms. Doxey inquired if there was evidence that those code requirements were met to allow the four-plex use.

Mr. Perreault indicated that the multi-family dwelling box is checked with the general residential zone also noted on the building permits. He stated that constitutes evidence that the City of Fairbanks (zoning authority) was aware of both the zone and purpose of the construction, and signed off on its construction, and the was opportunity in the code, at that time, for a multi-family dwelling “to be permitted in this zone”. He further stated there is no evidence it was built illegally.

Ms. Doxey commented that the Commission needed to develop a finding of fact that demonstrates that, if relying on page 513 of the previous meeting packet, that those criteria
were met and the four-plex was built legally. She further stated the absence of evidence is not substantial evidence for a decision.

Mr. Perreault indicated his belief that there is an absence of evidence to support that this (permit issuance) was done in error.

Ms. Doxey discussed the legal standard of the burden being on the Applicant.

Mr. Perreault stated his conviction that the evidence presented that it was a legal construction.

Ms. Doxey requested to be pointed to the evidence (not building permits).

Mr. Perreault stated that section 6 indicates that multi-family dwellings are permitted and read from on page 514, Article II, Residential District, Section 3820, Use, Number 6.

Ms. Doxey drew attention to page 513, subparagraph II, and read that section.

Mr. Perreault indicated there is no evidence that special permission was granted. He further stated there is evidence that the City was approving it subsequently.

Ms. Doxey asked if there was evidence that the zoning was actually checked prior to marking it on the permits.

Mr. Perreault communicated that there is evidence that the City was aware of what the zoning was at the time.

Ms. Doxey communicated that her legal opinion that issuing a building permit, listing the wrong zoning, does not change the zoning law at the time.

Mr. Perreault reiterated his belief that there was an opportunity in the zoning law allowing for the construction to occur legally.

Ms. Doxey pointed out there is no evidence in the record that that process was complied with and that it was developed legally and the burden is on the Applicant to prove with substantial evidence that it was legal.

Mr. Perreault stated he is convinced by the Applicant’s evidence.

Mr. Guinn asked if that could be a finding of fact.

Ms. Doxey indicated the absence of evidence in the record that supports. She stated she has heard continued reliance on building permits. She stated that if the Commission is not rejecting the evidence that the code, as it is in the record at the time (page 513), the fact that a building permit listed the use or the zoning in error, purposeful or not, conflicts.

Mr. Guinn summarized that a few Commissioners disagree with the legal opinion.

Ms. Doxey reminded the Commission of the ethic duty under Borough code and serving on the Commission, to apply the facts heard in the record, to the law.
MOTION: To postpone this matter indefinitely by Mr. Peterson and seconded by Mr. Muehling.

Ms. Doxey explained that a quasi-judicial matter cannot be postponed indefinitely, and communicated the basis for that determination.

Mr. Peterson and Mr. Muehling withdraw the motion to postpone.

Mr. Peterson stated there is no legal reason to support the current motion and is not in favor.

ROLL CALL

Five (5) in Favor: Ms. O’Neall, Mr. Stepovich, Mr. Perreault, Mr. Brandt, and Mr. Whitaker

Three (3) Opposed: Mr. Peterson, Mr. Muehling and Mr. Guinn

MOTION PASSED

OATH ADMINISTERED

F. QUASI-JUDICIAL HEARINGS

1. CU2017-023: A request by Aaron Joseph Heath DBA AlasKind LLC on behalf of Charles Edward Workman for conditional use approval of a marijuana cultivation facility, indoor large, in the General Use 1 (GU-1) zone on Tract A, Bias Drive East Subdivision (located at 278 Bias Drive East, on the north side of Bias Drive East, east of Beacon Road).

Mr. Aaron Heath, the Applicant, was present.

Mr. Singh gave a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department.

Questions by the Commissioners

Mr. Brandt asked for clarification on which site plan is accurate. Mr. Singh advised to use the most current plan, and explained the development of the site based upon fire official involvement.

Applicant’s Testimony

Mr. Heath communicated that he is following all rules and regulations, and offered to answer any questions.

Questions by the Commissioners

Mr. Muehling commented that the Staff Report and Application are very clear and well produced. He asked about casting hempcrete. Mr. Heath explained the use of the hemp plant mixed with lime-base process and use.
**Mr. Peterson** inquired why the compost pile is far out and near the wetlands. Mr. Heath advised that he had not seen the wetlands chart and speculated that DEC and the Corp will require him to move it to a different location out of the wetlands.

**Mr. Brandt** asked if he could physically see his neighbors. Mr. Heath responded that from the building location he cannot see his neighbors, and his neighbors generally seem to be receptive.

**Interested-Person Testimony Opened**

*No interested person testimony.*

**Interested-Person Testimony Closed**

**MOTION:** To approve the conditional Use Permit for commercial marijuana cultivation facility, indoor large, with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Perreault and seconded by Ms. O’Neall.

**Discussion on the Motion**

Mr. Perreault stated he supports the application, it meets the standards for approving an application, and there is no reason to oppose it.

Ms. O’Neall commented that it meets the standards, considers the sensitive use areas in regulation for distance which were here only concerns.

Mr. Guinn indicated his support for the same reasons indicated by Mr. Perreault and Ms. O’Neall.

Ms. Doxey asked if the location of the compost would impact the decision points for the Conditional Use Permit; specifically adequate facilities or intent and purpose of Title 18, or public health, safety, and welfare.

Mr. Perreault stated he did take that into consideration. He stated that the health and welfare were addressed by the Applicant who stated he would comply with requirements of ADEC and the Army Corp of Engineers.

Ms. Doxey inquired if the Commission has any concerns of where the compost might end up under the same criteria.

Mr. Brandt stated there would not be a concern if ADEC and/or the Army Corp of Engineers do not have a problem with the location,

Mr. Guinn concurred with Mr. Brandt.

**ROLL CALL**

Eight (8) in Favor: Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, and Mr. Guinn.
Zero (0) Opposed:

MOTION PASSED

(The meeting recessed from 9:28 p.m. to 9:35 p.m.)

2. CU2018-002: A request by William Emery for conditional use approval of a guesthouse in the Rural Residential/Mobile Home Subdivision overlay/Groundwater Damage Protection overlay (RR/MHS/GWP) zone on Lot 1, Block F, Gordon Subdivision, Third Addition (located at 3789 Blessing Avenue, on the south side of Blessing Avenue, east of Nelson Road).

Mr. William Emery, the Applicant, was present.

Ms. Wasinger gave a presentation of her staff report and recommendations on behalf of the Borough’s Planning Department.

Questions by Commissioners

Mr. Whitaker inquired how many “Dear Property Owner” letters were sent and how many responses were received. Ms. Wasinger replied that 211 letters were sent out and one inquiry was received.

Mr. Brandt questioned the guesthouse being subordinate to the dwelling and inquired if subordinate could be one square foot smaller. Ms. Wasinger confirmed. Mr. Brandt commented that the guesthouse structure will be twice the size of the dwelling, and stated the actual guesthouse portion is what is being considered in subordination to the main dwelling. Ms. Wasinger confirmed that the guesthouse use is limited to the second floor and the first floor uses are for the single family residence already existing on the property.

Mr. Guinn commented that on page 157 it says in 1999 it became a legal nonconforming with the adoption of ordinance 99-055. Ms. Wasinger replied that that applies to the crawlspace that is greater than 4’ on the existing residence. She further commented that the groundwater protection overlay prohibits the construction below grade of basements. Mr. Guinn drew attention to page 159 (diagram), and questions the blue existing house designated “proposed addition”. Ms. Wasinger responded that a zoning permit was issued for that addition.

Mr. Peterson asked what the uses are for a guesthouse. Ms. Wasinger reads the definition of guesthouse. Discussion ensued on practical application of how guesthouses have been treated in the past; rentals, mother-in-law apartment, etc.

Applicant’s Testimony

Mr. Emery testified he has lived in the home since 1986 and is a licensed professional counselor, and stated his desire to increase his garage space and business office for his counseling practice, and a place to allow visitors to stay and potentially rent it out in the future.

Questions by Commissioners
Mr. Muehling questioned the manner of access to the second floor. Mr. Emery stated it would be an inside enclosed stairway, blocked off from the garage.

Mr. Muehling inquired if one of the spaces in the garage were offered as part of the guesthouse use, would that change the size of the application.

Ms. Doxey offered her interpretation of the definition of guesthouse as being just what is used as the attached dwelling unit. She advised the Commission not to get too distracted by the fact that the dwelling unit is going to be built above the garage, because the same garage could be built separately, as its own unit, and be legally allowed.

Mr. Brandt commented that if it were a separate building, the building total size, being 2 stories is 2,700 square feet.

Ms. Doxey mentioned that when considering a conditional use, the Commission cannot legally condition a different legal allowed use.

Mr. Muehling noted that the Applicant indicated there would be a separate stairway from the garage.

Mr. Brandt sought confirmation that the floorplan showing that there is an opening from the garage will actually be blocked off. Mr. Emery confirmed there will be no access to the garage from the stairwell.

Interested-Person Testimony Opened

No interested person testimony.

Interested-Person Testimony Closed

MOTION: To approve the Conditional Use Permit for a guesthouse on Lot 1, Block F, in the RR/MHS/GWP zone with two (2) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Perreault and seconded by Mr. Peterson.

Discussion on the Motion

Mr. Perreault stated that the facts and the application show this is a normal conditional use and within the guidelines for the area in protecting the private property rights and uses, and there are no risks to public health, safety or welfare, and it would improve it.

Mr. Guinn commented there are numerous duplexes in the neighborhood, and stated garages are by building code, separate structures.

ROLL CALL

Eight (8) in Favor: Ms. O’Neal, Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Whitaker, Mr. Peterson, and Mr. Guinn.

Zero (0) Opposed:
MOTION PASSED

G. NEW BUSINESS

1. 2018 Planning Commission Meeting Schedule: consideration of change from 1\textsuperscript{st} and 3\textsuperscript{rd} Tuesday of each month to 2\textsuperscript{nd} and 4\textsuperscript{th} Tuesday of each month.

Ms. Nelson explained that in an attempt to balance workload related to the Planning Commission, Platting Board, and Administrative Hearings, is seeking to change the Planning Commission Meeting Schedule to the 2\textsuperscript{nd} and 4\textsuperscript{th} Tuesdays of each month. Discussion ensued and everyone agreed to the change. Discussion ensued about the January 2018 meeting, and potential conflicts with the January 9\textsuperscript{th} meeting.

Mr. Quinn communicated that beginning in 2018, the January meeting will be held on January 16\textsuperscript{th} and beginning February and thereafter will be the 2\textsuperscript{nd} and 4\textsuperscript{th} Tuesday of each month.

H. EXCUSE ABSENT MEMBERS

Mr. Quinn communicated that Ms. Thayer’s and Ms. Presler’s absences are excused.

I. COMMISSIONER’S COMMENTS

Mr. Muehling commented that there were two (2) unanimous votes.

Mr. Stepovich indicated his willingness to go to the APA conference.

J. ADJOURNMENT

There being no further business, the meeting was adjourned.
STAFF REPORT

*HP2018-002
Public Hearing Notice for:

HP2018-002

Richardson Highway MP 357-362
Bicycle/Pedestrian Path

Richardson Bike and Pedestrian Path
PROXIMITY AND AREA MAP

Legend
- Project Location
- Road
- Alaska Railroad
- Water Bodies

0 0.5 1 2
Miles
0 2,500 5,000 10,000 15,000
Feet
STAFF REPORT

TO: Fairbanks North Star Borough Planning Commission

THROUGH: D. Christine Nelson, Director
Department of Community Planning

FROM: Donald C. Galligan, AICP
Transportation Planner
Department of Community Planning

DATE: October 10, 2017

SUBJECT: HP2018-002 Richardson Highway MP 357-362 Bicycle/Pedestrian Path: A request by the Department of Transportation and Public Facilities for local planning authority approval of the planned Richardson Highway Bicycle and Pedestrian Pathway. This project proposes to construct and connect a bicycle pathway from the existing path on Airport Way to the path at the western terminus of Badger Road routing along the north side of the Richardson Hwy.

I. GENERAL INFORMATION

A. Applicant: State of Alaska
Department of Transportation & Public Facilities 2301 Peger Road
Fairbanks, AK 99701

B. Location: Richardson Highway approximately 5 miles along the north side of roadway between Airport Way and Badger Road.

C. Right-of-Way: Existing right-of-way

D. Current Zoning: Bordered primarily by General Use 1 (GU-1) and a small area of General Commercial (GC) around the intersection with the Mitchell Expressway.

E. Comprehensive Plan: Urban Area and Military Land

F. FEMA Flood Hazard: Flood Zone X: Project not within 100 or 500 year flood plain.
II. **ANALYSIS**

**Current Conditions**

In the project vicinity, the Richardson Highway is a controlled access interstate and an interstate principal arterial connecting North Pole and Fairbanks. Badger Road is classified as a minor arterial. The project is adjacent to Fort Wainwright, an active U.S. Army installation.

Pedestrians and bicyclists on the controlled-access facility use the 10- to 12-feet wide shoulders of the Richardson Highway. Rumble strips reduce the usable shoulder by about 2 feet. There are no barriers between non-motorized and vehicular traffic on the 60 mph facility and the close proximity to high-speed vehicles offers limited safety for pedestrians and bicyclists. This project will reduce potential conflicts and increase safety for intended users.

The average annual daily traffic count on the Richardson Highway is currently between 20,000 and 25,000 vehicles per day.

**Zoning**

The zoning in the vicinity of the project is primarily General Use one acre (GU-1). For a small area around the intersection with the Mitchell Expressway there is some land zoned General Commercial (GC).
Proposed Improvements

DOT proposes to construct a 10 foot wide paved bicycle/pedestrian pathway from Airport Way to Badger road along the north and east sides of the Richardson Expressway. The completed asphalt path will be 10-feet wide with 2 foot gravel shoulders to accommodate two-way travel. It will connect existing bicycle and pedestrian facilities on Badger Road with those on Airport Way, Gaffney Road and Steese Expressway. To optimize safety, the design will maximize separation between the pathway and the Richardson Highway and interchange ramps. In areas where horizontal separation is not feasible, the path will be shielded from the roadway by barrier fensing.

TYPICAL SECTIONS

In accordance with design standards, the pathway will be paved with 2 inches of asphalt concrete over 4 inches of aggregate base course and a minimum 24 inches of selected material, as shown in Figure 2. The shoulders will be unpaved. Stabilization geotextile will be placed beneath the Selected Material for the length of the project, centered under the pathway with 3 feet extending beyond the pavement on each side.
Maintenance

Snow removal will be provided consistent with other bicycle and pedestrian paths in Fairbanks. No hauling of snow will be needed for the pathway. The path adds 4.3 lane miles of pavement for maintenance by DOT&PF.

Limiting the use of safety rail will reduce maintenance costs associated with replacing damaged sections. Maximizing the use of gradual slopes will allow for more efficient mowing, further reducing maintenance costs. In other areas, the path may use steeper slopes to limit impacts to existing vegetation which will also reduce maintenance costs and provide a more rural environment.

Cost

The estimated cost for this project is as follows:

- Design: $500,000
- Utilities: $100,000
- Right of Way: $0
- Construction: $4,610,500 (Includes 15% Engineering)

Total Cost of Project: $5,210,500

Right-of-Way

This project will be constructed entirely within existing right-of-way. No right-of-way acquisition is needed.

Staff Analysis

The Richardson Expressway is a four-lane divided highway between Fairbanks and North Pole. Currently cyclists and the occasional pedestrian use the shoulders of the highway with no separation between themselves and high speed traffic. Development of a two-way trail that is separated from traffic by either distance or barrier will be a much safer and more pleasant environment for users.

This project is consistent with the FNSB Comprehensive plan. The most pertinent portion of the
The plan that applies is Transportation and Infrastructure Goal 1, Strategy 1, Action C): “Ensure that road designs improve safety and minimize adverse impacts…Reduce wildlife interactions…Integrate Pedestrian Friendly sidewalks and bike trails.” Also, Strategy 3 states: “Make the Borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas. Strategy 4 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.

The upgrades and construction of the separated pathway will improve safety, promote a pedestrian and bicycle friendly environment and further serve to integrate bicycle and pedestrian improvements into the roadway network.

This area is designated as Urban and Military in the Comprehensive Plan. The west end of the project has been developing as an urban area as expected. The improvements the Richardson Expressway and bicycle and pedestrian network will allow this area to continue its development as a designated urban area.

The FNSB Assembly has final local planning authority approval authority over this project because the project proposes construction within the Fairbanks North Star Borough. This project has been scheduled as a “non-significant Consent agenda” item before the FNSB Planning Commission in accordance with the Memorandum of Understanding (MOU) between the FNSB and DOT&PF. It is considered “Non-Significant” as there is expected to be little to no controversy in this action by DOT. It is on the consent agenda because it does not require any acquisition of right-of-way for construction to occur.

III. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends that the Planning Commission APPROVE HP2018-002 as a consent agenda item.

IV. ATTACHMENTS

Attachment A—ADOT&PF Design Study Report
DESIGN APPROVAL

RICHARDSON HIGHWAY MP 357-362 BICYCLE/PEDESTRIAN PATH

PROJECT NO. Z615970000/0A24032

Requested by:  
Isadora L. Fanning, P.E. 
Engineering Manager 
Northern Region

Design Approval Granted:  
Sarah E. Schacher, P.E. 
Preconstruction Engineer 
Northern Region

Distribution:  NR Design Directive 16-02
DESIGN STUDY REPORT
FOR

RICHARDSON HIGHWAY MP 357-362 BICYCLE/PEDESTRIAN PATH

PROJECT NO. Z615970000/0A24032

PREPARED BY: Alan F. Skinner, P.E.

