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: Chris Guinn Mike Stepovich
John Perreault Doug Sims
Robert Peterson Charles Whitaker
David Brandt Eric Muehling
Mindy O'Neall

Commissioners Absent & Excused: Wendy Presler Patricia Thayer

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES


Audio Track 1

AGENDA AND CONSENT AGENDA APPROVED

APPEALS

1. AM2018-007: A request by Travis Naibert for amnesty relief for an existing lot with a lot size of 54,450 sq.ft. instead of the required 200,000 sq.ft. in the Rural and Agricultural (RA-5) zone for the property on E ½ NE ¼ NE ¼ SW ¼ SE ¼ Sec 30, T1N R1E F.M. (located at 333 Rainbow Ridge Road). (Staff Contact: Manish Singh)

Audio: Track 1, 2

FINDINGS OF FACT

1. The lot size violation does not qualify for legal nonconforming lot status (grandfather rights). On June 12, 2018, the FNSB Community Planning Department did not affirm (denied) legal nonconforming lot status because Tax Lot 3017 was created with 54,450 square feet area on October 29, 1982 after Ord. 73-42 established a minimum lot size requirement of 200,000 sq.ft. on September 27, 1973 (GR2018-135).

2. The lot size violation existed as of July 21, 2010 as evidenced by the Warranty Deed recording the description of Tax Lot 3017 on October 29, 1982.

3. A previous owner created Tax Lot 3017 on October 29, 1982 by recording a Warranty Deed. The FNSB Assessor Field Card shows that the ownership of the lot has changed at least three
times since 1982 with subsequent Warranty Deeds and therefore, the violation was not intentional
or willful on the part of the current owner.

4. The lot size violation does not pose a danger to the public health, safety and welfare of borough
residents because the lot has an area of 54,450 sq.ft. which is more than an acre and could
potentially support a septic system. A plot plan dated October 20, 1983 shows that the lot is 165.16’
wide which is adequate for constructing a residence and other accessory structures.

5. The lot size violation of 145,550 sq.ft., or approximately 72.78% of the required 200,000 sq.ft., is
less than 75% of the required lot area.

6. A lot requesting lot size amnesty, must meet the FNSBC Title 18 definition of “lot” because
FNSBC 18.116.020(A) states “…any… lot that is in violation of this title with respect to the
numerical regulations pertaining to… lot area, and which has received affirmative recognition of
amnesty relief under this chapter, may continue…”

7. The lot does not comply with all FNSBC platting requirements because it was not legally created
under the FNSB Title 17 subdivision regulations in effect when the description of the lot was
recorded with a Warranty Deed on October 29, 1982.

8. Zoning Permit No. 18109 approved on July 26, 2018 constitutes tacit approval of the lot based
on 18.104.080(A) and (C).

9. The definition of a lot in title 18 requires that a lot be established by plat, subdivision, or
otherwise permitted by law, adequate for occupancy, providing yards, buildable area, and off street
parking. Amnesty is not available unless the lot complies with “all other” FNSB platting and zoning
requirements. The lot was not properly established, but complies with all other requirements, and
therefore is available for amnesty.

10. The amnesty request conforms to the comprehensive plan land use goal 1, strategy 1.

AM2018-007 APPEAL APPROVED
[SIX IN FAVOR/TWO OPPOSED]

PUBLIC HEARING

1. **RZ2018-006**: A request by Don E. Ross to rezone approximately 29 acres from General Use 1
(GU-1) to Rural Residential (RR) or other appropriate zone. The proposed rezone includes parcels
described as Linda West Subdivision – Lots 1-2, Linda East Subdivision – Lots 1-2, Alice
Subdivision – Lot 1, Section 14 T1S R2W F.M. – GL-61W, GL-61E, GL-63, GL-64, GL-80W, GL-
GL-85 (located on Roland Road and Linda Lane, west of Chena Pump Road).

FNSB Planning Commission Recommendation to the Borough Assembly:

Pursuant to FNSBC 18.104.020(C), the Planning Commission voted nine (9) in favor, zero (0)
opposed to recommend approval of the rezone from General Use 1 (GU-1) to Rural Residential
(RR) only for Linda West Subdivision – Lots 1-2, Linda East Subdivision – Lots 1-2, Alice
Subdivision – Lot 1, Section 14 T1S R2W F.M. – GL-61W, GL-61E, GL-63, GL-80W, GL-80E, GL-
The Planning Commission did not make any recommendation for the rezone of Section 14 T1S R2W F.M. – GL-64, GL-78A, GL-78B, GL-85.

Audio: Track 2, 3, 4,

**FINDINGS OF FACT**

1. The FNSB Regional Comprehensive Plan characterizes the subject property as ‘Perimeter Area’ which is defined as “…10 to 20 minute travel time of urban destinations… contains primarily residential use… compatible with the surrounding community, sensitive to natural systems…”

2. The current GU-1 zone is not consistent with the ‘Perimeter Area’ designation because it 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.

3. The proposed RR zone is more consistent with the ‘Perimeter Area’ designation because it will limit the residential density of a lot to a maximum of two dwelling units establishing a low-density residential neighborhood.

4. The proposed rezone to RR conforms to the FNSB Regional Comprehensive Plan because it advances:
   a. Land Use Goal 3, Strategy 7, Action B which refers to compatibility of surrounding community and recognizing the importance of the rural lifestyle in the borough.
   b. Land Use Goal 4, Strategy 10, Action B which refers to developing a pattern of compatible land uses.

5. The proposed RR zone conforms to the public health, safety or welfare because:
   a. The proposed RR zone helps implement the ‘Perimeter Area’ land use designation by protecting the predominantly residential character of the lots located within the rezone area.
   b. 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 residential uses. Moreover, this rezone and the resulting residential character of the neighborhood will eliminate the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zoning classification.
   c. The proposed RR zone will make certain existing lots, structures, and uses nonconforming. The nonconforming lots, structures, and uses may be eligible for grandfather rights affirmation.

6. The rezone is not a spot zone because:
   a. The proposed RR zone will limit the residential density of a lot to a maximum of two dwelling units establishing a low-density residential neighborhood which would be more consistent with the Comprehensive Plan ‘Perimeter Area’ land use designation. Additionally, the proposed RR zone promotes FNSB Regional Comprehensive Plan goals referring to the compatibility of surrounding community, recognizing the importance of the rural lifestyle in the borough, and developing a pattern of compatible land uses.
b. The proposed RR zone has benefits to
   
i. A majority of property owners within the proposed rezone area by protecting the predominant residential character of the neighborhood.

   ii. A majority of adjacent property owners by protecting the predominant residential character of the neighborhood and eliminating the potential for unknown and potentially unlimited trip generation under its current GU-1 zoning classification.

   iii. The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area as ‘Perimeter Area’. Therefore, the implementation of the land use plan is a benefit to the community.

c. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The total area of the proposed rezone boundary is 28.96 acres which is more than 13 acres.

d. The area within the remainder GU-1 zone boundary is estimated to be more than 500 acres. Therefore, this rezone does 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.

RZ2018-006 APPROVED
[NINE IN FAVOR/ZERO OPPOSED]

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