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  Charles Whitaker
                      Doug Sims  Robert Peterson
                      Eric Muehling  Mindy O’Neall

Commissioners Absent & Excused:

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES


Audio Track 1

AGENDA AND CONSENT AGENDA APPROVED

QUASI-JUDICIAL HEARINGS

VR2019-001: A request by Marsha Woods on behalf of Golden Heart Utilities for a highway setback variance of 14 feet to allow a 6 foot front yard setback in the General Commercial (GC) zone which requires a 20 foot front yard setback. (located at 32 Timberland Drive, Lot 4A, Block 3 Timberland Subdivision at the Steese Highway and College Road intersection). **(Staff Contact: Donald Galligan)**

Audio: Track 1

CONDITION

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

FINDINGS OF FACT

1. This land was originally platted on August 14¹ 1951. The lot was not located within the incorporated city limits of Fairbanks. There was no zoning in unincorporated areas at this time.
2. Zoning of General Use (GU-1) was first established on the subject lot in 1988 by the adoption of Ordinance No. 88-010.
3. Ordinance 2001-66 rezoned this property from GU-1 to General Commercial on October 25, 2001. At that time the lot conformed to required minimum setbacks.

4. On May 22, 2001 the subject lot conformed to Title 18 requirements subsequent to the replat and prior to the 2015 Right-of-Way take.

5. The lot was annexed into the City of Fairbanks Corporate limits on July 1, 2010.

6. In 1977 the State of Alaska passed AS 35.30.020 which requires DOT to comply with local planning provisions including obtaining variances if required.

7. The acquisition of 505 square feet of right-of-way in 2015 by DOT for the College Road Right Turn Lanes project caused the lot to become non-conforming for the front yard setback adjacent to College Road. To gain compliance with local planning regulations a variance for setback is required.

8. The special condition requiring a variance was the non-conformity of the 6 foot front yard setback resulting from a right-of-way acquisition by the State of Alaska.

9. One other special condition on the lot is the existence of three front yards, each requiring a 20 foot setback.

10. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Transportation and Infrastructure Goal 1 “To have a safe, efficient, multi-modal transportation system that anticipates community growth”; and with Land Use Goal 1 Strategy 3, which protects private property rights; and it promotes the public health, safety, and welfare by improved safety and access from College Road on to the Steese Highway.

11. Public health, safety, and welfare are enhanced with the approval of this variance to allow the construction of the College Road Right Turn Lanes project as this improvement alleviates roadway backups through the Old Steese Highway intersection with College road, which was an unsafe situation.

12. All State of Alaska variance criteria (AS 29.40.040(b)) have been met by the applicant. (1) The property owner did not cause the condition that required the variance; (2) the variance will not permit a use that is prohibited in the General Commercial Zone; and (3) the variance is not sought only to relieve pecuniary hardship or inconvenience.

13. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

14. The subject property is developed with a utility building which contains water pumping infrastructure which is an allowed use in the General Commercial zone. In the immediate area to the north across College Road is the Cornerstone Mall, to the west is the Carpenter’s Apprentice Training School. To the south is the Brotherhood of Carpenters Local and a residential home, and to the east across the Steese Highway is The Gas Line, a filling station, convenience store, and car wash combination of services.

15. Neighboring property owners have developed their properties with a variety of commercial uses. With the approved variance, the property owner will be able to continue to use the existing property for the current utility use or for a number of other uses allowed in the General Commercial zone, as the surrounding properties have been allowed.

16. Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because denial of the variance would require DOT to purchase the entire parcel, thereby depriving the current owners of its use. The 6 foot front yard setback does not comply with Title 18 requirements without a variance.

17. The proposed variance is needed for the building setback to be in compliance with Title 18 as the result of property acquisition by DOT for the College Road Right Turn Lane project.

VR2019-001 APPROVED
[EIGHT IN FAVOR/ZERO OPPOSED]
This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

**VR2019-002:** A request by Martin Shurr, Chief of Right-of-Way, ADOT&PF Northern Region on behalf of Farthest North Girl Scout Council for a lot size variance to the 40,000 square feet minimum lot size in the General Use-1 (GU-1) zone. The lot is 21,707 square feet (located at 431 Old Steese Highway). *(Staff Contact: Donald Galligan)*