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
NORTHERN REGION DESIGN AND ENGINEERING SERVICES
MAY 2017
**Table of Contents**

INTRODUCTION/HISTORY ..................................................................................................... 1  
PROJECT DESCRIPTION ......................................................................................................... 1  
DESIGN STANDARDS ........................................................................................................... 1  
DESIGN EXCEPTIONS AND DESIGN WAIVERS ................................................................. 3  
DESIGN ALTERNATIVES ........................................................................................................ 3  
PREFERRED DESIGN ALTERNATIVE ................................................................................. 5  
3R ANALYSIS – N/A .............................................................................................................. 5  
TRAFFIC ANALYSIS – N/A ................................................................................................. 5  
HORIZONTAL/VERTICAL ALIGNMENT .............................................................................. 6  
TYPICAL SECTIONS ................................................................................................................ 6  
PAVEMENT DESIGN – N/A ..................................................................................................... 8  
PRELIMINARY BRIDGE LAYOUT ......................................................................................... 8  
RIGHT-OF-WAY REQUIREMENTS ....................................................................................... 9  
MAINTENANCE CONSIDERATIONS ..................................................................................... 9  
MATERIAL SOURCES ........................................................................................................... 9  
UTILITY RELOCATION & COORDINATION......................................................................... 9  
ACCESS CONTROL FEATURES .......................................................................................... 10  
PEDESTRIAN/BICYCLE (ADA) PROVISIONS ..................................................................... 10  
SAFETY IMPROVEMENTS ................................................................................................... 11  
INTELLIGENT TRANSPORTATION SYSTEM FEATURES – N/A .......................................... 11  
DRAINAGE ............................................................................................................................ 11  
SOIL CONDITIONS ................................................................................................................ 11  
EROSION AND SEDIMENT CONTROL .............................................................................. 12  
ENVIRONMENTAL COMMITMENTS ................................................................................ 12  
WORK ZONE TRAFFIC CONTROL ..................................................................................... 12  
VALUE ENGINEERING – N/A ............................................................................................ 13  
COST ESTIMATE .................................................................................................................... 13  

LOCATION MAP AND PROJECT LIMITS ............................................................................. Figure 1  
PAVEMENT SECTION .......................................................................................................... Figure 2  
TYPICAL SECTION I .............................................................................................................. Figure 3  
TYPICAL SECTION II ............................................................................................................ Figure 4  
TYPICAL SECTION III .......................................................................................................... Figure 5  
TYPICAL SECTION IV .......................................................................................................... Figure 6  
TYPICAL SECTION V ............................................................................................................ Figure 7  
TYPICAL SECTION VI .......................................................................................................... Figure 8  

DESIGN CRITERIA AND DESIGN DESIGNATION ................................................................. Appendix A  
ENVIRONMENTAL DOCUMENT .......................................................................................... Appendix B  
PRELIMINARY PLAN AND PROFILE SHEETS ..................................................................... Appendix C  
PRELIMINARY BRIDGE PLANS .......................................................................................... Appendix D  
DESIGN EXCEPTIONS AND DESIGN WAIVERS ................................................................. Appendix E
INTRODUCTION/HISTORY

The Alaska Department of Transportation and Public Facilities (DOT&PF) proposes to construct a mixed-use pedestrian and bicycle facility adjacent to the Richardson Highway between Badger Road and Airport Way/Gaffney Road in Fairbanks, Alaska.

In the project vicinity, the Richardson Highway is a controlled access interstate and an interstate principal arterial connecting North Pole and Fairbanks. Badger Road is classified as a minor arterial. The project is adjacent to Fort Wainwright, an active U.S. Army installation.

Pedestrians and bicyclists on the controlled-access facility use the 10- to 12-feet wide shoulders of the Richardson Highway. Rumble strips reduce the usable shoulder by about 2 feet. There are no barriers between non-motorized and vehicular traffic on the 60 mph facility and the close proximity to high-speed vehicles offers limited safety for pedestrians and bicyclists. This project will reduce potential conflicts and increase safety for intended users.

See location and vicinity map in Figure 1.

PROJECT DESCRIPTION

The project is located at approximately 64°49’ 00” N Latitude, 147°39’ 05” W Longitude within sections: T1S, R1W, Sections 13-14, 24; T1S, R1E, Sections 19-21; Fairbanks D-2 NE, Fairbanks Meridian.

The completed asphalt path will be 10-feet wide with 2 foot gravel shoulders to accommodate two-way travel. It will connect existing bicycle and pedestrian facilities on Badger Road with those on Airport Way, Gaffney Road and Steese Expressway. To optimize safety, the design will maximize separation between the pathway and the Richardson Highway and interchange ramps. In areas where horizontal separation is not feasible, the path will either be vertically separated at the toe of the roadway embankment or physically shielded from the roadway with positive barriers.

DESIGN STANDARDS

The following design standards apply to this project:


The project design criteria (Appendix A) uses the applicable standards.
DESIGN EXCEPTIONS AND DESIGN WAIVERS

The approved waiver for the Design Designation requirement (HPCM 1100.4.1) is included in Appendix E. No other design exceptions or waivers are anticipated for this project.

DESIGN ALTERNATIVES

The design alternatives relate to these four project considerations:

- Lateral offset at railroad crossing
- Routing at weigh station
- Culvert crossing at Levee Channel B
- Vertical profile at Badger Road Interchange

Design Alternative 1 – Lateral Offset at Railroad Crossing

The path intersects the Alaska Railroad at Richardson Highway Milepoint 360.6, Station 162+20. The crossing will match the mainline highway with an ideal 90-degree angle intersection. There are two options for the lateral offset from the highway—the path could be close to the highway or close to the right-of-way (ROW) limits.

- Near highway – A crossing near the highway would benefit from the existing signal equipment to direct both highway and pathway users to yield to oncoming trains without additional railroad gates. Including the bypass lanes, pathway users are 30.5 feet from the edge of traveled way, which is outside the roadway clear zone of 30 feet. Moving the pathway further from the road would require ROW acquisition from Fort Wainwright.

- Near ROW – Moving users as far away as possible from vehicle traffic is this option’s only advantage. Placing the railroad crossing further from the highway (and associated signal equipment) may reduce the need users feel to stop for oncoming trains. A dedicated railroad gate or signal may be required at a separated path crossing to be consistent with the highway crossing signal treatment. Due to limited ROW and the raised railroad bed, the total separation would be about 40 feet and would require constructing a 7-foot tall, 200-foot long retaining wall with safety rail to achieve the necessary grade raise within the ROW. Significant disadvantages of this option are construction cost and introducing a vertical drop at the end of the clear run-out area.

Design Alternative 2 – Routing at Weigh Station

The weigh station and inspection facility at Milepoint 359.5, Station 211+00, is the only active traffic generator along the pathway. The pathway could pass in front of the weigh station, behind the weigh station on the existing asphalt pad or behind the weigh station meandering to minimize potential conflicts with utilities and truck traffic.

- Front –Routing the path adjacent to the highway is convenient and minimizes utility conflicts. This direct route results in the shortest path possible within available ROW. This option provides 25 to 30 feet of separation for pedestrian/bicycle traffic and would require pathway users to cross three driveways. The pathway would fill in highway ditches. Possible mitigation includes adding roadside barriers to separate motorized and non-motorized traffic. With or without barriers, trucks entering or exiting highway traffic
may have difficulty identifying pedestrians or bicyclists due to differences in height, visibility, speed and direction of travel. Other routes may be more desirable to meet the project’s purpose and need.

- **Behind on existing pad** – The path may use the existing asphalt behind the inspection facility. Using the existing asphalt pad would minimize project cost as well as ground disturbance in the area surrounding the weigh station. Maintaining the separation between pathway users and heavy trucks would be challenging and would likely require a combination of signage, striping or physical protection to discourage pathway users from crossing the large, open swath of pavement. Winter snow berms at the weigh station could obscure and essentially eliminate the pathway—forcing winter users to create one for themselves. Alternatively, winter maintenance could delineate the pathway limits through the strategic use of snow berms. The option to use the existing asphalt is being considered and could easily be added at any stage of the design development.

- **Behind and meandering** – Routing behind the weigh station provides adequate separation from the highway while avoiding conflicts with trucks. Meandering the path minimizes potential utility conflicts. Some overhead utility poles may need to be relocated. Drainage from the weigh station discharges to culverts and ditches in this area; a revised drainage plan would be needed.

**Design Alternative 3 – Culvert Crossing at Levee Channel B**

The pathway continues over four large, 10-foot diameter culverts for Levee Channel B at Richardson Highway Milepoint 358.8, Station 260+50. There are only 16 feet between the on-ramp edge of traveled way and the top of slope at the culvert crossing location—not enough space to fit the 10-foot roadway shoulder, guardrail and the 10-foot pathway.

Extending the culverts is not feasible due to two factors; first, the age of the existing structural plate pipe culverts; and second, the presence of the concrete half headwall (which would need to be demolished to connect extensions). These two factors increase the risk of deformation of the original cross-sectional shape and subsequently, increase the risk of a poor quality connection between the existing and proposed culverts. The crossing will need either a bridge or retaining wall to provide separation from vehicle traffic and a consistent pavement width for pathway users. The following is a comparison of both options analyzed by DOT&PF Bridge Design based on similar structures in Alaska.

- **Bridge** – A prefabricated steel pedestrian bridge would provide a durable crossing that requires little future maintenance. The main advantage of the bridge is that it is a relatively common structure that can be built quickly and without the risks to water quality associated with in-water work. Other advantages include the aesthetics, function and versatility of an independent structure. The main disadvantage of the bridge is higher projected cost—although the actual cost may result in savings over the retaining wall due to cost overruns of in-water work.

- **Retaining wall** – A soldier pile retaining wall would also result in a durable structure requiring no significant future maintenance. The wall is slightly less expensive, but has more complicated construction tasks involving dewatering, removing material from culvert ends, excavating under culverts and casting concrete wall panels around each culvert. The wall cost could be higher due to the unpredictability of in-water work.
Design Alternative 4 – Vertical Profile at Badger Road Interchange
The last alternative relates to the vertical profile of the pathway after the culvert crossing. The path could remain high adjacent to the ramp outside shoulder or drop low near the toe of the embankment until connecting with Badger Road.

- **Raised path** – Continuing the path directly adjacent to the interchange ramp avoids potential security concerns because the path would be partially lit by roadway lighting and fully visible from the roadway. It would require constructing steeper slopes to keep the toe of slope within the available ROW. This option requires roadside barriers to separate vehicles from pedestrians and bicycles as well as another smooth barrier or railing on the back side of the path to shield from the tall, steep slopes. During winter, a path adjacent to the road may be covered with snow. A separation area of 7 feet to 18 feet would allow for varying amounts of snow storage. This option would work best with a retaining wall at the levee crossing, but could also be used with a bridge.

- **Low path** – Using available space at the toe of slope provides a significant elevation difference between the path and roadway. This option minimizes the amount of fill required. The low path affords the user a more rural experience with some ambient highway lighting. Snow storage on the interchange ramp will remain unchanged. Safety rail will mostly be avoided except at the approach to Channel Levee B, where limited ROW precludes shoulder widening.

**PREFERRED DESIGN ALTERNATIVE**

The preferred alternative consists of the following elements:

- A railroad crossing near the highway using existing signal equipment for a crossing outside the roadway clear zone without the need for retaining walls;
- A departure from the generally straight alignment to pass behind the weigh station, avoiding potential conflicts between vehicles and pathway users;
- A bridged crossing over the levee to minimize construction time and cost overruns; and
- A low path between the levee and Badger Road to minimize fill costs and maximize separation between the path and highway ramp.

**3R ANALYSIS – N/A**

This is not a 3R project.

**TRAFFIC ANALYSIS – N/A**

Traffic analysis is not required for this project.
HORIZONTAL/VERTICAL ALIGNMENT

The project will use a design speed of 18 mph. The minimum horizontal curve radius is 60 feet, based on a maximum lean angle of 20° and the design speed. Superelevation is not desirable as the path is meant to serve both cyclists and pedestrians.

The two curves that do not meet the minimum radius of 60 feet will be signed using curve warning signs (W1 Series) as recommended in the GDBF and in accordance with the MUTCD. The first curve at the weigh station requires a 90-degree turn due to site constraints. The second will slow and redirect users to cross at the crosswalk of Old Richardson Highway/Badger Road, keeping them from riding opposite to traffic along Badger Road at the end of the project.

Proposed grades are less than 5%, eliminating the need to design for excessive grades. The minimum length of crest vertical curves will follow Figure 5-8 of the GDBF based on a stopping sight distance of 160 feet and the change in grade at the curve location. Plan and profile sheets are included as Appendix C.

TYPICAL SECTIONS

In accordance with Section 1210.4.3 of the AHPM, the pathway will be paved with 2 inches of asphalt concrete over 4 inches of aggregate base course and a minimum 24 inches of selected material, type B or better as shown in Figure 2. The shoulders will be unpaved. Stabilization geotextile will be placed beneath the Selected Material for the length of the project, centered under the pathway with 3 feet extending beyond the pavement limits.

The proposed pathway is 10 feet wide but can be narrowed to 8 feet for short distances, if needed. The typical section varies due to the amount of ROW available between the highway and fence. For most of the project, sufficient ROW exists. The path will generally have 2 foot shoulders with 4H:1V foreslopes and 4H:1V backslopes as shown in Figure 3. Graded slopes may vary as shown in the figure. Slopes may be stabilized with matting and seeding to prevent erosion (not shown).
Where ROW is limited the sideslopes will vary in cut and fill scenarios. To preserve roadside ditch capacity and reduce the amount of fill needed, slopes may be as steep as 1H:1V. Figure 4 shows shoulder widening to a total of 5 feet to provide additional recovery area and mitigate the potential hazard of steep slopes in fill areas. In a cut situation, the pathway will be constructed at the base of the embankment and will either use a ditch (see Figure 5) or no-ditch (Figure 6) option at the base of the resulting slope. For these three typical sections, the left foreslope and backslope will vary to fit within the available ROW. Benching of the existing embankment may be used (not shown).

Figure 3: Typical Section I

Figure 4: Typical Section II

Figure 5: Typical Section III
In areas with the most constrained ROW, the pathway will be closest to the highway. Bicycle-friendly safety rail on the opposite shoulder may protect users where the 2H:1V slope results in a drop greater than 4 feet or where the slope is steeper than 2H:1V (see Figure 7). Barriers may separate northbound vehicles from two-way traffic on the shared use path (Figure 8).

PAVEMENT DESIGN – N/A

No pavement design is needed for this project.

PRELIMINARY BRIDGE LAYOUT

The preliminary design for the bridge shows a single span prefabricated steel pedestrian bridge that is 14 foot wide with a 120 foot maximum span to cross the Levee Channel B. The cross slope matches the rest of the pathway at 1%. Vertical inflection points are more than 250 feet away from the beginning and end of the bridge limits. The bridge is nearly centered on a 240 foot horizontal tangent.
Bridge railing will be present along the length of the structure. Approach railing will provide protection from steep slopes near the drainage channel.

The final design may reduce the bridge width to 12 feet to reduce cost or stay within ROW. The bridge length may also decrease based on foundation requirements of the underlying soils as the design progresses. Preliminary bridge plans are in Appendix D.

**RIGHT-OF-WAY REQUIREMENTS**

The project will be constructed within the existing ROW.

**MAINTENANCE CONSIDERATIONS**

Snow removal will be provided consistent with other bicycle and pedestrian paths in Fairbanks. No hauling of snow will be needed for the pathway. The path adds 4.3 lane miles of pavement for maintenance by DOT&PF.

Limiting the use of safety rail will reduce maintenance costs associated with replacing damaged sections. Maximizing the use of gradual slopes (4H:1V or flatter) will allow for more efficient mowing with pull-type mowers, further reducing maintenance costs. In other areas, the path may use steeper slopes to limit impacts to existing vegetation which will also reduce maintenance costs and provide a more rural environment.

**MATERIAL SOURCES**

The project will use commercially available sources.

**UTILITY RELOCATION & COORDINATION**

The path will intersect the railroad at a 90 degree angle. This intersection is different from most roadway/railroad crossings in that DOT&PF has priority within the ROW. Consistent coordination with the Alaska Railroad Corporation (ARRC) will ensure that the design will address their concerns. Preliminary design is shown in the plan and profile sheets in Appendix C.

While the pathway alignment minimizes overhead and underground utility conflicts, there are four locations that may require relocation or adjustment of utility poles or guy wires. The pathway geometry will be adjusted to accommodate existing utilities to the extent possible, maintaining a minimum 2 foot clearance from edge of asphalt to obstruction.

Measurement Standards and Commercial Vehicle Enforcement operates the Weigh Station within the project limits. The weigh station is the only year-round driveway that the path will encounter. The path will curve around the weigh station to meet the project purpose of separating pedestrians and bicyclists from traffic and avoid the potential vehicle/pedestrian conflicts adjacent to the highway. These three driveway crossings are particularly undesirable because of
the driver viewing and object height differences; the two-way traveling direction of pathway versus one-way highway travel; and the potential severity for injuries of pathway users with large trucks entering and exiting the high speed facility.

ACCESS CONTROL FEATURES

Fencing along the Richardson Highway ROW limits entrances and exits along the controlled access facility. No pedestrian connections are present except at the start and end of the project.

The fence west of the Levee Channel B is within DOT&PF ROW and will likely need to be moved to accommodate the pathway. Coordination with the US Army is necessary for fencing removal or modification. The new fencing should accurately delineate the legal boundary.

PEDESTRIAN/BICYCLE (ADA) PROVISIONS

Curb ramps with detectable warning tiles are present at the signalized intersection near Airport Way. Detectable tiles will likely be replaced on both sides of the crosswalk for the channelized right turn lane at the beginning of the project. The pathway needs warning tiles across the full width of the path and the tiles for the median curb ramp may be in poor condition.

The South Gate to Fort Wainwright does not receive regular use. Further coordination should address the appropriate crossing treatment for pedestrians and bicyclists as well as pathway signage for both users and motorists should the gate return to active use, such as installation of curb ramps, traffic markings and permanent or hinged warning signs. Irregular use of the gate could use temporary signs for the specific potential hazards at the intersection.

The end of the path at the intersection of Old Richardson Highway and Badger Road requires installation of one ADA compliant ramp with detectable warnings across the full width of the ramp. The design will use existing pedestrian push buttons as they are between 1.5 feet and 6 feet from the edge of curb and within 5 feet of the outside edge of the crosswalk as required in the MUTCD (Figure 4E-3). The pedestrian signals include countdown timers.

No signalization improvements will be included as part of this project. Future projects may address the nonstandard signalization and signage at the Old Richardson Highway/Badger Road intersection. The right lane on the westbound approach of Old Richardson Highway used to be a shared through/right lane. The through movement is closed and the lane functions as a right-turn only lane with two “Right Turn Signal” signs to correlate to the lane usage. If the east-west crosswalk receives high use, it would likely be beneficial to add arrow signals for the westbound approach to emphasize pedestrian safety.

If the north-south crosswalk for Old Richardson Highway receives high use, prohibiting right turns on red for westbound traffic may achieve greater safety for pedestrians. Other options to consider include installing fully-protected right-turn arrows, adding a protected left-turn phase for southbound vehicles with a flashing yellow arrow permissive phase, introducing a leading pedestrian phase, or even using an exclusive pedestrian phase.
Bicycle-friendly safety rail or widened shoulders protect pathway users from excessively high or steep slopes. The design limits the use of safety rail to the area immediately surrounding the pedestrian bridge. Widening the shoulder to 5 feet in other areas of high or steep slopes will provide sufficient recovery space and avoid using barriers. Intermittent safety rail may be more of an obstacle than a safety feature.

The two bus stop locations near the project are for the Gold Line at the Richardson Highway & Airport Way/Gaffney Road intersection (beginning of project) and for the Green Line at the Old Richardson Highway & Badger Road intersection (end of project).

SAFETY IMPROVEMENTS

Safety will be improved by separation from highway traffic—either by greater distance or physical barriers. Additionally, the surface will be essentially gravel-free as it will not be exposed to winter maintenance activities of the adjacent roads, allowing a smoother, safer riding/walking surface than previously experienced.

INTELLIGENT TRANSPORTATION SYSTEM FEATURES – N/A

No intelligent transportation system features are within the project limits.

DRAINAGE

Except at the BOP and EOP, the terrain is generally flat with ground sloping away from the Richardson Highway and interchange ramps. Near Airport Way, significant ditching is present. At the Badger Road Interchange, the ramp embankment is more than 10 feet higher than the proposed pathway.

The path will maintain a 1% minimum cross slope for ease of constructability and maintenance. The unidirectional cross slope will also promote drainage. The vertical profile will limit standing water and related damage to the pavement structure. Cross culverts will be installed as needed to avoid runoff crossing over the path.

