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

Roll Call, Opening Statements, Agenda and *Consent Agenda.

Commissioners Present:    Charles Whitaker  Chris Guinn
                          Doug Sims       Mindy O’Neall
                          Eric Muehling   David Brandt
                          Wendy Presler   Mike Stepovich
                          John Perreault

Commissioners Absent & Excused:  Robert Peterson  Patricia Thayer

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES

1. *Minutes from January 16, 2018 PC Meeting.

Audio Track 1

REVISED AGENDA AND MINUTES APPROVED

QUASI-JUDICIAL HEARINGS

1. CU2018-009: A request by Tori Clyde, on behalf of the Ester Volunteer Fire Department and Fairbanks North Star Borough, for conditional use approval of a public utility and service use for a water storage and fill facility for emergency services in the Rural Estates 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision, First Addition (located at 1457 Oboe Court, on the east side of Cripple Creek Road, the north side of Isberg Road, and south of the Parks Highway). (Staff Contact: Stacy Wasinger)

Audio Track 1

CONDITIONS OF APPROVAL

1. Prior to the commencement of operations, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. The applicant or holder of this conditional use permit shall comply with all recommendations and/or requirements of FNSB Rural Services resulting from the driveway permit.

2. Existing vegetation outside the cul-de-sac area shall not be removed except as necessary for access, maintenance, future permitted development of the site, or emergency services.
3. If any modifications are made to the site plan, proposed building, or cul-de-sac, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

4. Non-emergency events are limited to the hours of 7 am to 9 pm.

**FINDINGS OF FACT**

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RE-2 zone.

   a. The conditional use is consistent with the *Outskirts Area* designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to "attract and support development that is compatible with and enhances existing land use". The use also aligns with Transportation and Infrastructure Goal 2 "to have sufficient public utilities and infrastructure to meet existing and future demand."

   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare by allowing a land use compatible with the existing surrounding uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use. The use of the site for emergency services will enhance the public health, safety, and welfare by providing a water fill station for emergency services in an area that does not have fire hydrants.

   c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The subject site does not require a septic system. The conditional use will be served with a well, if feasible, or hauled water as needed to fill the buried storage tanks.

   b. The site is served by the Ester Fire Service Area and the Cripple Creek Road Service Area.

   c. The conditional use is expected to generate minimal and sporadic vehicle trips but existing facilities are adequate for these additional trips. Oboe Court is a local road and is maintained by the Cripple Creek Road Service Area. Isberg Road and Cripple Creek Road are both minor collector roads and are maintained by ADOT & PF. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.

   d. Marked off-street parking is not required because the site is not manned on a regular basis and adequate vehicle on-site maneuvering and parking areas are provided within the cul-de-sac that meet Title 18 requirements.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the public service use for a water storage and fill facility for emergency services will comply with Title 18 standards for the RE-2 zone.

   a. The use is compatible with the existing adjacent land uses.

   b. Tract H adjacent to the north provides a buffer from residential uses nearby.
c. No dust or odor impacts are expected from the conditional use.
d. Lighting is not directed at any residentially zoned parcel.
e. The conditional use does not create any fire, traffic, or public safety hazards.
f. No off-site stormwater runoff is expected as a result of the conditional use. Runoff is expected to be absorbed on-site and will not discharge on to neighboring properties.

CU2018-009 APPROVED
[NINE IN FAVOR / ZERO OPPOSED]

2. V2018-001: A request by Heather Lambert from Somers & Associates, on behalf of Kelly and Lorna Shaw, for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone on Lot 46B, Arctic Orchard Subdivision (located at 1100 Poplar Drive, on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). (Staff Contact: Manish Singh)

Audio Track 3

FINDINGS OF FACT

1. The property has special topographical features and conditions that prevented building the garage elsewhere on the lot. The special features are the Chena Slough to the north, and a significant drop-off less than 13 feet from the structure. The flood map 10’ contours are not accurate enough to show the slough or the bank, but they are evident in staff and applicant photos.

2. The applicant did not create the need for the variance, and is not seeking the variance for pecuniary reasons.

3. Granting the variance will enable the applicant to enjoy property rights consistent with those of their neighbors. Other neighbors in the area have developed their properties with ancillary structures, some larger than this one.

4. Granting the variance is in keeping with the Comprehensive Plan. The structure does not impede right-of-way or public use of the road, and does not create a fire hazard.

5. The variance is for a residential use in a residential zone, and does not create a zoning conflict.

V2018-001 APPROVED
[SEVEN IN FAVOR / ONE OPPOSED]

APPEALS

1. GR2017-152: An appeal by An appeal by Brian Reagin, DBA Sunshine Health Foods, of the denial of a request on behalf of Dan and Yvette Thompson, for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision (located at 410 Trainor Gate Road, on the northeast side of Trainor Gate Road, south of Craig Avenue). (Staff Contact: Manish Singh)
FINDINGS OF FACT

1. Subject property has a history of commercial uses prior to zoning in 1965 and has not been in a conforming residential use subsequently.

2. Planning Commission minutes from 1981 provided by applicant state grandfather rights were clarified and established by the FNSB.

3. There has been no prior indication from the FNSB that the commercial uses were in violation of a legal-nonconforming-use status.

4. The State of Alaska business licenses and City of Fairbanks Health and Sanitation Certificates have consistently recognized commercial use of the property.

5. The property has been assessed as commercial since its construction.

6. Uses of the subject property have been compatible with the neighborhood and similar in character, such as a grocery store, dance studio, veterinary clinic, and school warehouse. The uses have been small, neighborhood-scale business compatible with adjacency to a residential neighborhood.

7. The Commission finds no evidence of vacancy greater than 12 months. Leases, records of ownership, and testimony of applicant demonstrated occupancy.

GR2017-152 APPEAL APPROVED (GRANDFATHER RIGHTS GRANTED) [EIGHT IN FAVOR / ONE OPPOSED]

New Business, Excuse Future Absences, Commission’s Comments and Adjournment.

Audio: Track 3

Further information may be obtained from FNSB Department of Community Planning at 459-1260