**Audio: Track 2**

**CONDITION**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**FINDINGS OF FACT**

1. This land was originally platted on May 7, 1940. There was no zoning for this property in 1940.
2. The lot was formed into its present configuration by July 2, 1999 when the purchase of 172 square feet of right-of-way for the widening of the Old Steese Highway took place.
3. When the lot was initially zoned in 1968 it was zoned as Unrestricted Use (UU) and did not have a minimum lot size requirement.
4. In 1977 the State of Alaska passed AS 35.30.020 which requires DOT to comply with local planning provisions including obtaining variances if required.
5. On April 19, 1988 the zoning changed from UU to General Use-1 (GU-1) which established a minimum lot size of 40,000 square feet and made the parcel a legal non-conforming lot.
6. The acquisition of 172 square feet of right-of-way for the Old Steese Highway Widening project, and 363 square feet of right-of-way for the College Road Right Turn Lanes project increased the non-conformity of the existing substandard-sized lot, so compliance with local planning regulations required a variance for lot size.
7. The special condition requiring a variance was the increased non-conformity of an existing substandard-sized lot was created by the State of Alaska.
8. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Transportation and Infrastructure Goal 1 “To have a safe, efficient, multi-modal transportation system that anticipates community growth”, Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access from College Road on to the Steese Highway.
9. The minimum lot size requirement in the GU-1 zone was based on allowing adequate area and separation for well and wastewater systems on site. The subject parcel is connected to City of Fairbanks water and sewer. The acquisition of a small corner has no effect on either of these systems as this is an urban parcel and does not negatively impact public health, safety, and welfare.
10. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.
11. The subject property is developed with a commercial building which contains the Farthest North Girl Scouts of America. In the immediate area to the north across the Steese Highway is the VIP Cleaners and a commercial strip mall, to the west is the REI store, Aarons Rentals,
and FMH Home Medical. To the south is the Carpenter’s Apprentice Training School, and to the east across College Road is the Cornerstone Mall.

12. Neighboring property owners have developed their properties with a variety of commercial uses. With the approved variance the current property owner will be able to continue to use the existing property for the current Girl Scout use or for a number of allowed uses in the GU-1 zone, as the surrounding properties have been allowed.

13. Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. Denial of the Variance would require DOT to purchase the entire parcel, thus depriving the current owners of its use. The undersized lot does not comply with Title 18 requirements without a variance.

14. The proposed variance is needed in order for the lot to be in compliance with Title 18 as the result of property acquisition for the College Road Steese Highway projects.

**VR2019-002 APPROVED**

[EIGHT IN FAVOR/ZERO OPPOSED]

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

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**APPEALS**

**Appeal of VR021-19:** An appeal of the Platting Board’s decision to deny variance VR021-19, made by 3 Tier-Alaska, LLC, on behalf of the heirs and devisees of James Edson Moody. Variance VR021-19 was a request to waive the requirement for construction of the subdivision road’s 30ft landing at its intersection with the Richardson Highway (FNSBC 17.56.060.A.4). The variance was part of the Moody Subdivision request to subdivide a portion of Gov’t Lot 2, Section 13 T7S R5E, a total of approximately 3.53 acres, into two lots of 0.92 acre and 2.61 acres. The property is located within the NW¼ Section 13, T7S R5E, FM. (Staff Contact: George Stefan)

Audio Track 3, 4, 5

**Findings of Fact**

1. FNSBC 17.56.060(A) allows for an exemption from minimum standards of road construction, which can include the requirements to construct a minimum 30 foot length landing as codified in FNSBC 17.56.060(A), with a variance.

2. The subdivision, with the variance, can be developed consistent with public welfare and safety because:
   
   i. The existing paved landing completes the physical intersection of the Old Richardson Highway with the Richardson Highway, thus providing emergency access to this subdivision and the lots to the north.

   ii. The current loop configuration of the Old Richardson Highway (i.e., two intersections with the Richardson Highway) relies on the existing paved landing for the south end of the loop, thus providing for better emergency access and an alternate route for ingress and egress.

   iii. Abandonment of the existing paved landing for the required construction of the design road landing would preclude emergency access to the Old Richardson Highway because the applicant is exempt from constructing the design road.

3. It is impractical and unnecessary to require construction of the subdivision road’s 30ft landing at its intersection with the Richardson Highway for the following reasons:
i. The existing paved landing provides direct access to the same section line easement corridor that the design road landing leads to.
ii. The existing paved landing protects the Richardson Highway roadway from damage as vehicles move to and from the Old Richardson Highway.
iii. It is impractical to remove the Old Richardson Highway’s connection to the Richardson Highway for the sole purpose of building a new landing without a connection to the Old Richardson Highway.
iv. FNSB Public Works and the Transportation Planner support this variance.
v. ADOT supports the subdivision request with its current access onto the Old Richardson Highway.

4. The Platting Board was incorrect in denying the variance, VR021-19.

**VR021-19 APPEAL APPROVED (VARIANCE APPROVED)**

[EIGHT IN FAVOR / ZERO OPPOSED]

This decision may be appealed within 30 days to the Superior Court.

Excuse Future Absences, Commissioner’s Comments and Adjournment.

Audio: Track 5

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