SOIL CONDITIONS

According to test hole bore logs, underlying soils are characteristic of Fairbanks with intermixed layers of gravel, sand and silt. Frost-susceptible soils are present. Much of the project length is adjacent to wetlands. Some of the path may cross through soils containing organics at varying depths.
EROSION AND SEDIMENT CONTROL

An Erosion and Sediment Control Plan (ESCP) will be required and prepared in accordance with Section 1120.07 of the HPM and Chapter 16 Erosion and Sediment Control of the Alaska Highway Drainage Manual. The ESCP will describe potential sources of pollution due to stormwater discharge during construction activities and provide guidance for implementing Best Management Practices (BMPs) to minimize erosion, contain sediment and reduce the discharge of pollutants.

In accordance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System water discharge program and the Alaska Pollutant Discharge Elimination System (APDES) General Permit, construction activities will require a Stormwater Pollution Prevention Plan (SWPPP).

The anticipated primary pollutant is sediment from surface erosion in areas associated with the planned improvements. Construction activities affecting sediment include: clearing, embankment construction, and placing the pathway structural section materials.

Potential pollutants other than sediment in stormwater runoff include, but are not limited to: vehicle and equipment fluids (fuel, oil, grease and coolants); site litter; and job site sanitary facilities.

Anticipated control measures include, but are not limited to:

- Specific requirements describing where re-fueling and servicing of construction equipment must take place
- Preserving the existing and natural vegetation
- Phasing the construction work to limit areas of disturbance
- Utilizing silt fence and linear sediment barriers such as fiber rolls and compost socks.

ENVIRONMENTAL COMMITMENTS

The installation of the pedestrian bridge will require coordination with Fairbanks North Star Borough Public Works and U.S. Army Corps of Engineers to prevent impacts to the Tanana Levee Channel B. Potential wetland impacts are addressed in the categorical exclusion documentation. The environmental document signature page is in Appendix B.

WORK ZONE TRAFFIC CONTROL

This project does not meet the criteria for a significant project according to Section 1400.2 of the AHPM. All work within 20 feet of the railroad tracks will require railroad flag protection.
VALUE ENGINEERING – N/A

The project does not meet the criteria to warrant value engineering analysis (see DOT&PF Policy and Procedure 05.01.030).

COST ESTIMATE

The estimated costs for this project are as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$500,000</td>
</tr>
<tr>
<td>Utilities</td>
<td>$100,000</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
</tr>
<tr>
<td>Construction (Includes 15% Engineering)</td>
<td>$4,610,500</td>
</tr>
<tr>
<td><strong>Total Cost of Project</strong></td>
<td><strong>$5,210,500</strong></td>
</tr>
</tbody>
</table>
APPENDIX A

DESIGN CRITERIA
AND
DESIGN DESIGNATION
# ALASKA DOT&PF PRECONSTRUCTION MANUAL

## Chapter 11 - Design

### PROJECT DESIGN CRITERIA

<table>
<thead>
<tr>
<th><strong>Project Name:</strong></th>
<th>Richardson Highway MP 357-362 Bicycle/Pedestrian Path</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Number:</strong></td>
<td>Z615970000/0A24032</td>
</tr>
<tr>
<td><strong>Functional Classification:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Design Year:</strong></td>
<td>2017</td>
</tr>
<tr>
<td><strong>Design Year ADT:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>DHV:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Percent Trucks:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Pavement Design Year:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Terrain:</strong></td>
<td>Level</td>
</tr>
<tr>
<td><strong>Design Speed:</strong></td>
<td>18 mph</td>
</tr>
<tr>
<td><strong>Width of Traveled Way:</strong></td>
<td>10 ft</td>
</tr>
<tr>
<td><strong>Width of Shoulders:</strong></td>
<td>Outside: 2 ft, Inside: 2 ft</td>
</tr>
<tr>
<td><strong>Cross Slope:</strong></td>
<td>1.0%</td>
</tr>
<tr>
<td><strong>Superelevation Rate:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Minimum Radius of Curvature:</strong></td>
<td>60 ft</td>
</tr>
<tr>
<td><strong>Min. K-Value for Vert. Curves:</strong></td>
<td>Sag: 16, Crest: 16</td>
</tr>
<tr>
<td><strong>Maximum Allowable Grade:</strong></td>
<td>5.0%</td>
</tr>
<tr>
<td><strong>Minimum Allowable Grade:</strong></td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Stopping Sight Distance:</strong></td>
<td>175 ft</td>
</tr>
<tr>
<td><strong>Lateral Offset to Obstruction:</strong></td>
<td>2 ft</td>
</tr>
<tr>
<td><strong>Vertical Clearance:</strong></td>
<td>8 ft min</td>
</tr>
<tr>
<td><strong>Bridge Width:</strong></td>
<td>10 ft min</td>
</tr>
<tr>
<td><strong>Passing Sight Distance:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Surface Treatment:</strong></td>
<td>T/W: Asphalt Paved, Shoulders: Gravel/Grass</td>
</tr>
<tr>
<td><strong>Side Slope Ratios:</strong></td>
<td>Foreslopes: up to 1H:1V, 4H:1V desirable, Backslopes: up to 1H:1V, 4H:1V desirable</td>
</tr>
<tr>
<td><strong>Degree of Access Control:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Median Treatment:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Illumination:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Curb Usage and Type:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Bicycle Provisions:</strong></td>
<td>Separated, Shared-Use Path</td>
</tr>
<tr>
<td><strong>Pedestrian Provisions:</strong></td>
<td>Separated, Shared-Use Path</td>
</tr>
<tr>
<td><strong>Misc. Criteria:</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Proposed - Designer/Consultant:**

**Endorsed - Engineering Manager:**

**Approved - Preconstruction Engineer:**

Date: 5-1-17

Date: 5-1-17

Date: 5-1-17

Shaded criteria are commonly referred to as the FHWA 13 controlling criteria. For NHS routes only, these criteria must meet the minimums established in the Green Book (AASHTO A Policy on Geometric Design of Highways and Streets). For all other routes, these criteria must meet the minimums established in the Alaska Highway Preconstruction Manual. Otherwise a Design Exception must be approved.

*Design Criteria marked with a "#" do not meet minimums and must have a Design Exception(s) and/or Design Waiver(s) approved. See the Design Study Report for Design Exception/Design Waiver approval(s) and approved design criteria values.
APPENDIX B

ENVIRONMENTAL DOCUMENT
VII. Environmental Documentation Approval

4. For non-assigned projects: The project meets the criteria of the April 13, 2012 “Programmatic Categorical Exclusion for Use on Federal-Aid Highway Projects in Alaska” between FHWA and DOT&PF. If yes, the CE may be approved by the Regional Environmental Manager. If no, the CE may be approved by FHWA Area Engineer.

VIII. Environmental Documentation Approval Signatures

Prepared by:  
[Sign] Environmental Impact Analyst  
Kerril Martin  
[Print Name] Environmental Impact Analyst

Reviewed by:  
[Sign] Engineering Manager  
David L. Fischer  
[Print Name] Engineering Manager

Approved by:  
[Sign] Regional Environmental Manager  
Brett Nelson  
[Print Name] Regional Environmental Manager

Assigned CE

Approved by:  
[Sign] DOT&PF Statewide NEPA Manager

[Print Name] DOT&PF Statewide NEPA Manager

Non-Assigned CE

Approved by:  
[Sign] FHWA Area Engineer

[Print Name] FHWA Area Engineer
APPENDIX C

PRELIMINARY PLAN AND PROFILE SHEETS
APPENDIX D

PRELIMINARY BRIDGE PLANS
APPENDIX E

DESIGN EXCEPTIONS AND DESIGN WAIVERS
MEMORANDUM

State of Alaska
Department of Transportation & Public Facilities
Northern Region Design and Engineering Services

TO: Sarah E. Schacher, P.E.
Preconstruction Engineer
Northern Region

THRU: Barry Hooper, P.E.
PD&E Group Chief
Northern Region

FROM: Isadora L. Fanning, P.E.
Engineering Manager
Northern Region

DATE: May 1, 2017

FILE NO: 11\Projects\Hbz_NP61597_RichHwy_356-362_BldPath\10
Reports\Design_Designation_and_Design_Criteria_Waiver_memo.
docs

PHONE NO: 907-451-5379

FAX NO: 907-451-5126

SUBJECT: Richardson Highway MP 357-
362 Bicycle/Pedestrian Path
Z615970000/0A24032
Design Designation Waiver

A waiver of the Highway Preconstruction Manual requirement for a Design Designation (HPM 1100.4.1) is requested.

The purpose of this project is to construct a 10-foot wide separated bicycle/pedestrian facility along the Richardson Highway between Airport Way and Badger Road. This project will connect existing pedestrian and bicycle facilities between the signalized intersection of Old Richardson Highway/Badger Road and an existing pathway near the Richardson Highway/Steeese Expressway/Airport Way/Gaffney Road intersection.

No useful information would be obtained through the development of a project Design Designation.

Please acknowledge your approval of the waiver of Design Designation by signing below:

Approved: ___________________________ 5/4/2017
Sarah E. Schacher, P.E., Preconstruction Engineer Date

cc by e-mail: Judy Chapman, Planning Chief
STAFF REPORT

RZ2018-001
TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: September 29, 2017
RE: 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).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends approval of the rezone from GU-1 to RR with twelve (12) Findings of Fact in support of approval. The Department recommends approval with RR zone because it meets the Comprehensive Plan and conforms to public health, safety or welfare. Community Planning does not consider this rezone to RR to be a spot zone or a reverse spot zone.

Figure 1: Location Map
(Subject rezone parcels are shown in Red)
II. GENERAL INFORMATION

A. Purpose
To rezone approximately 17.5 acres from General Use 1 (GU-1) to Rural Residential (RR) or other appropriate zone.

B. Location
Located on Benshoof Drive and Golf Court, south of Chena Slough, east of Badger Road and north of Bradway Road.

C. PAN/Size
See Exhibit 1

D. Existing Zone
General Use 1 (GU-1)

E. Proposed Zone
Rural Residential (RR)

F. Existing Land Use
Residential (12 parcels), Vacant (4 parcels)

H. Surrounding Land Use/Zoning
North: Vacant/GU-1
South: Residential /GU-1
West: Commercial & Residential /GU-1
East: Chena Slough & Residential /GU-1

I. Zoning History
Unrestricted Use (UU) with Ord. No. 67-34, adopted on March 28, 1968.
UU to GU-1 with Ord. No. 88-010, effective on April 25, 1988

J. Non-conforming Lots
None with the RR zoning
(Source: plat #85-186)

K. Non-conforming Structures
Potentially two single-family residences and three accessory structures would be made nonconforming by the RR zoning. These structures would be eligible for grandfather rights affirmation.
(Source: FNSB GIS and 2017 Preliminary Pictometry)

J. Non-conforming Uses
None with the RR zoning
(Source: FNSB Assessing Database)

K. Comprehensive Plan Designation
Borough Area Designation: Perimeter Area
Land Category: Preferred Residential Land

L. Community Facilities
Water/sewer: Private
Electricity: GVEA

M. Code Violations
None on file
O. Flood Zone
 Lots 15-24, Block 1, Benshoof Subdivision, Phase 2: Partially in Flood Zone A
 Lots 1-6, Block 2, Benshoof Subdivision, Phase 2: Completely in Flood Zone X: Protected by Levee (Source: March 17, 2014 dFIRM)

P. Ownership
 See Exhibit 1

Q. Applicant
 Robert Dyer
 PO Box 58408
 Fairbanks, AK 99711

III. REZONE REQUEST DESCRIPTION

The subject parcels are currently zoned GU-1 (Figure 2). The applicant requests to rezone approximately 17.5 acres area of the 16 subject parcels from GU-1 to RR. 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 [FNSBC 18.40.010].”

**Figure 2: Zoning in the Surrounding Area**
(Subject rezone parcels are shown in blue hatch)

Twelve (12) of these 16 parcels are currently developed residentially and four of these 16 parcels are currently vacant (Figure 3). This rezone application includes a petition signed by the property owners of 14 parcels out of the total 16 parcels. These 14 parcels include the 12 residentially developed parcels and two vacant parcels. This petition meets the
requirements listed in FNSBC 18.104.020(A)(2) because the petition is “signed by the owner or owners of at least 51 percent of the property within the area proposed to be rezoned.”

Figure 3: Land Uses in the Surrounding Area
(Subject rezone parcels are shown in Blue)

The applicant has stated that the subject parcels “are a part of a long established residential neighborhood that has been zoned as GU-1 like most of the outskirts around the cities of Fairbanks and North Pole…. The zoning concerns of our Neighborhood began when we became aware that Marijuana Establishment Conditional Use Permits were being issued in and around residential neighborhoods with no buffer zone due to this zoning technicality.”

The applicant has further stated that “Our quiet neighborhood has banded together in this petition for rezoning as a means of seeking relief from the growing industrial presence that is being permitted in GU-1 zones even when they are adjacent to family homes.”

In FY 2017-2018 budget, Borough Assembly has waived the rezoning application fee\(^1\) “if rezoning a GU property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 or more contiguous parcels.” With this fee waiver provision in the FNSB budget, the $1,000 rezone application fee for this request was waived because this rezone encompasses approximately 17.5 acres. The rezone also encompasses 10 contiguous parcels in Block 1, Benshoof Subdivision – Phase 2 and 6 contiguous parcels in Block 2, Benshoof Subdivision – Phase 2.

\(^1\) Appendix E – User Fee Schedule, FNDB Budget, FY 2016-2017 & FY 2017-2018
IV. PUBLIC NOTICE & AGENCY COMMENTS

All public and agency comments are included in the “Agency Comments” and “Public Comments” sections following this report. Community Planning Department mailed 235 property owner notices and received five inquiries and one written comment about this rezone request. The applicant posted two public notice signs on September 12, 2017 which meets the “Notice by Applicant” requirements listed in FNSBC 18.104.010 (Exhibit 2).

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal  
b. North Star Volunteer Fire Department  
c. Alaska State Troopers  
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)  
e. FNSB Floodplain Administrator  
f. Alaska Department of Environmental Conservation (ADEC)  
g. Alaska Department of Natural Resources (ADNR)  
h. Alaska Department of Fish and Game  
i. U.S. Army Corps of Engineers  
j. Golden Valley Electric Association (GVEA)

V. STAFF ANALYSIS - FNSBC Section 18.104.020 (C)

(1) The proposed rezone conforms to the comprehensive plan.

Figure 4: Comprehensive Plan  
(Subject rezone parcels are shown in Blue)
The Comprehensive plan attributes ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations to the subject parcels (Figure 4). Perimeter Area is defined as “generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.” Preferred Residential Land is “determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

The current GU-1 zoning 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” [FNSBC 18.84.010]. The GU-1 zoning allows for most residential, commercial and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require a conditional use permit.

The ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations envision primarily residential land uses which are sensitive to the natural systems and have adequate water and sewer facilities. The proposed rezone area has already developed with residential uses. Twelve (12) of these 16 parcels are currently developed residentially and four of these 16 parcels are currently vacant.

The proposed 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” [FNSBC 18.40.010]. The existing residential uses on the subject parcels have private wells and septic systems. Additionally, the current minimum lot size requirement of 40,000 sq.ft. in the GU-1 zone will not change with the proposed RR zone. This minimum lot size requirement will ensure that any future residential uses in the proposed RR zone could adequately accommodate private residential wells and septic systems.

Community Planning supports the proposed residential zoning, RR, because it would limit development to residential type uses which would be more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations.

FNSB Comprehensive Plan goals:

**Land Use Goal 3** – To have a variety of land uses that fit the diverse needs of the community  
**Strategy 7** – Provide a variety of residential land use opportunities  
**Action A** – Designate residential areas on the Comprehensive Plan map.  
• Maintain existing residential areas that accommodate diverse lifestyles.

The rezone request from GU-1 to RR zoning would protect the character of this existing neighborhood along Benshoof Drive that has already developed with residential uses. The current GU-1 zone does not provide any regulatory protection to the existing residential character of the neighborhood because it allows for most of the commercial and industrial uses without any permits. The proposed RR zone would protect residential type uses which would be more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations.
Land Use Goal 4 – To enhance development opportunities while minimizing land use conflicts
Strategy 10 – Attract and support development that is compatible with and enhances existing land use
Action B – Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses

The current GU-1 zoning has potential for generating land use conflicts in this existing neighborhood along Benshoof Drive that has already developed with residential uses because the GU-1 zone allows for most commercial and industrial uses without any permits. Additionally, residentially developed neighborhoods that are currently zoned GU-1, do not have any buffer distance requirements for commercial marijuana establishments and sexually oriented businesses. This rezone request would allow the subject parcels to avoid potential land use conflicts and would require a 100-foot buffer from commercial marijuana establishments and a 1,000-foot buffer from sexually oriented businesses.

(2) The proposed rezone conforms to the public health, safety and welfare.

Zoning and Land Uses

Figure 2 shows that the subject parcels and all of the surrounding parcels are currently zoned GU-1. The GU-1 zoning allows for most residential, commercial and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require a conditional use permit. The current GU-1 zoning is no longer appropriate because the neighborhood has developed with residential uses. Figure 3 shows that 12 of these 16 parcels are currently developed residentially and four of these 16 parcels are currently vacant. The current GU-1 zone does not provide any regulatory protection for the existing residential character of the neighborhood because it allows for most commercial and industrial uses without any permits.

This rezone request from GU-1 to RR zoning conforms to the public health, safety and welfare because it would protect the residential character of the neighborhood along Benshoof Drive. It would promote residential type uses which are more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations. This rezone request from GU-1 to RR zoning would enable the subject parcels to avoid potential land use conflicts and would require a 100-foot buffer from commercial marijuana establishments and a 1,000-foot buffer from sexually oriented businesses.

The parcels to the west of the subject parcels are developed with a mix of commercial, residential and religious uses (Figure 3). Most of these uses have a separate access from Badger Road, a minor arterial type road. The commercial and religious uses existing to the west of the proposed rezone boundary include a heating equipment sale & repair business, a trucking business and two churches. These existing commercial and religious uses are outside the proposed rezone boundary and would remain unaffected by this rezone request from GU-1 to RR. Additionally, the applicant has stated that “the other commercial properties along Badger Road have made an effort to blend with our quiet neighborhood. The two churches have maintained quite a few of the screening trees; the Total Toyo [the heating equipment sale & repair business] specifically designed their store to have the appearance of a home so that it would blend with its residential neighbors.”
Traffic and Trip Generation

The subject parcels in the proposed rezone area are served by Benshoof Drive and Golf Court which are unmaintained local type roadways. The traffic from both Benshoof Drive and Golf Court eventually uses Badger Road, a minor arterial type road, maintained by ADOT&PF.

Figure 3 shows that 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. The rezone request is to change the existing GU-1 zoning to RR zoning which would protect the residential character of the neighborhood along Benshoof Drive. This rezone request 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.

Non-conforming Lot Size, Structure and Uses

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. All 16 subject parcels have more than 40,000 sq.ft. lot area.

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.

The current GU-1 zone does not have any setback requirements. However, the RR zone has a minimum 25-foot setback requirement from all property lines. Most of the existing single-family residences and accessory structures in the proposed rezone area appear to meet this 25-foot setback requirement; however, 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. In FY 2017-2018 budget, Borough Assembly has waived the application fee for Grandfather Rights Affirmation within one year of a rezone or code changes to setbacks or use.

Lot 2, Block 2, Benshoof Subdivision – Phase 1 (2364 Badger Road), located to the west of the proposed rezone boundary, has obtained a conditional use permit on September 8, 2017 for a marijuana cultivation facility, indoor large. If this rezone is approved, any marijuana establishment would be required to maintain a 100-foot buffer from the proposed RR zone if they did not have affirmative recognition of legal nonconforming status.

---

2 This section of this staff report includes comments from Kellen Spillman, FNSB Deputy Planning Director and Acting Transportation Planner after a review of the application materials with FNSB Planner Manish Singh.
3 The single-family residences located on Lot 23, Block 1 and Lot 5, Block 2, Benshoof Subdivision – Phase 2 appear to be within the 25-foot setback for the proposed RR zone. The accessory structures on Lot 23, Block 1 and Lot 5 & 6, Block 2 appear to be within the 25-foot setback for the proposed RR zone (Source: FNSB GIS and 2017 Preliminary Pictometry).
4 Appendix E – User Fee Schedule, FNDB Budget, FY 2016-2017 & FY 2017-2018
(grandfather rights). The marijuana cultivation building on Lot 2, Block 2, Benshoof Subdivision – Phase 1 (2364 Badger Road) is proposed to be constructed completely within this 100-foot buffer.

If a use “existed lawfully prior to the effective date” of the rezone, the nonconforming use could apply for affirmative recognition of legal nonconforming status (grandfather rights) under FNSBC 18.108. Community Planning interprets grandfather rights as requiring the use in question to have actually been in existence, legally, as of the date of the zoning change making it illegal. Therefore, the marijuana cultivation facility must have a state license, and any other approvals on which the conditional use permit was conditioned and be in operation when the RR zone goes into effect to be eligible for legal nonconforming status (grandfather rights). For grandfather rights determinations, the burden of proof is on the applicant.

As of September 18, 2017, there is a pad but this marijuana cultivation building is not constructed. This marijuana cultivation building could be constructed in a different location on the same property that would meet the required 100-foot buffer from the proposed RR zone; however, this change in site plan would require an amendment to the existing conditional use permit.

Existing Floodplains\(^5\) and Wetlands

**Figure 5: Floodplain**
(Subject rezone parcels are shown in Blue)

\(^5\) This section includes comments and feedback from Nancy Durham, FNSB Floodplain Administrator and Angela Parker, Acting FNSB Floodplain Administrator after a review of the application materials with FNSB Planner Manish Singh.
Figure 5 shows that Lots 1 through 6, Block 2, Benshoof Subdivision – Phase 2 are partially located in Floodplain ‘A’. Properties within the designated floodplain have additional requirements established by the Title 15 of the Borough code to ensure structures are safe from potential flooding. Designated floodplains in the Borough are subject to periodic inundation of floodwaters, which could cause loss of life or property, health or safety hazards. The request to rezone the subject properties from GU-1 to RR conforms the public health, safety and welfare related to floodplains because 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.

Figure 6: Wetlands
(Subject rezone parcels are shown in Blue)

Figure 6 shows that a very small portion of Lots 1 through 6, Block 2, Benshoof Subdivision – Phase 2 could potentially be located in ‘Riverine Wetlands’. The existing structures on Lots 1 through 6, Block 2 do not appear to in these wetlands. U.S. Army Corps of Engineers regulates any development in the wetlands and it would require appropriate approvals from U.S. Army Corps of Engineers irrespective of the zoning designation. The proposed RR zone has a 25-foot setback requirement from the property line on the side of the slough where the wetlands are located. The current GU-1 zone does not have any setback requirements. Therefore, the request to rezone the subject properties from GU-1 to RR

---

6 Lot 1, 2 & 6, Block 2 have obtained the required floodplain approvals from Community Planning for their single-family residences. The single-family residence and accessory structures on Lot 5, Block 2 and the accessory structures on Lot 6, Block 2 appear to be constructed in the floodplain without the required floodplain approvals from Community Planning. Lot 3 & 4 are currently vacant and are required to obtain the required floodplain approvals before they are developed.

7 Riverine wetlands are found in floodplains and riparian zones associated with stream channels. (Source: EPA Wetlands Classification)
conforms to the public health, safety and welfare related to wetlands because the existing wetlands are better protected by the RR zone.

FNSB Zoning Code has an overlay designation, Waterways Setback Designation (WS), which is intended “to promote riparian habitat, prevent erosion, minimize natural hazards and promote waterway ambiance and aesthetics (FNSBC 18.92.090).” WS Overlay helps protect public health safety and welfare if applied to properties abutting a waterway because it establishes a 25-foot setback from the ordinary high water mark. Although the WS Overlay requires the 25-foot setback from the ordinary high water mark instead of the rear property line, the ordinary high water mark is the same as their rear property line for the subject parcels abutting the Chena Slough. Community Planning did not recommend the WS Overlay for the parcels abutting the Chena Slough because the 25-foot setback requirement of the proposed RR zone would allow for the same public health safety and welfare protection that WS Overlay could offer.

(3) Spot Zone Analysis

The Alaska Supreme Court has stated that the classic definition of spot zoning is, “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.” Determining whether a rezone constitutes spot zoning depends on the facts and circumstances of each case. In Griswold v. City of Homer, 925 P.2d 1015, Alaska, 1996 the court stated it would consider the following three factors in determining the constitutionality of spot zoning:

1. The consistency of the amendment with the comprehensive plan;
2. The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and
3. The size of the area rezoned.

Community Planning does not find this rezone request to be a spot zone because of the following reasons:

(i) Consistency of the amendment with the comprehensive plan;

The Comprehensive plan attributes ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations to the subject parcels (Figure 4). The current GU-1 zoning is not consistent with the Comprehensive Plan these land use designations because the GU-1 zone “is intended for rural areas where community sewer and water systems are unavailable” [FNSBC 18.84.010]. The GU-1 zoning allows for most residential, commercial and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require a conditional use permit.

The ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations envision primarily residential land uses which are sensitive to the natural systems and have adequate water and sewer facilities. The proposed rezone area has already developed with residential uses because 12 of these 16 parcels are currently developed residentially and the remainder of the 16 parcels are currently vacant.

The proposed 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” [FNSBC 18.40.010]. The existing residential uses on the subject parcels have private wells and septic systems. Additionally, the current minimum lot size requirement of 40,000 sq.ft. in the GU-1 zone will not change with the proposed RR zone. This minimum lot size requirement will ensure that any future residential uses in the proposed RR zone could adequately accommodate private residential wells and septic systems.

The proposed residential zoning, RR, is not a spot zone because it would promote residential type uses which would be more consistent with the Comprehensive Plan ‘Perimeter Area’ and ‘Preferred Residential Land’ land use designations. 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.

(ii) The benefits and detriments of the amendment to the owners, adjacent landowners, and community;

Benefit to the Property Owner

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 with residential uses. The current GU-1 zone does not provide any regulatory protection to the existing residential character of the neighborhood.

Benefit to the Adjacent Landowner

The proposed RR zone will have no impact on the adjacent landowners because the RR zone allows only for residential type uses and the proposed rezone area has already developed with residential uses. Twelve (12) of these 16 parcels are currently developed with residential uses and the remainder of the 16 parcels are currently vacant.

Lot 2, Block 2, Benshoof Subdivision – Phase 1 (2364 Badger Road), located to the west of the proposed rezone boundary, has obtained a conditional use permit on September 8, 2017 for a marijuana cultivation facility, indoor large. If this rezone is approved, any marijuana establishment would be required to maintain a 100-foot buffer from the proposed RR zone if they did not have affirmative recognition of legal nonconforming status (grandfather rights). The marijuana cultivation building on Lot 2, Block 2, Benshoof Subdivision – Phase 1 (2364 Badger Road) is proposed to be constructed completely within this 100-foot buffer.

If a use “existed lawfully prior to the effective date” of the rezone, the nonconforming use could apply for affirmative recognition of legal nonconforming status (grandfather rights) under FNSBC 18.108. Community Planning interprets grandfather rights as requiring the use in question to have actually been in existence, legally, as of the date of the zoning change making it illegal. Therefore, the marijuana cultivation facility must have a state license, and any other approvals on which the conditional use permit was conditioned and be in operation when the RR zone goes into effect to be eligible for legal nonconforming status (grandfather rights). For grandfather rights determinations, the burden of proof is on the applicant.

As of September 18, 2017, there is a pad but this marijuana cultivation building is not constructed. This marijuana cultivation building could be constructed in a different location on the same property that would meet the required 100-foot buffer from the proposed RR
zone; however, this change in site plan would require an amendment to the existing conditional use permit.

Benefit to the Community

The borough residents have developed a land use vision for the community through the comprehensive planning process which designated this area as ‘Perimeter Area’ and ‘Preferred Residential Land’. The proposed RR zone on the subject parcels would promote residential type uses more consistent with the Comprehensive Plan land use designations, thereby benefitting the community.

(iii) The size of the area rezoned.

The total area of the proposed rezone boundary is approximately 17.5 acres. The case law does not give an exact size for making a spot zone determination and size of the property is not the only factor in the spot zone determination. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone.

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.

VI. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends APPROVAL of the rezone from GU-1 to RR.

VII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of APPROVAL of the rezone from GU-1 to RR:

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 designations. 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 designations, 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.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone of Benshoof Subdivision – Phase 2, Block 1, Lots 15-24 and Block 2, Lots 1-6 from General Use 1 (GU-1) to Rural Residential (RR), and adopt the staff report and twelve (12) Findings of Fact in support of the recommendation of approval.
<table>
<thead>
<tr>
<th>Parcel Account Number</th>
<th>Legal Description</th>
<th>Property Owners</th>
<th>Signature on Rezone Petition</th>
<th>Lot Size (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>432661</td>
<td>Lot 1, Block 2, Benshoof Subdivision – Phase 2</td>
<td>Crystal D &amp; Geoffrey L McCormick</td>
<td>Yes</td>
<td>48,249</td>
</tr>
<tr>
<td>432679</td>
<td>Lot 2, Block 2, Benshoof Subdivision – Phase 2</td>
<td>Manda N &amp; Zachary Allen Kassel</td>
<td>Yes</td>
<td>43,751</td>
</tr>
<tr>
<td>432687</td>
<td>Lot 3, Block 2, Benshoof Subdivision – Phase 2</td>
<td>Manda N &amp; Zachary Allen Kassel</td>
<td>Yes</td>
<td>42,919</td>
</tr>
<tr>
<td>432695</td>
<td>Lot 4, Block 2, Benshoof Subdivision – Phase 2</td>
<td>Geraldine C &amp; Lyman W Benshoof</td>
<td>Yes</td>
<td>42,219</td>
</tr>
<tr>
<td>432709</td>
<td>Lot 5, Block 2, Benshoof Subdivision – Phase 2</td>
<td>Geraldine C &amp; Lyman W Benshoof</td>
<td>Yes</td>
<td>41,917</td>
</tr>
<tr>
<td>432717</td>
<td>Lot 6, Block 2, Benshoof Subdivision – Phase 2</td>
<td>Lara &amp; Cyrus Freeman</td>
<td>Yes</td>
<td>69,261</td>
</tr>
<tr>
<td>432563</td>
<td>Lot 15, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Alling Padgett Family Trust</td>
<td>No</td>
<td>52,100</td>
</tr>
<tr>
<td>432571</td>
<td>Lot 16, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Leo J Jr &amp; Sue Ann Valdrow</td>
<td>Yes</td>
<td>44,094</td>
</tr>
<tr>
<td>432580</td>
<td>Lot 17, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Robert E &amp; Christa R Dyer</td>
<td>Yes</td>
<td>47,800</td>
</tr>
<tr>
<td>562441</td>
<td>Lot 18, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Maxwell William and Lois Revocable Family Trust</td>
<td>Yes</td>
<td>47,217</td>
</tr>
<tr>
<td>432601</td>
<td>Lot 19, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Maxwell William and Lois Revocable Family Trust</td>
<td>Yes</td>
<td>46,760</td>
</tr>
<tr>
<td>432610</td>
<td>Lot 20, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Daryll K &amp; Alline Acorda</td>
<td>Yes</td>
<td>42,286</td>
</tr>
<tr>
<td>432628</td>
<td>Lot 21, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Ildefonso Rodriguez</td>
<td>Yes</td>
<td>40,788</td>
</tr>
<tr>
<td>432636</td>
<td>Lot 22, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Alling Padgett Family Trust</td>
<td>No</td>
<td>41,503</td>
</tr>
<tr>
<td>432644</td>
<td>Lot 23, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Austin J &amp; Marchelle A Somaduroff</td>
<td>Yes</td>
<td>63,353</td>
</tr>
<tr>
<td>432652</td>
<td>Lot 24, Block 1, Benshoof Subdivision – Phase 2</td>
<td>Mark Edward Gutschinsky</td>
<td>Yes</td>
<td>47,973</td>
</tr>
</tbody>
</table>

**Total Area**  
762,190 sq.ft. (17.497 acres)
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA  

FOURTH JUDICIAL DISTRICT  

1. Robert Dyer, being first duly sworn, depose and declare that:

   1. I have submitted an application identified as PZ 2018-001.

   2. I have posted and will maintain public notice sign # F E H in accordance with the following provisions:

      a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
      b. Sign is clearly visible from streets and roads.
      c. Sign will be maintained free of snow or other materials which impede readability.
      d. Sign is posted between an elevation of 2' and 8' above ground level and no further than 50' from the edge of the road to further ensure readability from streets.
      e. Sign was posted on 9/20/2017 (date) and complies with posting requirements of 20 days prior to the public hearing date.
      f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

   3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.

   4. This document is null and void when necessary action has been completed as provided in Item #2 f.

   Signature

   Robert Dyer

   North Pole, AK 99705

   (Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 13th day of September, 2017

Andrea M. Padilla
Notary Public in and for Alaska

Notary Public
ANDREA M. PADILLA
State of Alaska
My Commission Expires Feb. 18, 2020

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
Benshoof Drive, looking east toward Lot 24, Block 1, Benshoof Subdivision – Phase 2 (1311 Benshoof Dr)

Public Hearing Sign # 1 posted on Benshoof Drive
Looking west from Benshoof Dr, toward Lot 22, Block 1, Benshoof Subdivision – Phase 2

Looking southeast from Benshoof Dr toward Lot 16, Block 1, Benshoof Subdivision – Phase 2
Public Hearing Sign # 2 posted at Benshoof Drive & Golf Ct Intersection

Looking southeast from Benshoof Dr toward Lot 6, Block 2, Benshoof Subdivision – Phase 2
Gold Ct, looking west toward the existing single-family houses on Golf Ct

Benshoof Dr, looking toward Bradway Rd
Existing Pad at Lot 2, Block 1, Benshoof Subdivision – Phase 1 (2364 Badger Rd)

Existing Church at Lot 4, Block 1, Benshoof Subdivision – Phase 1 (2376 Badger Rd)
Existing Trucking Business at Lot 5-6, Block 1, Benshoof Subdivision – Phase 1 (2380 Badger Rd)

Existing Total Toyo Business at Lot 1, Block 1, Benshoof Subdivision – Phase 1 (1281 Benshoof Dr)
Agency Comments

RZ2018-001
Manish Singh

From: Nancy Durham
Sent: Tuesday, September 05, 2017 8:24 AM
To: Manish Singh
Subject: RE: RZ2018-001: Requesting Comments for Rezone Application on Benshoof Drive and Golf Court

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

Lots 1-6, Block 2, Benshoof Property 2 is located in Flood Zone A. Any development on these lots will require a Floodplain Permit and have to meet FNSBC Title 15 Floodplain Management Regulations.

Sincerely,

Nancy Durham, MURP, CFM
Flood Plain Administrator
FNSB Community Planning
ndurham@fnsb.us
(907) 459-1263

**Any property can flood even if it is not in a Special Flood Hazard Area. Flood insurance is recommended.

FYI: The new Fee Schedule from July 1, 2017 to June 30, 2018: Floodplain Permits will remain “No Charge”. Hard copies of Title 15 Floodplain Management Regulations will remain $10.00. All formal Flood Determination Letters on letterhead which include flood zones, base flood elevations, conversion letters, community determined letters, etc. will have a $50.00 fee.


From: Manish Singh
Sent: Friday, September 01, 2017 10:40 AM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; djana.parks@alaska.gov; randi.motsko@alaska.gov; George.horton@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; james.durst@alaska.gov; Dps.ast.directors.office@alaska.gov; jk Karl@gvea.com; Nancy Durham; dkuhnert@northstarfire.org
Subject: RZ2018-001: Requesting Comments for Rezone Application on Benshoof Drive and Golf Court

Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering RZ2018-001, a request 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). This rezone application has been scheduled for a Planning Commission meeting on October 10, 2017.

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 15, 2017. If you have any questions regarding this proposal, please contact me at (907) 459 1225 or m singh@fnsb.us.
Manish Singh

From: George Stefan
Sent: Tuesday, September 26, 2017 9:28 AM
To: Manish Singh
Subject: RE: Plan # 85-186 Ordinary High Water Mark vs Property Line

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

Benshoof Subdivision Phase 2, Plat 85-186, created lots that front the 30-Mile Slough. Therefore, their true property boundary is the OHW line of the slough. This is based on the fact that one of the parent parcels, from what the subdivision was created, is Gov’t Lot 5 (Sec 20, T1S R2E). Gov’t Lot 5, per the attached GLO plat, has one boundary along 30-Mile Slough. In other words, the property fronts the slough, which forms its true boundary.

Plat 85-186 also shows a rough graphic depiction of the slough boundary, which is coincident with the majority of the lots created by the plat.

Finally, the Pedestrian Easement note on the plat indicates that by the plat a 10ft pedestrian easement was reserved along the ordinary high water mark of 30 Mile Slough.

Although not expressly stated as a plat note, the bearings and distances along the slough are for computational purposes only, with the OHW line being the true property boundary. A meanderable body of water causes the property fronting it to have a lot area that can vary over time.

------Original Appointment-----
From: Manish Singh
Sent: Monday, September 25, 2017 5:43 PM
To: Manish Singh; George Stefan
Subject: Plan # 85-186 Ordinary High Water Mark vs Property Line

George Stefan
Platting Officer
FNSB Community Planning
gstefan@fnsb.us
907-459-1258
907-205-5169 (fax)
Public Comments

RZ2018-001
PROPERTY DESCRIPTION: CRANBERRY ESTATE, LOT: 02A
Burk Jennifer
2320 Bradway Rd
North Pole, AK 99705 5502
Dear Property Owner:

The Fairbanks North Star Borough Planning Commission is considering RZ2018-001, a request to rezone approximately 17.5 acres from General Use 1 (GU-1) to Rural Residential (RR). The subject properties are located on Benshoof Drive and Golf Court, south of Chena Slough, east of Badger Road and north of Bradway Road (see included map).

You are being notified as required by ordinance because your property is within 2,000 feet of the request. You may provide comments on this application by returning this notice prior to the meeting or by testifying in person.

A public hearing on this request will be held at or after **6:00 pm, Tuesday, October 10, 2017**, at the Juanita Helms Administrative Center, Mona Lisa Drexler Assembly Chambers, 907 Terminal Street, Fairbanks.

For more information, please email [planning@fnsb.us](mailto:planning@fnsb.us) or contact Manish Singh at 459-1260. The staff report to the commission will be available online at [www.fnsb.us/Boards/Pages/Planning-Commission.aspx](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) a minimum of five days before the hearing.

---

Property Owner:  

Address or Lot/Block/Sub: 2320 Bradway Pl.

Comments: **If this encumbers existing owners' rights to use their land per GU-1 then I say no. It is a tactic to an end. Existing or "planned" use should not be affected.**

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).

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
Manish Singh

From: Manish Singh  
Sent: Wednesday, August 23, 2017 3:26 PM  
To: 'Amy'  
Subject: RE: Rezone application RZ2018-001

Hello Amy,

Thank you for your email. Mr. Robert Dyer has applied for this rezone application and he has not currently included your property in his application. In order to be included in the rezone application, RZ2018-001, Mr. Dyer must include your property in his application and then, provide your written consent if required by FNSB 18.104.020(A)(2).

Mr. Dyer can be contacted on (907) 978-9156 or via email at crh77@hotmail.com.

Thanks,
Manish

Manish Singh
Planner II
Department of Community Planning
907-459-1225 / msingh@fnsb.us

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701

From: Amy [mailto:korhonens2002@yahoo.com]  
Sent: Wednesday, August 23, 2017 11:52 AM  
To: Manish Singh  
Subject: Rezone application RZ2018-001

Manish,
Hello, we have received notice from the Benshoof Subdivision of their application to rezone their property from GU-1 to RR.

Our property is located at 2455 Bradway Rd and we are interested in joining this application to change our zone from GU-1 to RR as well.

Please let me know what you need from us in order to proceed.

Thank you,
Amy and Eric Korhonen
<table>
<thead>
<tr>
<th>Date/Time</th>
<th>Name</th>
<th>Phone No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/23/17</td>
<td>Krista Dyer</td>
<td>318-0144</td>
<td>Requested if she could add 2455 Broadway in the application. Manish explained she could legally, however, it is not adjacent to the existing zone boundary.</td>
</tr>
<tr>
<td>08/22/17</td>
<td>Ms. Acorda</td>
<td>—</td>
<td>Called to check what she needs to do on the application, Manish informed the parcel property has already been included in the zone boundary; she can provide signature.</td>
</tr>
<tr>
<td>09/22/17</td>
<td>Aline</td>
<td>703-912-5763</td>
<td>Inquired about this case, difference in GV-1 &amp; RR.</td>
</tr>
<tr>
<td>09/28/17</td>
<td>Luke</td>
<td>590-1047</td>
<td>Does this zone affect this property which is not in the zone area?</td>
</tr>
</tbody>
</table>

Planning Commission

October 10, 2017
Application Material Received on
August 11, 2017

RZ2018-001
Fairbanks North Star Borough
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260  Fax: (907) 459-1255
planning@fnsb.us

REZONE APPLICATION  □ REZONE
File No.  PZ2018-001  □ REZONE WITH SPECIAL LIMITATIONS

FEES:  □ $1,000 rezone application**  □ $200 sign deposit (check or cash only)
       Fee waived:
       Fee waived if rezoning a split zone parcel or rezoning a GU property to an appropriate residential zone if the rezone
       encompasses at least 13 acres or 5 more contiguous lots

Applicant:
Contact Name: Robert Dyer
Business Name: N/A
Mailing Address: PO Box 58408
City, State Zip: Fairbanks, AK 99711
Phone: n/a              Cell: 907-978-9156
E-mail: crh77@hotmail.com

Property Owner:
Name: Robert Dyer
Mailing Address: PO Box 58408
City, State Zip: Fairbanks, AK 99711
Phone: n/a
E-mail: crh77@hotmail.com

Property Information:
Property Description: Benshoof Subdivision - Phase 2 North
Street Address: See attached list
Size: See attached list Acres
Parcel Account Numbers (PAN): See attached list
Existing Use: Rural Residential
Existing Zone: GU-1
Proposed Zone: RR - Rural Residential

I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: [Signature]          DATE: 11/08/17

OWNER SIGNATURE (if different): [Signature]          DATE: 11/08/17

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.040(B).

Dalma Cander for Lot 10, Block 1, Benshoof phase 2 has signed but not included in this rezone.
ReZone Application Narrative

1. Below is a detailed written narrative that addresses the following criteria set forth in 18.104.020:

☐ Explain why the existing zone is unsatisfactory and state the reasons for requesting the rezoning. Discuss the advantages of rezoning the property.

We are a part of a long established residential neighborhood that has been zoned as GU-1 like most of the outskirts around the cities of Fairbanks and North Pole. Most of the people in our neighborhood have been long-time residents. This Benshoof Subdivision was governed by covenants until they recently expired. These covenants were intentionally designed to mirror the requirements of RR - Rural Residential Zoning requirements so this requested change of zoning will have minimal impact on our neighborhood as it was designed to follow this zoning template.

The zoning concerns of our Neighborhood began when we became aware that Marijuana Establishment Conditional Use Permits were being issued in and around residential neighborhoods with no buffer zone due to this zoning technicality.

While we are not disputing the legalization of marijuana or the legitimacy of the associated business, we do not want this type of establishment literally in our backyards. It does not fit with the family environment of our community. The current GU-1 zoning allows for no buffer zone to protect the small children in our neighborhood from industrial facilities which are allowed to build tight to the lot lines. Our only recourse is to seek a rezone to RR which may afford us a 100ft buffer zone between the children's swing set and this adult-oriented business.

The other commercial properties along Badger Road have made an effort to blend with our quiet neighborhood. The two churches have maintained quite a few of the screening trees, and Total Toyo specifically designed their store to have the appearance of a home so that it would blend with its the residential neighbors.

Our quiet neighborhood has banded together in this petition for rezoning as a means of seeking relief from the growing industrial presence that is being permitted in GU-1 zones even when they are adjacent to family homes. We do not want further industrial development and traffic within our residential community.

☐ Explain how the proposed rezone conforms to the FNSB Regional Comprehensive Plan and/or the North Pole Land Use Plan. Please review the Plan goals, strategies and actions that would be furthered by the proposed rezone and to include them in the narrative.

This rezone request is congruent with the FNSB Regional Comprehensive Plan. Key aspects of this compliance are outlined below:

Land Use Goals are met by creating a line of separation between residential lots and general use lots. This segregation allows for more commercial development along Badger Road while preventing it from causing conflict when imbedded in a residential neighborhood where it would not be compatible with the surrounding development.

Economic Development Goals are not negatively impacted by this rezoning petition. This request involves only residential lots which are setback from main streets and are not prime locations for commercial properties. The properties along Badger Road, the arterial roadway in this area, are not involved in this rezone request and will remain zoned as GU-1 so that they can be used for future economic development that is compatible with neighboring residential areas.
ReZone Application Narrative

Transportation and Infrastructure Goals are not impacted by this rezone request.

Environmental Goals are met by this request to rezone the neighborhood by encouraging limited residential use of the land along the Chena Slough. Rural Residential land use involves smaller septic systems than commercial/industrial facilities and therefore are less taxing on the natural soil filtration near the waterway. Additionally, well maintained residential neighborhoods such as this one produce less industrial pollution and require less regulation than commercial/industrial uses. By rezoning this neighborhood to Rural Residential, it encourages development along Badger Road while the RR zones provide a buffer along The Slough.

Community and Human Resources are not impacted by rezoning of this residential neighborhood.

☐ Explain how the proposed rezone will protect the public health, safety and welfare, including protection from the impacts of traffic, noise, screening/buffering, etc.

Officially updating the Zoning classification of our residential neighborhood will ensure that the land use remains as it is currently being used. The lot sizes are already established to meet the Rural Residential zoning requirements. The people who call this neighborhood home are in full agreement with this rezoning petition as evidenced by the signatures on the petition included with this application.

The house on Lot 20, Block 01 has been vacant for some time but our research for this application indicates that it may have just sold at the beginning of this summer. We are working to obtain contact information for this Owner, but it does not appear that a rezone will have any impact to this property since it was constructed under the same subdivision covenants as the other dwellings in the neighborhood.

Lot 15 & 22 of Block 01 are currently vacant lots which appear to be held in trust per the tax records available on the FNSB website. It is our understanding that they are affiliated with the home builder who constructed the majority of the houses in this neighborhood. Rural residential development seems to be his specialty so this change in zoning is not anticipated to negatively impact the future use of the properties. Instead it will ensure that future homeowners will have a quiet neighborhood to call home.
Planning Commission

October 10, 2017

Ben'school Subdivision - Phase 2 North

Rezone Application - Property Information Details
REZONE PETITION FORM

WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE

REZONING OF ________________________________ ZONE
FROM ________________________________ ZONE.
TO ________________________________ ZONE.

ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

Signature
Crystal McCormick
Property Description (Subdivision, Lot & Block)
Benshoof Subdivision Phase 2
Lot 1
Mailing Address
1302 Benshoof Dr. North Pole
Printed Name
Crystal McCormick
Property Description (Subdivision, Lot & Block)
Benshoof Subdivision Phase 2
Lot 23
Mailing Address
Box 54444 N. Pole 99705
Printed Name
Manda Kassel
Property Description (Subdivision, Lot & Block)
Benshoof Subdivision Phase 2
Lot 23
Mailing Address
Marchelle Samadraff
Printed Name
Marchelle Samadraff
Property Description (Subdivision, Lot & Block)
Benshoof Subdivision Phase 2
Lot 21
Mailing Address
6047 Old Glenn Hwy Ste B 
North Pole, AK 99709
Printed Name
Ildesno Rodriguez
Property Description (Subdivision, Lot & Block)
1336 Benshoof Dr
NORTH POLE, AK 99707
Printed Name
Lyman Benshoof
Property Description (Subdivision, Lot & Block)
Benshoof Subdivision Phase 2
Lot 16 Block 1
Mailing Address
2447 Golf C North Pole, AK
Printed Name
Sue A Valdrow
REZONE PETITION FORM
WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE
REZONING OF
FROM ________________ ZONE
TO ________________ ZONE.
ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

Signature  
Printed Name  
Property Description (Subdivision, Lot & Block)

Signature  
Printed Name  
Property Description (Subdivision, Lot & Block)

Signature  
Printed Name  
Property Description (Subdivision, Lot & Block)

Signature  
Printed Name  
Property Description (Subdivision, Lot & Block)

Signature  
Printed Name  
Property Description (Subdivision, Lot & Block)

Signature  
Printed Name  
Property Description (Subdivision, Lot & Block)
Application Material Received on
August 25, 2017

RZ2018-001
REZONE PETITION FORM
WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE
REZONING OF ____________________________
FROM G.U.L ____________________________ ZONE
TO P.E. ____________________________ ZONE.
ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

Signature

Printed Name

Lot 20 Block 4 Renoos Hoof Property daryll.acorda@outlook.com
Property Description (Subdivision, Lot & Block) Mailing Address

Signature

Printed Name

DARYLL KEITH ACORDA

LOT 20 BLOCK 4 RENOS HOOF PROPERTY
Property Description (Subdivision, Lot & Block) Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block) Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block) Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block) Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block) Mailing Address

Comm. Planning Dept.

AUG 25 2017

RECEIVED

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law. Revised 4/21/2017

Planning Commission 127 October 10, 2017
DEAR PROPERTY OWNER

“INTERESTED PERSONS”

RZ2018-001
STALEY ESTATES 2, LOT: 18
Klumb Yolanda
PO BOX 35083
Ft Wainwright, AK 99703

ARCHIC ACRES 2, LOT: 07
Kollmeyer Jerry G
Kollmeyer Aurelee I
2401 Walnut St
New Castle, IN 47362

RAINBOW GRAYLIN1, BLOCK: 02, LOT: 18-B
Korhonen Eric A
Korhonen Amy B
2455 Bradway Rd
North Pole, AK 99705

GREER, LOT: 42
Kramer Randall C
Kramer Russ
PO BOX 55442
North Pole, AK 99705

MILTON ESTATES 1, BLOCK: 05, LOT: 04
Larson Randy
Larson Susan
PO BOX 56678
North Pole, AK 99705

1S 2E, SEC: 20, TAXLOT: 2018
Lee Frank C Jr
Lee Kathy
244 Bentley Dr
Fairbanks, AK 99701

MILTON ESTATES 2, BLOCK: 06, LOT: 03
Micket Peter J
1295 Aloha St
North Pole, AK 99705

1S 2E, SEC: 19, TAXLOT: 1920
Mellard Mark L
Mellard Kelly J
PO BOX 56530
North Pole, AK 99705

1S 2E, SEC: 19, TAXLOT: 07E&
Mellard Mark
Mellard Kelly
PO BOX 56530
North Pole, AK 99705

MOBILE HOME, LOT: D2568
Mce Neal Curtis B
1347 Leslie St
North Pole, AK 99705

1S 2E, SEC: 20, TAXLOT: 2010
Mellard Mark
PO BOX 56530
North Pole, AK 99705

MILLTON ESTATES 3, LOT: 02
Maines Michael T
PO BOX 56832
North Pole, AK 99705

STALEY ESTATES, BLOCK: B, LOT: 06
Mandella Donna D
Mandella Jody M
2380 Staley Ave
North Pole, AK 99705

BENSHOOF PHASE 3, BLOCK: 02, LOT: 13
Lobland Brad A
1400 Benshoof Dr
North Pole, AK 99705

BENSHOOF PHASE 3, BLOCK: 03, LOT: 02
Lobland Clark A
PO BOX 55276
North Pole, AK 99705

ARCTIC ESTATES, LOT: 25
Maines Michael T
PO BOX 56832
North Pole, AK 99705

BENSHOOF PHASE 3, BLOCK: 03, LOT: 04
Lobland Clark
PO BOX 55276
North Pole, AK 99705

BENSHOOF PHASE 2, BLOCK: 01, LOT: 11
Lutrell Ronald F
Lutrell Carey G
3735 Helensdale Ave
North Pole, AK 99705

STALEY ESTATES, BLOCK: B, LOT: 06
Mandella Donna D
Mandella Jody M
2380 Staley Ave
North Pole, AK 99705

ARCTIC ACRES 3, LOT: 03
Marshall Mark Adlai
2316 Dassel Cir
North Pole, AK 99705

GREER, LOT: 37
Martin Jamie E
Martin Vincent
PO BOX 58580
Fairbanks, AK 99711

BENSHOOF PHASE 2, BLOCK: 01, LOT: UMB01
Maxwell William and Lois
Revocable Family Trust
4857 Amarosa Heights Apt 104
Colorado Spgs, CO 80920

BENSHOOF PHASE 2, BLOCK: 02, LOT: 01
McCormick Geoffrey L
McCormick Crystal D
1302 Benshoof Dr
North Pole, AK 99705

BADGER PARK, BLOCK: 02, LOT: 06
Mcelroy John
Mcelroy Lorn A
80 Laying Up Ct
Las Vegas, NV 89148

GREER, LOT: 59
McLeod Kenneth A
2441 Topeka Dr
North Pole, AK 99705

MOBILE HOME, LOT: D2568
Mce Neal Curtis B
1347 Leslie St
North Pole, AK 99705

1S 2E, SEC: 19, TAXLOT: 1920
Mellard Mark L
Mellard Kelly J
PO BOX 56530
North Pole, AK 99705

1S 2E, SEC: 19, TAXLOT: 07E&
Mellard Mark
Mellard Kelly
PO BOX 56530
North Pole, AK 99705

MILTON ESTATES 4, LOT: B
Melson Jackie M
PO BOX 73480
Fairbanks, AK 99707

MILTON ESTATES 2, BLOCK: 06, LOT: 03
Micket Peter J
1295 Aloha St
North Pole, AK 99705

Planning Commission 135 October 10, 2017
<table>
<thead>
<tr>
<th>Lot Block</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREER, LOT: 40</td>
<td>Millard Phillip E</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Millard Amanda R</td>
<td>2460 Topeka Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 02, LOT: 10</td>
<td>Montini Douglas P</td>
<td>Fairbanks</td>
<td>AK</td>
<td>99711</td>
</tr>
<tr>
<td>Montini Tiffany A</td>
<td>PO BOX 58073</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAINBOW GRAYLIN1, BLOCK: 01, LOT: 13</td>
<td>Mowery Benjamin</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>1856 Jessica Loop</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GREIMANN PROPERT, LOT: 01 &amp;</td>
<td>New Hope Methodist Presbyterian Church</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>2371 Broadway Rd</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRENSHOOF PHASE 2, BLOCK: 02, LOT: 11</td>
<td>Miller Andrea</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Thomas Kristen</td>
<td>1390 Benshoof Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 01, LOT: 16</td>
<td>Moore Jimmy L Jr</td>
<td>Fairbanks</td>
<td>AK</td>
<td>99711</td>
</tr>
<tr>
<td>Moore Carrie A</td>
<td>PO BOX 58193</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STONEMAN, LOT: 03B</td>
<td>Nachtrieb Darin</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>2554 Shavano Ln</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAINBOW GRAYLIN1, BLOCK: 01, LOT: 12</td>
<td>Reiland John J</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Reiland Christine S</td>
<td>725 Hickory St</td>
<td>Great Falls</td>
<td>MT</td>
<td>59405</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 02, LOT: 09</td>
<td>Minke Rodney A</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Busch Minke Renee L</td>
<td>1490 Itta Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 01, LOT: 10</td>
<td>Montini Douglas P</td>
<td>Fairbanks</td>
<td>AK</td>
<td>99711</td>
</tr>
<tr>
<td>Montini Tiffany A</td>
<td>PO BOX 58073</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAINBOW GRAYLIN1, BLOCK: 01, LOT: 13</td>
<td>Mowery Benjamin</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>1856 Jessica Loop</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GREIMANN PROPERT, LOT: 01 &amp;</td>
<td>New Hope Methodist Presbyterian Church</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>2371 Broadway Rd</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRENSHOOF PHASE 2, BLOCK: 02, LOT: 11</td>
<td>Miller Andrea</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Thomas Kristen</td>
<td>1390 Benshoof Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 01, LOT: 16</td>
<td>Moore Jimmy L Jr</td>
<td>Fairbanks</td>
<td>AK</td>
<td>99711</td>
</tr>
<tr>
<td>Moore Carrie A</td>
<td>PO BOX 58193</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STONEMAN, LOT: 03B</td>
<td>Nachtrieb Darin</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>2554 Shavano Ln</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAINBOW GRAYLIN1, BLOCK: 01, LOT: 12</td>
<td>Reiland John J</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Reiland Christine S</td>
<td>725 Hickory St</td>
<td>Great Falls</td>
<td>MT</td>
<td>59405</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 02, LOT: 09</td>
<td>Minke Rodney A</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Busch Minke Renee L</td>
<td>1490 Itta Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 01, LOT: 10</td>
<td>Montini Douglas P</td>
<td>Fairbanks</td>
<td>AK</td>
<td>99711</td>
</tr>
<tr>
<td>Montini Tiffany A</td>
<td>PO BOX 58073</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAINBOW GRAYLIN1, BLOCK: 01, LOT: 13</td>
<td>Mowery Benjamin</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>1856 Jessica Loop</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GREIMANN PROPERT, LOT: 01 &amp;</td>
<td>New Hope Methodist Presbyterian Church</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>2371 Broadway Rd</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRENSHOOF PHASE 2, BLOCK: 02, LOT: 11</td>
<td>Miller Andrea</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Thomas Kristen</td>
<td>1390 Benshoof Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 01, LOT: 16</td>
<td>Moore Jimmy L Jr</td>
<td>Fairbanks</td>
<td>AK</td>
<td>99711</td>
</tr>
<tr>
<td>Moore Carrie A</td>
<td>PO BOX 58193</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STONEMAN, LOT: 03B</td>
<td>Nachtrieb Darin</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>2554 Shavano Ln</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAINBOW GRAYLIN1, BLOCK: 01, LOT: 12</td>
<td>Reiland John J</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Reiland Christine S</td>
<td>725 Hickory St</td>
<td>Great Falls</td>
<td>MT</td>
<td>59405</td>
</tr>
<tr>
<td>RAINBOW GRAYLIN2, BLOCK: 02, LOT: 09</td>
<td>Minke Rodney A</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
<tr>
<td>Busch Minke Renee L</td>
<td>1490 Itta Dr</td>
<td>North Pole</td>
<td>AK</td>
<td>99705</td>
</tr>
</tbody>
</table>
BENSCHOOF PROPER1, BLOCK: 01, LOT: 06
Two Hands Enterprises Llc
PO BOX 56954
North Pole, AK 99705

GREER, LOT: 48
Tritle James R
Tritle Angela C
1170 Salina St
North Pole, AK 99705

STALEY ESTATES, BLOCK: B, LOT: 09
Vincent Xavier W
Odom Amanda M
2350 Staley Ave
North Pole, AK 99705

BENSCHOOF PROPER1, BLOCK: 01, LOT: 12
Uzueta Lona
1392 Benshoof Dr
North Pole, AK 99705

STALEY ESTATES, BLOCK: A, LOT: 05
Ward Reed T
Ward Amanda D
1390 Ric Dr
North Pole, AK 99705

GREER, LOT: 51
Wade Blake T
PO BOX 58503
Fairbanks, AK 99711

BENSCHOOF PHASE 2, BLOCK: 01, LOT: 16
Valdrow Leo J Jr
Valdrow Sue Ann
2447 Golf Ct
North Pole, AK 99705

ARCTIC ESTATES, LOT: 16
Waite David F
Waite Carmella J
2289 Ptarmigan Way
North Pole, AK 99705

GREER, LOT: 46
Warner Ronald Lee II
1503 Eielson St
Fairbanks, AK 99701

BADGER PARK, BLOCK: 02, LOT: 02
Waters Jennifer
Waters Leamon J
2354 Badger Rd
North Pole, AK 99705

BADGER PARK, BLOCK: 02, LOT: 03A
Waters Leamon J
Grimes Waters Jennifer L
2354 Badger Rd
North Pole, AK 99705

GREER, LOT: 35
Weikert Lee D
Weikert Lisa M
5341 Little Tree St
Anchorage, AK 99507

GREER, LOT: 28
White Charles B
PO BOX 58665
Fairbanks, AK 99711

STALEY ESTATES, BLOCK: A, LOT: 07
Williams Alon Keith
Williams Georgia E
1420 Ric Dr
North Pole, AK 99705

Greer, Lot: 36
Wilson Lance M
Wilson Kelsey L
PO BOX 56086
North Pole, AK 99705

STALEY ESTATES, BLOCK: A, LOT: 16
Wongkritwit Buncha
2345 Staley Ave
North Pole, AK 99705

ARCTIC ESTATES, LOT: 29
Wiliis Lynn C
10140 Hillcrest Ln
Eagle River, AK 99577

STALEY ESTATES, BLOCK: A, LOT: 19
Wiliis Mark H
PO BOX 55406
North Pole, AK 99705

GREER, LOT: 19
Wilson Jerry
Wilson Donna
PO BOX 55371
North Pole, AK 99705

STALEY ESTATES, BLOCK: A, LOT: 14A
Zoschak Robert G
Zoschak Maria E
PO BOX 58466
Fairbanks, AK 99711

LYMAN BENSCHOOF P, LOT: 01
Wipf Jacob A
2536 Stoneman Ln
North Pole, AK 99705

ARCTIC ESTATES, LOT: 08
Wilterding Harvey O
2278 Weasel Ct
North Pole, AK 99705

BENSCHOOF PROPER1, BLOCK: 01, LOT: 04
World Wide Missionary
Outreach Inc
1403 B Lacey St
Fairbanks, AK 99701

MILTON ESTATES 1, BLOCK: 04, LOT: 02
Woodward Family Trust
PO BOX 55015
North Pole, AK 99705

Planning Commission

138

October 10, 2017
STAFF REPORT

RZ2018-002
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

RZ2018-002
October 10, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: September 29, 2017

RE: 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).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends approval of the rezone from General Use 1 (GU-1) to Multiple-Family Residential/Professional Office with a 25 foot Waterways Setback Designation overlay (MFO/WS) with seven (7) Findings of Fact in support of approval. The Department recommends approval of the MFO and WS overlay zone because it meets the Comprehensive Plan and conforms to public health, safety or welfare. Community Planning does not consider this rezone to MFO to be a spot zone or a reverse spot zone.

II. GENERAL INFORMATION

A. Purpose

To request a rezone of approximately 12,597 acres of vacant land from GU-1 to MFO/WS or other appropriate zone

B. Location

West and south side of Chena Landings Loop Road, south of Phillips Field Road, north of the Chena River

C. PAN/Size

<table>
<thead>
<tr>
<th>PAN</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0512176</td>
<td>264,931.9 sq. ft.</td>
</tr>
<tr>
<td>0512168</td>
<td>283,793.4 sq. ft.</td>
</tr>
<tr>
<td>Total</td>
<td>548,725.3 sq. ft (12.597 ac.)</td>
</tr>
</tbody>
</table>

D. Existing Zone

General Use 1 (GU-1)
E. Proposed Zone  
Multiple-Family Residential/Professional Office with a 25 foot Waterways Setback Designation overlay (MFO/WS)

F. Existing Land Use  
Vacant land

H. Surrounding Land Use/Zoning  
North: Commercial/GU-1  
South: Chena River, Pioneer Park/OR  
West: Vacant, Commercial/GU-1  
East: Chena River, Carlson Center/OR

I. Zoning History  
Unrestricted Use (UU) with the adoption of FNSB Ord. No. 67-34 on March 28, 1968.  
UU to General Use 1 (GU-1) with Ord. No. 88-010, effective on April 25, 1988

J. Non-conforming Structures, Uses  
None

K. Comprehensive Plan Designation  
Urban Area

L. Community Facilities  
Water/sewer: Golden Heart Utilities  
Electricity: GVEA

M. Code Violations  
None listed/known

N. Soils  
Urban Land

O. Flood Zone  
Tract 4: X: Protected by Levee (93%), Floodway (7%) (March 17, 2014 dFIRM)  
Tract 5: X: Protected by Levee (86%), Floodway (12%), AH (2%) (March 17, 2014 dFIRM)

P. Ownership  
Alaska Railroad Corporation  
PO Box 107500  
Anchorage, AK 99510

Q. Applicant  
Northland Surveying & Consulting LLC  
326 Driveway Street  
Fairbanks, AK 99701

III. REZONE REQUEST DESCRIPTION

The subject parcels, Tracts 4 and 5 of Chena Landings Subdivision are currently zoned General Use 1 (GU-1) (Figure 1). The adoption of Ordinance No. 67-34 on March 28, 1968 first established zoning on the subject parcel in the Unrestricted Use (UU) zone. The UU
zone was rezoned to the GU-1 zone with the adoption of Ordinance No. 88-010 on April 19, 1988.

**Figure 1: Zoning in the Surrounding Area**
(Subject rezone parcel shown in blue)

![Zoning Map](image)

The property owner has requested to rezone approximately 12.597 acres from GU-1 to Multiple-Family Residential/Professional Office with a 25 foot Waterways Setback Designation overlay (MFO/WS). Much of the surrounding area to the west is vacant. A hotel has been developed across Chena Landings Loop Road from the subject parcels. Some of the property across the Chena River to the south and east is owned by the Fairbanks North Star Borough, including the Carlson Center and Pioneer Park (Figure 2).
The parcels are currently vacant. Both parcels are owned by the Alaska Railroad Corporation and were created with the plat for Chena Landings Subdivision on March 17, 2000 (Exhibit 1). This plat includes a 20 foot PUE/non-motorized trail easement along Chena Landings Loop Road on Tracts 4 and 5. This provides a pedestrian access from Phillips Field Road. Tract 4 also has a 10 foot PUE/non-motorized trail easement along its west boundary to allow access to a pedestrian bridge that crosses the Chena River. The current application to rezone these parcels will not affect these easements.
The intent of the MFO zone is for “a combination of very high density residential, quasi-residential, and nonresidential development that maintains the high density residential and nonresidential nature of this district. This district is intended for areas where community sewer and water systems are available” (FNSBC 18.56.010). All uses that are permitted in the MFO zone are already allowed under the current GU-1 zoning. The MFO zone would decrease the minimum required lot size from 40,000 square feet in the GU-1 zone to 5,000 square feet for a single-family residence, 7,500 square feet for a duplex, and 1,500 square feet per dwelling unit for multiple-family attached dwellings (triplexes and above). The GU-1
zone does not have minimum required setbacks and the MFO zone would establish a 20 foot front and rear-yard setback and 10 foot side-yard setbacks.

The applicant has also proposed a 25 foot Waterways Setback Designation overlay (WS), which would increase the setback to 25 feet along the Chena River except for permitted uses such as docks, decks, and boat launches. The WS overlay zone provides regulation and is “intended to protect the banks of rivers, sloughs and waterways in the developed areas of the borough and to restrict structural development in the Chena River floodway and flood hazard areas.” (FNSBC 18.92.090). The WS overlay would encompass the floodway and flood hazard areas on the parcels. In addition to the permitted uses, trails, roads, bridges, boat houses, bike paths, banks stabilization, and utilities are conditional uses in the WS overlay.

The applicant states that “General Use zoning is unsatisfactory because it allows non-compatible uses in an area of the City of Fairbanks that is best suited for residential development” and that the minimum lot size in the GU-1 zone of 40,000 square feet “does not allow lots small enough to make public sewer and water affordable to most potential home owners.” The intent of rezoning to MFO is to allow a mix of residential and some non-residential development and potentially sell lots to individuals. The rezone and subdivision of land have been previously completed on railroad property but the actual sale of land by the Alaska Railroad Corporation would require authorization by the State Legislature.

This area is predominantly GU-1 zoning, with Outdoor Recreation (OR) south of the Chena River where the Carlson Center and Pioneer Park are located. There is a mix of Light Industrial (LI), Single-Family Residential (SF), General Commercial (GC), Two-Family Residential (TF), and MFO zoning to the west across Peger Road. Much of the area is vacant, with a hotel use to the north across Chena Landings Loop Road.

IV. PUBLIC NOTICE & AGENCY COMMENTS

All public and agency comments are included in the “Agency Comments” and “Public Comments” sections following this report. Community Planning mailed 65 dear property owner notices and received two telephonic inquiries and no written comments about this rezone request. The FNSB Department of Community Planning contacted the following agencies for comments:

a. City of Fairbanks
b. Alaska Department of Transportation and Public Facilities (ADOT&PF)
c. Alaska Department of Fish and Game (ADF&G)
d. FNSB Land Management, Parks and Recreation, Public Works
e. Utility Services of Alaska/Golden Heart Utilities
f. Golden Valley Electric Association (GVEA)

FNSB Community Planning has received no response to this rezone that indicates opposition. ADF&G did note the Chena River as “catalogued by ADF&G as important habitat for the spawning, rearing, and migration of anadromous fish species (AWC 334-40-11000-2490-3301)” and note that public access to the river is important. Their review suggested that the WS overlay should be increased to 50 feet and that it be modified to “preclude the removal of native vegetation.” The WS overlay does not preclude the removal of native vegetation as defined; there is a Waterways Protection Designation (WP) overlay that would make the clearing of natural vegetation a conditional use. Under the current GU-
1 zone, the property could be cleared up to the riverbank and no setbacks are required beyond floodway regulations. The proposed 25 foot WS overlay and underlying MFO zone would provide use restrictions and structure setbacks from property lines and the river. The WS overlay does not specifically provide public access to the river; there is currently an easement on the adjacent lots to the west, as well as an easement along the western boundary of Tract 4 to access the pedestrian bridge. An easement then runs along Tracts 4 and 5 abutting Chena Landings Loop Road, providing an access connection from Phillips Field Road.

Chena Riverfront Commission

Pursuant to Ordinance No. 2017-46 adopted on August 24, 2017, this rezone application and information was provided to the Chena Riverfront Commission for review and recommendation. At the Commission’s regular meeting on September 13, 2017, a unanimous vote was taken on a motion that the Chena Riverfront Commission “endorse the proposed rezone including the 25 foot setback” overlay (draft meeting minutes attached as Exhibit 2).

At this meeting, the Commission also discussed the differences between the Waterways Setback (WS) and Waterways Protection (WP) overlay zones. There was some concern that the WS would allow the clearing of vegetation and installation of lawn in the 25 foot overlay, which could have negative impacts on the river bank. The Chairman of the Alaska Railroad Commission, Jon Cook, was present at the meeting as the property owner. He indicated that the concern they had with the WP overlay is that if the land is divided and sold to individual property owners as intended, limiting the ability to visually access the river would impact the desirability of the land for residential use. The property owner indicated that they consider this area to be good for mixed residential and limited non-residential development. They envision single-family residential uses to be primary uses on the property, similar to the Riverview Subdivision across Peger Road from the subject site, but did not want to limit the area to only single-family. The current GU-1 zone would allow high-density residential uses and land to be cleared with structures built directly to the river as long as any Title 15 flood hazard area protections are met. The Chena Riverfront Commission indicated that the property owner and applicant proposing the 25 foot WS overlay was a positive change from the existing zoning. There was discussion that the WP overlay would be desirable, because clearing vegetation to the bank and replacing it with lawn could lead to destabilization of the bank. The final Chena Riverfront Commission action did not recommend the WP overlay but endorsed the rezone with the WS overlay.

The Chena Riverfront Plan, which is an element of the Comprehensive Plan, does include several goals and policies with which this rezone is compatible. These include:

**Goal I, Policy 4:** “Maintain riverfront residential property land use through use of consistent zoning.”

**Goal IV, Policy 3:** “Ensure that the urban riverfront corridor is pedestrian friendly.”

**Goal V, Policy 2:** “Support appropriate comprehensive planning and zoning to achieve development that is consistent with this plan”

**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.”
There are also many of the Chena Riverfront Plan goals and policies that promote and encourage the maintenance of vegetation on the river bank and buffer areas. The WS and WP overlay zones may meet these goals in different ways. For instance, Goal I, Policy 2 states “Conserve as much as feasible the integrity of the river’s natural system.” In this proposed rezone, the WP overlay would grant more protection to the river’s natural system than the WS overlay. Clearing vegetation to the bank of the river could potentially destabilize the bank, reduce the riparian buffer, and impact the ecosystem, including fish habitat. The WP overlay would make the removal of natural vegetation a conditional use permit, whereas it is permitted by right in the WS overlay. Additionally, Goal 1, Policy 5 intends to “Reduce pollution of the river.” If areas are cleared in the WS overlay to the river, it could lead to additional runoff and pollutants such as fertilizers and particulates entering the river. Maintaining the natural vegetation, such as could be provided in the WP overlay, would provide more area for runoff water infiltration. Goal IV, Policy 1 states “Incorporate the river into the community’s daily life by increasing visual and physical access to and along the river when it is compatible with riverfront habitat sustainability.” Both the WS and WP overlays are potentially compatible with this policy. The subject parcels are in an urban area and do provide access to the river via the easements along Chena Landings Loop Road and the western boundary of Tract 4. This is intended to connect to a future trail that will go west along the river on Tract 3. Clearing the natural vegetation on portions of future lots for visual access to the river could benefit property owners and the community. With no regulatory mechanism to prevent the clearing of natural vegetation in the WS overlay, it is possible there would be an impact on riverfront habitat sustainability. Goal I, Policy 1, Objective A of the Chena Riverfront Plan indicates an intention to “Develop voluntary riverbank management guidelines to assist property owners with erosion control and landscaping concerns.” At the September 13, 2017 Chena Riverfront Commission meeting, a publication entitled “Living Alongside Salmon Homes” was presented that includes information on how to maintain healthy habitat on property next to anadromous waterbodies. If the WS overlay is established allowing the clearing of natural vegetation, this type of outreach and education to individual property owners regarding the maintenance of the riverbank would be beneficial regarding future development in this area.

Considering both the agency comments and the Chena Riverfront Commission discussion, it is staff’s recommendation that the 25 foot WS overlay proposed by the applicant provides a compromise that will help protect both the river and private property rights. The WS overlay zone is an improvement over the existing GU-1 zone. The subject rezone area is in a more urban context, indicating that higher density residential uses and more development could be appropriate. In the urban area, visual and physical access to the river serves several goals in the Chena Riverfront Plan. The current GU-1 zone permits all of the uses that would be permitted in the MFO zone, but with no regulatory controls on building setbacks or the clearing of vegetation beyond Title 15 floodplain requirements. Establishing the WS overlay ensures that no building will be permitted within 25 feet of the ordinary high water mark and limits the uses permitted in that 25 feet. It would still allow individual property owners to clear natural vegetation to the bank, which could have additional impacts. The WS does provide some protection of the riverbank that does not exist under the current zoning.

The Planning Commission could choose to recommend to the Assembly either a larger WS overlay or a WP overlay zone. Docks, decks, and boat launches are the only permitted uses in the 25 foot space from the ordinary high water mark in the WS overlay. A larger WS overlay would limit the uses further inland from the ordinary high water mark from those permitted in the MFO zone to the conditional uses listed in the WS overlay, such as boat
houses, bridges, etc. but would not prevent the clearing of natural vegetation. Establishing the WP overlay would have the effect of requiring individual property owners to obtain a conditional use permit from the Planning Commission to clear natural vegetation or any development of the land, including docks, decks, and boat launches that are permitted in the WS overlay.

V. **STAFF ANALYSIS -** FNSBC Section 18.104.020 (C)

(1) **The proposed rezone conforms to the comprehensive plan.**

The Comprehensive plan attributes the ‘Urban Area’ designation to the subject parcel (Figure 3). It is defined as “area that is served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.”

**Figure 3: Comprehensive Plan**
(Subject rezone parcels are shown in blue)

The applicant states that the intent of rezoning from GU-1 to MFO is “to restrict this area to a residential and office mix to restrict any future development to uses compatible with the surrounding area.” The MFO zone is “intended for a combination of very high density residential, quasi-residential, and nonresidential development that maintains the high density residential and nonresidential nature of this district. This district is intended for areas where community sewer and water systems are available” (FNSBC 18.56.010). The proposed MFO zone is more appropriate to the ‘Urban Area’ designation because it meets the intent and the subject parcel does have access to community water and sewer. The GU-1 zone is less compatible with the ‘Urban Area’ designation overall because it allows very intensive land uses such as sawmills, rendering plants, etc. that are incompatible with
residential urban development. The GU-1 zone is also intended for areas where community water and sewer is not available.

Community Planning supports the proposed MFO zoning because it would allow for a variety of residential uses and densities, as intended by the applicant and which are more compatible with the surrounding area. The proposed MFO zone would not allow the intensive uses that are currently allowed under the GU-1 zone (FNSBC 18.56). All uses that are permitted in the MFO zone are already allowed under the existing GU-1 zoning.

Additionally, the proposed rezone to MFO would meet the following FNSB Comprehensive Plan goals:

**Land Use Goal 1** – To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights  
**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

The property owner has requested this rezone to promote the development of the parcel as a mixed residential and nonresidential subdivision. In this case, the MFO zone would help protect the private property rights of the current owner and of future owners, who would have the established MFO use and setback standards in place. The applicant states that “General Use zoning is unsatisfactory because it allows non-compatible uses in an area of the City of Fairbanks that is best suited for residential development” and that “[n]ew residential development along the river would be beneficial to the community.”

**Land Use Goal 3** – To have a variety of land uses that fit the diverse needs of the community  
**Strategy 6** – Provide a variety of residential land use opportunities.

The subject parcel is intended to be developed as a mixed residential and nonresidential subdivision. Residential and nonresidential uses are already allowed in the GU-1 zone but the 40,000 square foot minimum lot size would restrict the type of development possible. The applicant states that “GU-1 zoning does not allow lots small enough to make public sewer and water affordable to most potential homeowners.” The proposed MFO zone would provide setback and use restrictions to create certainty that the future development would be compatible with the intended residential development. Additionally, it would allow for a variety of lot sizes and residential use types to be developed.

**Environment Goal 3** – To protect natural systems  
**Strategy 7** – Consider land development toward areas where natural systems will be least adversely affected.

The lots are adjacent to the Chena River. Proposed with this rezone is a Waterway Setback Designation (WS) overlay zone. In addition to the 20 foot rear-yard setback established by the MFO zone, the WS would establish a 25 foot setback that is more restrictive. It would allow the clearing of land but would not allow structures to be built in the 25 foot setback. Permitted structures would include docks, decks, and boat launches. Uses such as trails, bank stabilization, and roads are conditional uses in the WS zone.
Chena Riverfront Plan

The Chena Riverfront Plan is an element of the Comprehensive Plan. The proposed rezone to MFO with the WS overlay would be compatible with several elements of the Chena Riverfront Plan, including:

Goal I, Policy 4: “Maintain riverfront residential property land use through use of consistent zoning.”

Goal V, Policy 2: “Support appropriate comprehensive planning and zoning to achieve development that is consistent with this plan”

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.’

The proposed zoning is consistent with future residential or limited nonresidential use of the parcels and maintains more potential for residential use along the river than the GU-1 zone. The existing non-motorized easements allow access to the pedestrian bridge and the river, even though there is not a trail on Tracts 4 and 5. The MFO zone does permit some nonresidential uses, such as professional offices, but all uses permitted in the MFO zone are already permitted in the existing GU-1 zone. No specific development is currently proposed with the rezone. The proposed WS overlay would help create a “rational and variable setback distance” because it would establish a 25 foot building setback when no setback currently exists in the GU-1 zone. It would not, however, protect the riparian vegetation from removal.

(2) The proposed rezone conforms to the public health, safety and welfare.

Surrounding Zoning and Land Uses

This rezone request from GU-1 to MFO/WS would align the zoning of the subject property with the Comprehensive Plan designation and goals. The subject property has community water and sewer systems available and is appropriate for a mixed residential and nonresidential zone with smaller lot sizes than are permitted in the GU-1 zone. The immediate area is predominantly vacant, with a hotel developed across Chena Landings Loop Road. The subject parcels and surrounding area are owned by the Alaska Railroad Corporation.

The subject property is currently vacant. No specific development is proposed with the rezone, although the applicant states an intention to pursue a further platting action. In order to actually sell lots, the state legislature will have to give approval. This application only considers the rezone request, which would restrict more intensive land uses but still allow a mix of residential and nonresidential uses. The MFO zone would not allow any uses that are not already permitted in the existing GU-1 zone. The MFO zone would, however, limit the allowed uses to predominantly residential and limited non-residential uses such as professional offices, schools, and libraries. More intensive uses, such as hospitals and veterinary clinics, would become conditional uses under the MFO zone but are currently permitted without any permits in the GU-1 zone. Additionally, the MFO zone would establish 20 foot front and rear-yard and 10 foot side-yard setbacks; no setbacks are currently required in the GU-1 zone. The establishment of setbacks will help in potential fire separation of buildings. The WS overlay establishes a 25 feet total setback (an additional 5
feet beyond the 20 foot front and rear yard setback required by the MFO zone), from the ordinary high water mark of the Chena River to help protect the bank of the river. Therefore, Community Planning believes that this rezone request conforms to the public health, safety and welfare because this request will allow for compatible residential and nonresidential uses while providing some protection to the Chena River bank. The MFO zone would also limit more intensive land uses that are currently permitted by either making them conditional uses or not permitted.

**Traffic and Trip Generation**

Rezoning from GU-1 to MFO is not expected to have any increased impact on the trip generation potential for the parcels involved. The uses associated with GU-1 are more intensive and numerous than the uses allowed in MFO. All uses that are allowed in the MFO zone are already permitted in the existing GU-1 zone. The proposed rezone would limit the permitted uses and make more intensive uses that are permitted outright in the GU-1 zone, such as animal and veterinary hospitals conditional uses.

The parcels are currently vacant. It is always possible that a higher intensity trip generating use could be approved in either zone, like a church, but the GU-1 zone would not require a zoning permit for this use while the MFO zone would. Conditional uses in the MFO zone would be analyzed for transportation impacts associated with those applications while they would not require permits at all under the GU-1 zone. Because all of the uses allowed under the proposed zone are already allowed under the current zone, this rezone would not have any impact on trip generating potential, other than to limit its possible impacts.

Phillips Field Road is classified as a major collector road and is maintained by the Alaska Department of Transportation and Public Facilities (AKDOT & PF). In this area, Phillips Field Road is a public access easement on Alaska Railroad land but is not a fee simple dedicated ROW. Chena Landings Loop Road is a local road in dedicated ROW maintained by the City of Fairbanks. Because there is no increased impact on trip generating potential from this rezone, the adequacy of the roads to accommodate traffic does not change with the proposed rezone from GU-1 to MFO.

**Non-conforming Lot Size, Structure and Uses**

The proposed MFO zone does not make any of the existing lots, structures or uses within the proposed rezone boundary nonconforming because the subject parcel is currently vacant. The proposed WS overlay zone would make bridges and trails a conditional use. There is an existing pedestrian bridge on the southernmost portion of Tract 4 and the portion within 25 feet of the ordinary high water mark of the Chena River would become legal non-conforming with this overlay zone.

**Flood Hazard Area**

The parcels adjacent to the Chena River are 86-93% in flood zone ‘X’ (protected by levee) and 7-12% in the Floodway. Tract 5 also includes 2% AH Floodplain. Designated floodplains and the floodway in the Borough are subject to periodic inundation of floodwaters, which could cause loss of life or property, health or safety hazards. Properties

---

1 This section of this staff report includes input from Donald Galligan, FNSB Transportation Planner after a review of the application materials with FNSB Planner Stacy Wasinger.
within the designated floodplains and floodway have additional requirements established by Title 15 of the Borough code to ensure structures are safe from potential flooding. The property is currently vacant. The subject properties are required to comply with Title 15 regulations to protect public health, safety and welfare by obtaining floodplain permits and elevation certificate for any future development activity on the property.

**(3) Spot Zone Analysis**

The Alaska Supreme Court has stated that the classic definition of spot zoning is, “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.” Determining whether a rezone constitutes spot zoning depends on the facts and circumstances of each case. In *Griswold v. City of Homer*, 925 P.2d 1015, Alaska, 1996 the court stated it would consider the following three factors in determining the constitutionality of spot zoning:

1. The consistency of the amendment with the comprehensive plan;
2. The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and
3. The size of the area rezoned.

The subject property is currently zoned GU-1 and surrounded by GU-1 zoned parcels to the north and west of the Chena River. The area to the south, across the Chena River, is zoned Outdoor Recreational (OR). Community Planning does not find this rezone request to be a spot zone because of the following reasons:

**(i) Consistency of the amendment with the comprehensive plan;**

The Comprehensive Plan land use category, ‘Urban Area’ envisions areas where public sewer and water systems are available and contain the most intensive of residential, commercial, and industrial development. The current zoning, GU-1, is intended for areas where community sewer and water systems are not available (FNSBC 18.84.010) and allows many intensive uses not compatible with residential development without permits. The proposed MFO zone would restrict the permitted uses to residential and limited nonresidential uses in a location where community water and sewer is available (FNSBC 18.56). The proposed rezone to MFO would limit the more intensive uses currently allowed with the GU-1 zone but allow a mix of residential and nonresidential uses. Additionally, the proposed MFO zone with the WS overlay promotes FNSB Comprehensive Plan goals Land Use Goal 1, Strategy 3, Land Use Goal 3, Strategy 6, and Environment Goal 3, Strategy 7. The proposed rezone is also consistent with several goals of the Chena Riverfront Plan, an element of the FNSB Comprehensive Plan, including Goal I Policy 4, Goal V Policy 2, and Goal V Policy 2 Objective B.

**(ii) The benefits and detriments of the amendment to the owners, adjacent landowners, and community;**

*Benefit to the Property Owner*

The MFO zone benefits the property owner because it would allow for the development of a smaller lot, mixed residential and nonresidential subdivision development that does not permit the more intensive uses that may not be compatible with this type of development.
Community water and sewer are available, supporting a smaller lot and more intensive type of residential development.

_Benefit to the Adjacent Landowner_

The current GU-1 zoning allows a variety of more intensive land uses that may not be compatible with the existing properties developed residentially or commercially. Much of the adjacent property is owned by the Alaska Railroad Corporation. The area of the City is suited to higher density urban development due to the availability of community water and sewer. The MFO zone is more appropriate to this type of use than the GU-1 zone.

The proposed MFO/WS zone will have benefits for the surrounding commercially or residentially developed properties because it will limit the allowed uses on the parcel and establish setback requirements. The MFO zone would provide more certainty to the surrounding properties that the subject parcel will not be developed with use that is incompatible with urban residential development, such as a large-scale or intensive industrial development. Additionally, some more intensive uses, such as veterinary clinics, would become conditional uses and include a public hearing process in which interested persons could testify and detrimental impacts could be mitigated. The establishment of setbacks will help provide space for privacy and fire separation of buildings on adjacent properties, as well as the 25 foot WS overlay zone providing a setback separation from the Chena River.

_Benefit to the Community_

MFO zoned land provides opportunity for a mix of residential and nonresidential development. The borough and community benefits from a variety of residential land use types by providing choice to the residents. The WS overlay zone provides additional protection of the Chena River, which benefits the community as a whole.

_(iii) The size of the area rezoned._

The total area of the proposed rezone boundary is approximately 12.597 acres. The case law does not give an exact size for making a spot zone determination and size of the property is not the only factor in the spot zone determination. The case law provides guidance that parcels over 13 acres are almost always found valid, but this is not determinative. The adjacent zoning is all GU-1. Although this rezone is not greater than 13 acres, it is close to that size and is consistent with the Comprehensive Plan ‘Urban Area’ designation. The MFO zone is more appropriate for this area and more in line with the goals of the Comprehensive Plan. Staff does not consider this proposal to be a spot zone. The adjacent existing GU-1 zone is extensive, comprised of hundreds of acres. Therefore, this rezone would not constitute a reverse spot zone because it does not leave small GU-1 zoned parcels as remainder.

**VI. RECOMMENDATION**

Based on the staff analysis above, the Department of Community Planning recommends **APPROVAL** of the rezone from GU-1 to MFO.
VII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of APPROVAL of the rezone from GU-1 to MFO:

1. 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.

2. 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.

3. 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.

4. 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.’

5. 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.

6. 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.

7. 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. The 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 I 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.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone of Tracts 4 and 5 of Chena Landings Subdivision 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, and adopt the staff report and seven (7) Findings of Fact in support of the recommendation of approval.
FAIRBANKS NORTH STAR BOROUGH/CITY OF FAIRBANKS
CHENA RIVERFRONT COMMISSION

MINUTES
September 13, 2017

A regular meeting of the Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission was held in the Ester Conference Room, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 12:03 p.m. by Ian Olson, Chairperson.

MEMBERS PRESENT: Bob Henszey Kelley Hegarty Lammers
Julie Jones Ben Jaffa (joined 12:04 pm)
Anna Plager Susan Rainey (left 1:16 pm)
Lee Wood Gordon Schlosser (joined 12:05 pm)
Ian Olson

MEMBERS ABSENT: Carrie McEntee Buki Wright

OTHERS PRESENT: Joe Kemp, DOT&PF
Bryn McElroy, TVWA
Nancy Durham, FNSB Floodplain Administrator
Brittany Smart, FNSB Mayor’s Office
Kellen Spillman, FNSB CP Deputy Director
Nicole Nordstrand, FNSB Recording Clerk

A. ROLL CALL

B. COMMUNICATIONS TO THE COMMISSION

1. Chair’s Comments

Mr. Olson explained an error in the order of business on the Agenda and noted that in the future it would be corrected.

2. “Thank you” to Mayor Kassel and Assemblyman Davies on Ordinance 2017-46.

Mr. Olson recognized Mayor Kassel for his support of the Chena Riverfront Commission and presented a letter of appreciation. Mayor Kassel gave an acceptance speech and offered his appreciation to the Commission. Ms. Plager, Ms. Hegarty Lammers, and Mr. Olson gave additional praise to the Mayor.

Mr. Olson recognized former Commission Clerk, Laura McLean, for her support and service to the Chena Riverfront Commission for the past five (5) years, and presented a letter of appreciation. Ms. McLean accepted and thanked the Commission for honoring her. Mr. Schlosser gave additional praise.

(Meeting recessed at 12:16 pm for a brief reception and reconvened at 12:22 pm)

3. Communications to Chena Riverfront Commission
a. Riparian Management Zones, September 2002

Mr. Spillman and Mr. Henszey introduced the Riparian Management Zone document and explained the history of its development and how it is utilized today.

4. Citizen’s Comments

Ms. Christy Evert on behalf of Tanana Valley Watershed Association spoke about the Riparian Management Zone and introduced the publication “Living Alongside Salmon Homes”. Ms. Plager commented on the beneficial use of the word “Salmon” in the publication and inquired on outreach efforts. Ms. Evert explained the purposefulness of the title in drawing attention to the Chena River and explained planned future distribution. Mr. Henszey commented on the photograph.

C. *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 Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve the agenda by Ms. Rainey and seconded by Ms. Plager.

PASSED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from July 12, 2017 meeting.

Ms. Plager moved to have the minutes removed from the Consent Agenda.

Discussion ensued about the format of the minutes and handling of excused absent members, and how Commissioners are excused. Ms. Smart explained the goals of participation of members of all FNSB Boards and Commissions. It was agreed that this matter would be tabled and added to the October meeting agenda.

MOTION: To approve the July 12, 2017 meeting minutes with corrections under section B, removing the word “Planning” and in section G, noting that Mr. Henszey was also excused.

PASSED WITHOUT OBJECTION

E. UNFINISHED BUSINESS

1. University Avenue at Chena River Bridge Update

Mr. Joe Kemp reported that there were no new updates on this project.

2. Airport Way West Improvement Project Update
Mr. Carl Heim reported that there currently is no construction funding for this project. He stated that in the next year and a half to two years, work will be completed on the design with current funding. He further communicated that DOT&PF has the CRFC’s concerns and will continue to work towards incorporating some of the concepts, including the rain garden concept.

Ms. Plager asked if there was anything the Commission could do to help speed the project along. Mr. Heim mentioned that when the next STIP comes out, there is a comment period, and encouraged people to comment. Mr. Spillman explained that the Borough and this Commission has commented before and agreed to bring it up in a future meeting.

Ms. Hegarty Lammers and Ms. Plager questioned that only “some” of the Commissions’ design ideas may be included, and indicated that if some are not, it should be reported back to the Commission prior to going out to bid.

Mr. Heim clarified that he has not, not considered any of the ideas in the letter and reported that in approximately a year the 65% design will be complete and a walk-around conducted that the Commission can attend.

3. Review of CRFC Project List

Mr. Olson postponed this item to the next meeting.

F. NEW BUSINESS

1. Recommendation on RZ2018-02, an application by the Alaska Railroad Corporation to rezone Tract 4 and Tract 5 of Chena Landings Subdivision from General Use one (GU-1) to Multiple-Family Residential/Professional Office District (MFO) with a waterways setback designation.

Ms. Wood expressed concern about the process established for handling these types of matters which included notice to the CRFC. Mr. Spillman responded that as much of the process that could be followed, given the new ordinance, was followed. Discussion ensued about timing for recommendation and deadlines.

Mr. Spillman introduced Paula Hicks of Northland Survey as the Applicant’s representative, and explained potential actions available to the Commission on this request.

Ms. Stacy Wasinger gave a presentation of the application request and provided preliminary findings on behalf of the Borough’s Planning Department.

Mr. Spillman oriented everyone to the landmarks in the area from the map on the screen.

Ms. Jones commented that there is a right-of-way for the Chena River Walk that goes to lot number 3 and starts again after lot number 5 and that a permit is in place.

Ms. Wasinger resumed her presentation.
Mr. Henszey inquired if the trees and shrubs would remain intact and Ms. Wasinger replied that it is not required under zoning and setbacks.

Mr. Jaffa asked if there is a cap to the number of 1,500 square foot residential units to be constructed in the MFO, and Ms. Wasinger responded that there is not that it is dependent on the size of the lot.

Ms. Hegarty Lammers inquired if pathways are allowed in the setback. Ms. Wasinger responded that they are and clarified that setbacks are for structures and the definition is a building that is enclosed.

The Commission briefly discussed setback requirements.

Ms. Wasinger resumed and concluded her presentation.

Questions by Commissioners

Ms. Wood asked what types of businesses are allowed in the MFO.

Ms. Wasinger indicated that in addition to the general residential type of uses, there are permitted uses such as bed and breakfasts, daycare facilities, etc., and then there are those that are conditional uses.

Ms. Rainey commented on the potential for high density in the area and inquired about any requirements concerning access, particularly from Landing Road.

Ms. Wasinger stated that the road requirements would be under the authority of the City of Fairbanks.

Discussion ensued about access requirements, roadways and potential traffic issues. Ms. Plager brought the meeting back to order and reminded everyone of the need to focus on what the Commission is responsible for reviewing.

Ms. Jaffa inquired if Staff is going to be able to provide a recommendation prior to the Commission making a decision. Discussion ensued about the new process, timeline, and options available to the Commission.

Applicant's Presentation

Ms. Paula Hicks and Mr. Jon Cook, Chairman of the Board of Directors for the Alaska Railroad, were present before the Commission.

Discussion followed on the platted map presented by Ms. Hicks which she indicated was used to create tract 4 and 5, and the relative setbacks and ordinary high water markings.

Mr. Cook offered background information on the past use of the land in the area, including existing permits, and provided insight on the Railroad's goals for potential development of the proposed property if it were to be rezoned.

Questions by Commissioners
Ms. Wood asked what benefit this area would have by going MFO versus single family. Mr. Cook replied it offers options to allow operation of a small office type business or even a duplex, and still offers compatible uses while allowing flexibility in development.

Mr. Schlosser inquired of any known erosion along the river and if that will be a consideration when building. Mr. Cook stated that he is unsure of any erosion issues, and pointed out that there a 25 foot setback will be maintained, and that it is not the Railroad’s intent to do any work along the bank. Mr. Schlosser further sought a commitment from Mr. Cook that during the subdivision process that covenants be established requiring all property owners to treat the riverbank as a fish habitat. Mr. Cook pointed again to the 25 foot setback.

Mr. Henszey communicated that he is working on a draft report that includes how the Chena River width has changed since 1938, and explained how the area in question has been built up since that time, but cautioned it could change if vegetation is removed.

Mr. Jaffa inquired why tract 3 is not included in the rezone. Mr. Cook replied that the Railroad’s development plan does not allow for that at this time.

MOTION: To extend the meeting by 20 minutes to 1:50 p.m., by Ms. Jones and seconded by Ms. Lee.

PASSED WITHOUT OBJECTION

Ms. Plager expressed her concern for the waterway setback since it could be lawn all the way to the waters’ edge, but noted the protection offered by the additional approval requirements for certain types of activity such as bank restoration, etc. She further stated that the waterways protection promotes the riparian habitat, and questioned if the 25 foot setback moves if there is erosion. Mr. Spillman responded that the waterway setback runs with the property, so if the property shifts, the waterway setback shifts.

Discussion followed on permissible building within the waterway setback and concerns over potential developments in the setback, riparian management, potential lot sizes and number of structures, maintaining the walkways, and future developments on other lots.

MOTION: To endorse the proposed rezone including the 25 foot setback by Ms. Plager and seconded by Mr. Jaffa.

Discussion on the Motion

Mr. Henszey stated he would prefer the waterway protection zone, and stated his appreciation for what the Railroad is doing.

Ms. Hegarty Lammers agreed with Mr. Henszey and asked Mr. Cook to speak to the developers prospective.

(Chair allowed out-of-order question and allowed Mr. Cook to respond)

Mr. Cook asked for flexibility on the waterway issues to allow for maximum marketability of the tracts.
Ms. Plager clarified her position on the Motion in that it gives the Commission the ability to work with the Railroad and do necessary community outreach on matters concerning the riverbank, etc.

Mr. Schlosser expressed similar concerns to Mr. Henszey, but also agreed with Ms. Plager on education outreach opportunities.

**MOTION:** To extend the meeting by 5 minutes to 1:55 p.m., by Ms. Hegarty Lammers and seconded by Mr. Schlosser.

**PASSED WITHOUT OBJECTION**

**ROLL CALL (Motion to Endorse)**

Eight (8) in Favor: Ms. Jones, Ms. Plager, Mr. Schlosser, Ms. Wood, Ms. Hegarty-Lammers, Mr. Henszey, Mr. Jaffa, and Mr. Olson.

Zero (0) Opposed:

**MOTION PASSED**

2. CRFC Rules and Procedures Amendment to Rule 16

Matter is postponed to the next meeting.

3. Letters of Appreciation

Ms. Plager stated she would like to send out a letter to the Fort Wainwright Commanding Officer thanking him for the generosity of the members for their participation in the CRFC’s August field trip. No one objected, so Ms. Plager will draft a letter for Mr. Olson’s signature.

**G. EXCUSE ABSENT MEMBERS**

Clerk commented that Ms. McEnteer had communicated her inability to be at today’s meeting.

**H. COMMISSIONER’S COMMENTS/COMMUNICATIONS**

1. Agenda Setting
   a. FNSB Board & Commission Policy
   b. Project List
   c. University Avenue Bridge Update from Lauren Little
   d. Presentation from Gary George on Fish Hatchery
   e. STIP comments.

**K. ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:57 p.m.
Chena Landings Loop Road, across from hotel

Existing vegetation and pathway on Tract 4
East intersection of Chena Landings Loop Road and Phillips Field Road

Existing vegetation
Public Hearing Sign posted September 20, 2017 on Phillips Field Road

Public Hearing Sign posted September 20, 2017 on Chena Landings Loop Road
WRITTEN AGENCY COMMENTS

RZ2018-002
The Tracts were legally subdivided as part of Chena Landings Subdivision, plat #2000-31. Platting has no other comments or concerns.

Angela Parker, AICP, CFM
Platting Officer
FNSB Community Planning
aparker@fnsb.us
907-459-1265

Good afternoon,

The FNSB Department of Community Planning has received a request to rezone two lots containing approximately 12.6 acres from General Use-1 (GU-1) to Multiple-Family Residential/Professional Office (MFO). The parcels included in this request are Lots 4 and 5 of Chena Landings Subdivision, off of Chena Landings Loop Road, south of Phillips Field Road and north of the Chena River. Attached are the application and narrative, as well as reports containing basic information for each included parcel. This application is currently scheduled for a public hearing before the Planning Commission on October 10, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by Friday, September 15, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Stacy, 

I circulated this rezone request to the City’s Building, Fire and Engineering Departments. All of the departments responded, and none of them had any concerns or comments on the rezone.

Thank you, 

Stacy Wasinger
Good afternoon,

The Alaska Department of Fish and Game reviewed the proposal submitted by the Alaska Railroad Corporation to the Fairbanks North Star Borough which requests to rezone two parcels located along the Chena River known as Tracts 4 and 5, Chena Landings Subdivision (Plat 2000-31) from General Use-1 (GU-1) to Multiple-Family Residential/Professional Office (MFO). The application indicates that a “25’ overlay along the Chena River” will be applied to the parcels. It is our understanding that this is a Waterways Setback Overlay precludes construction within 25 feet of the ordinary high water mark of the Chena River. It is also our understanding that the Special Regulation Area: Chena River Centerline 200’ Buffer ordinance that is identified by the application was recently updated to be 150’ upland of ordinary high water. Because these parcels are within that 150’ zone, the Chena Riverfront Commission will be reviewing this proposal to ensure that it conforms with the Riverfront Plan.

The lower Chena River is catalogued by ADF&G as important habitat for the spawning, rearing, and migration of anadromous fish species (AWC 334-40-11000-2490-3301). Rearing and migrating chinook salmon use the reach located along the east boundary of the subject parcels. ADF&G and the U.S. Fish and Wildlife Service use several spots in the vicinity for setting minnow traps annually to monitor out-migrating and rearing juvenile chinook salmon. This point in the river also has riffles that Arctic grayling use for spawning, rearing of juveniles, and adult feeding. The riffles in town are also used by suckers and Arctic lamprey for spawning.

The existing riparian habitat, which is heavily vegetated with willows, is important for all species of fish, as well as song birds. The outside bends, or cut banks, of the Chena River support colonies of bank swallow nests because they can easily burrow into the silt and are perched relatively high off of the water. The cut banks in this reach of the river are eroding as the river meanders making the boundary between the ordinary high water mark and the uplands dynamic. Taking this movement into consideration, riparian buffers should be described relative to the position of the river. Both the 25’ Overlay and the 150’ Special Regulation Area appear to account for the dynamic location of the ordinary high water mark. We recommend that the riparian overlay be increased to 50’ and also preclude removal of native vegetation.

This portion of the Chena River experiences high recreational and angler use. Providing access to and along the Chena River in future developments would be beneficial for the public. However, access trail design should account for potential habitat degradation and should be setback from the river’s edge and having defined river access points where anglers can fish. Questions regarding angler activities in this location can be directed to ADF&G-Division of Sport Fish Area Management Biologist, Klaus Wuttig in the Fairbanks office at 459-7344 or Klaus.wuttig@alaska.gov.

Thank you for the opportunity to review and provide comments on this proposal. Please contact me if you have any questions regarding our comments.

Holly Zafian
Habitat Biologist
Good afternoon,

The FNSB Department of Community Planning has received a request to rezone two lots containing approximately 12.6 acres from General Use-1 (GU-1) to Multiple-Family Residential/Professional Office (MFO). The parcels included in this request are Lots 4 and 5 of Chena Landings Subdivision, off of Chena Landings Loop Road, south of Phillips Field Road and north of the Chena River. Attached are the application and narrative, as well as reports containing basic information for each included parcel. This application is currently scheduled for a public hearing before the Planning Commission on October 10, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by **Friday, September 15, 2017**. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Stacy Wasinger

From: John Haas  
Sent: Friday, September 15, 2017 4:21 PM  
To: Stacy Wasinger  
Subject: RE: RZ2018-002 (Chena Landings Loop Road)

Stacy,

Parks has no noted concerns for this proposed change.

John Haas  
Parks Superintendent  
Fairbanks North Star Borough  
459-1198

From: Stacy Wasinger  
Sent: Thursday, September 14, 2017 2:33 PM  
To: David Bredlie; John Haas; Sandra Mota  
Subject: FW: RZ2018-002 (Chena Landings Loop Road)

Good afternoon,

While writing the staff report for this rezone application, I realized that I had not included you all in the original email for comments – I apologize for the oversight. Please see below. Although the parcels are within City limits for services, the rezone area is directly west across the river from the Carlson Center and other borough owned land. If you have any comments regarding the rezone, please just let me know and I will include them in the staff report. I know it’s short notice, but if possible, please return any written comments by next Wednesday, September 20th. If you have any questions, please don’t hesitate to contact me.

Thanks,  
Stacy

Stacy Wasinger  
Planner III | FNSB Community Planning  
swasinger@fnsb.us  
907-459-1262

Fairbanks North Star Borough  
PO Box 71267 / 907 Terminal Street  
Fairbanks, AK 99707-1267

From: Stacy Wasinger  
Sent: Monday, August 28, 2017 1:13 PM  
To: Stacy Wasinger  
Subject: RZ2018-002 (Chena Landings Loop Road)

Good afternoon,
The FNSB Department of Community Planning has received a request to rezone two lots containing approximately 12.6 acres from General Use-1 (GU-1) to Multiple-Family Residential/Professional Office (MFO). The parcels included in this request are Lots 4 and 5 of Chena Landings Subdivision, off of Chena Landings Loop Road, south of Phillips Field Road and north of the Chena River. Attached are the application and narrative, as well as reports containing basic information for each included parcel. This application is currently scheduled for a public hearing before the Planning Commission on October 10, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by **Friday, September 15, 2017**. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Stacy Wasinger

From: David Bredlie
Sent: Tuesday, September 19, 2017 10:07 AM
To: Stacy Wasinger
Subject: RE: RZ2018-002 (Chena Landings Loop Road)

Stacy,
I don’t have any comments. I forwarded your message to Dan Sloan (PW Director) and Janet Smith (Deputy PW Director).

Thanks,

David

From: Stacy Wasinger
Sent: Thursday, September 14, 2017 2:33 PM
To: David Bredlie; John Haas; Sandra Mota
Subject: FW: RZ2018-002 (Chena Landings Loop Road)

Good afternoon,

While writing the staff report for this rezone application, I realized that I had not included you all in the original email for comments – I apologize for the oversight. Please see below. Although the parcels are within City limits for services, the rezone area is directly west across the river from the Carlson Center and other borough owned land. If you have any comments regarding the rezone, please just let me know and I will include them in the staff report. I know it’s short notice, but if possible, please return any written comments by next Wednesday, September 20th. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267

From: Stacy Wasinger
Sent: Monday, August 28, 2017 1:13 PM
To: Stacy Wasinger
Subject: RZ2018-002 (Chena Landings Loop Road)

Good afternoon,
The FNSB Department of Community Planning has received a request to rezone two lots containing approximately 12.6 acres from General Use-1 (GU-1) to Multiple-Family Residential/Professional Office (MFO). The parcels included in this request are Lots 4 and 5 of Chena Landings Subdivision, off of Chena Landings Loop Road, south of Phillips Field Road and north of the Chena River. Attached are the application and narrative, as well as reports containing basic information for each included parcel. This application is currently scheduled for a public hearing before the Planning Commission on October 10, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by Friday, September 15, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
No concerns from LM.
Thank you,

Sandra Mota | Manager, Div. Land Management | FNSB | M 907.459.1241 | D 907-459.1247 C 907.888.4924
Privileged and Confidential Communication: This electronic mail communication and any documents attached hereto may contain confidential and privileged material for the sole use of the intended recipient(s) named above. If you are not the intended recipient of this message (or if you are not authorized to receive information for the recipient) any review, use, distribution, copying or disclosure by you or others is strictly prohibited. Please notify sender by reply email or telephone and delete and/or destroy this message and all attachments.

From: Stacy Wasinger
Sent: Thursday, September 14, 2017 2:33 PM
To: David Bredlie; John Haas; Sandra Mota
Subject: FW: RZ2018-002 (Chena Landings Loop Road)

Good afternoon,

While writing the staff report for this rezone application, I realized that I had not included you all in the original email for comments – I apologize for the oversight. Please see below. Although the parcels are within City limits for services, the rezone area is directly west across the river from the Carlson Center and other borough owned land. If you have any comments regarding the rezone, please just let me know and I will include them in the staff report. I know it’s short notice, but if possible, please return any written comments by next Wednesday, September 20th. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
The FNSB Department of Community Planning has received a request to rezone two lots containing approximately 12.6 acres from General Use-1 (GU-1) to Multiple-Family Residential/Professional Office (MFO). The parcels included in this request are Lots 4 and 5 of Chena Landings Subdivision, off of Chena Landings Loop Road, south of Phillips Field Road and north of the Chena River. Attached are the application and narrative, as well as reports containing basic information for each included parcel. This application is currently scheduled for a public hearing before the Planning Commission on October 10, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by Friday, September 15, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
APPLICATION MATERIAL SUBMITTED ON

August 25, 2017
**FEES:** $1,000 rezone application**

$200 sign deposit (check or cash only) **Two signs needed (MS)**

**Fee waived if rezoning a split zone parcel or rezoning a GU property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 more contiguous lots**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact Name:</strong> Paula Hicks</td>
<td><strong>Name:</strong> Alaska Railroad Corporation</td>
</tr>
<tr>
<td><strong>Business Name:</strong> Northland Surveying &amp; Consulting LLC</td>
<td><strong>Mailing Address:</strong> PO Box 107500</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong> 326 Driveway Street</td>
<td><strong>City, State Zip:</strong> Anchorage, AK 99510</td>
</tr>
<tr>
<td><strong>City, State Zip:</strong> Fairbanks, AK 99701</td>
<td><strong>Phone:</strong> Land Services 907-265-2411</td>
</tr>
<tr>
<td><strong>Phone:</strong> 451-7411</td>
<td><strong>Cell:</strong></td>
</tr>
<tr>
<td><strong>E-mail:</strong> <a href="mailto:phicks.nisc@gmail.com">phicks.nisc@gmail.com</a></td>
<td><strong>E-mail:</strong> <a href="mailto:ButtererA@akrr.com">ButtererA@akrr.com</a></td>
</tr>
</tbody>
</table>

**Property Information:**

- **Property Description:** Tract 4 and Tract 5 of Chena Landings Sub. (Plat #2000-31)
- **Street Address:** NSN Chena Landings Loop Road
- **PAN:** 0512176 & 0512168
- **Size:** 12.597 Acres
- **Existing Use:** Vacant Land
- **Existing Zone:** GU-1
- **Proposed Zone:** MFO **WS overlay**

I certify that the information included in this application is to the best of my knowledge true and complete.

**APPLICANT SIGNATURE:**

**DATE:** 8-21-17

**OWNER SIGNATURE (if different):**

**DATE:** 8-22-2017

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.040(B).
Chena Landings Tract 4 & Tract 5 Rezone

Northland Surveying and the Alaska Railroad Corporation is requesting a Rezone of Tract 4 & Tract 5 of Chena Landings Subdivision, Plat No. 2000-31, from GU-1 (general use) to MFO (multiple-family residential/professional office district).

The General Use zoning is unsatisfactory because it allows non-compatible uses in an area of the City of Fairbanks that is best suited for residential development. The surrounding area has a Hotel, and vacant land formerly used as the ice park. Across the river are Pioneer Park and the Carlson Center. Keeping the GU-1 zoning would allow any industrial or commercial use of the land, potentially taking away from the desirability of the existing hotel and parks. In addition the existing GU-1 zoning does not allow lots small enough to make public sewer and water affordable to most potential home owners.

It would be advantageous to restrict this area to a residential and office mix to restrict any future development to uses compatible with the surrounding area. The accompanying 25' overlay along the Chena River will place a buffer between any development and the Chena River, which is advantageous in the preservation of the Chena River.

The Fairbanks North Star Borough Regional Comprehensive Plan designates this area as urban area. Urban area is defined as area that is served or can be served with community water and sewer and contains intensive residential, commercial and industrial development. One of the primary uses of urban land is residential development. Changing the zoning of these two tracts to MFO would be compatible with the urban area designation.

Strategy 7 of the FNSB Regional Comprehensive Plan outlines a plan to provide a variety of residential land use opportunities. The MFO zoning would allow for different housing types and a mix of lot sizes should these Tracts ever be subdivided. According to the Fairbanks Area Soil Survey the soil within this area is Salchaket very fine sandy loam. This is not considered a permafrost-rich soil classification and is a soil type suitable for residential development.

New residential development along the river would be beneficial to the community. This could become a beautiful neighborhood with the walking path and bridge to Pioneer Park so close by. Electric, water and sewer facilities all exist along Chena Landings Loop Road. Chena Landings Loop Road was constructed to city of Fairbanks standards and provides existing access along the edge of these two tracts suitable for emergency response vehicles. The area is generally flat allowing for plenty of area for driveways and housing.

Strategy 8: Action D: Encourages movement of the Alaska Railroad outside of the Fairbanks Urban core, in accordance with the railroad realignment plan. Currently Tracts 4 & 5 are owned by the Alaska Railroad. Changing the zoning of this portion of Alaska Railroad property From GU-1 to MFO is consistent with that plan.
Tract 4 and Tract 5 have the potential to provide south facing Riverfront lots with easy access to Peger Road and the Johansen Expressway. Yet this area is far enough from the heavy traffic to be safe and secluded. There will be a 25' overlay along the Chena River which will provide a buffer between the Chena River and each home. This area is not within the airport noise restriction area.

The development of Doyon Estates across Peger Road from this location has been a beautiful enhancement to the community. Residential development is the highest and best use of this area so it must be re-zoned in order to limit other less appealing development.

The reason Tract 3 was not included in this re-zone request is because the Alaska Railroad does not wish to develop Tract 3 into residential lots at this time.
Manish Singh

From: Paula Hicks <phicks.nlscl@gmail.com>
Sent: Friday, August 25, 2017 2:58 PM
To: Manish Singh
Subject: Chena landings rezone
Attachments: AkRR contact.pdf

Manish,
Attached is the business card for Jim Kubitz (the signature on the rezone application)
Please let me know if you need anything else.

--
Paula Hicks, PLS
Northland Surveying & Consulting
(Formerly RCH Surveys)
(907) 451-7411
DEAR PROPERTY OWNER

“INTERESTED PERSONS”

RZ2018-002
RAILROAD CHENA, BLOCK: A, LOT: 08
Two Sisters Hardware Inc
Alaska Railroad Corporation
PO BOX 71270
Fairbanks, AK 99707

PIioneer park, LOT: 20&
Williams Nancy
Fairbanks North Star Borough
1119 2nd Ave
Fairbanks, AK 99701

MOORELAND ACRES, BLOCK: 01, LOT: 12A
Wolters Terri L
2142 Airport Way
Fairbanks, AK 99701

MOORELAND ACRES, BLOCK: 01, LOT: 03
Yamamoto Brian E
Yamamoto Leslie H
2136 Airport Way Ste 2
Fairbanks, AK 99701

CHENA LANDINGS, LOT: 10
Yc Fairbanks Hotel Group Llc
5851 S Virginia St
Reno, NV 89502