

**FNSB PLATTING BOARD
MINUTES
April 17, 2019**

A regular meeting of the Fairbanks North Star Borough Platting Board was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administrative Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Randy Pitney, Chair.

ROLL CALL

Members Present: Kellie Fritze, Troy Hicks, Clint Meyer, Bill Mendenhall, Tadd Wilmer and Randy Pitney

Members Absent: Mike Kwasinski (excused), Jackie Morton (excused) and Jason McComas-Roe

Others Present: George Stefan, FNSB Platting Officer; Daniel Welch, FNSB Platting Officer; Julie Kotila, FNSB Platting Board; Chad Hosier, FNSB Public Works Engineer; Wendy Dau, FNSB Assistant Borough Attorney.

MESSAGES

Chairs Comments –

Pitney welcomed Jackie Morton to the Platting Board. She was confirmed by the Assembly to become a member of the Platting Board but had prior obligations for this evening. She will attend her first Platting Board meeting in May.

Citizens Comments – limited to three (3) minutes

None

Disclosure and Statement of Conflict of Interest

Hicks stated that he has a conflict with item #4. He stated that he is the applicant/representative for this application. **Pitney** confirmed that Hicks DOES have a conflict and will not hear this item.

APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on the agenda. Consent Agenda items are not considered separately unless and Commission or Board member or citizen so requests. In the event of such request, the item is returned to the general agenda.

Motion to approve the agenda and consent agenda made by **Mr. Meyer**, seconded by **Ms. Fritze**. Motion carried without objection.

***MINUTES**

Minutes of March 6, 2019 and March 20, 2019.

OATH

QUASI-JUDICIAL HEARING

- 1. SD018-19 Pyrite Subdivision** A request by 49th Star Surveying, LLC, on behalf of the State of Alaska Department of Natural Resources, to subdivide Tract B-3 Pyrite Subdivision, a total of approximately 80 acres, into nine lots ranging in size from 5.00 to 13.43 acres. The request includes dedication of a new right-of-way. The property is within the E1/2 SW1/4 Section 36, T1S R2E, FM (located off of Plack Road and Farmall Drive). **Staff Contact: George Stefan**

Mr. Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following four (4) conditions:

1. GVEA shall be given a maximum of 30 calendar days to review and comment on the final plat.
2. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
3. The Pyrite Court landing at the intersection of Plack Road shall meet the requirements of FNSBC 17.56.060(A)(4).
4. Preliminary plat note #4, which prohibits direct lot access onto Plack Road, shall be carried over to the final plat.

Furthermore, staff recommended adoption of the following five (5) Findings of Fact and the Staff Report in support of approval:

- a. The applicants have applied for and shall be exempted from the road construction requirements for Pyrite Court and Farmall Drive as allowed by FNSBC 17.56.060(A) because:
 - i. The proposed subdivision is within the North Star Fire Service Area, results in nine lots, and is not within a road service area.
 - ii. The proposed subdivision does not rely on roads maintained by a service area for its only access or for access that is required by the subdivision plat.
- b. FNSBC 17.56.060(A)(2) requires that a cautionary plat note regarding road construction be placed on the final plat. Condition #2 satisfies this.
- c. FNSBC 17.56.060(A)(4) requires that where exempted roads in exempted subdivisions intersect with existing traveled ways, landings shall be constructed with a minimum of a 30-foot length meeting the minimum standards for road materials and construction of this title and the State of Alaska DOT&PF. Condition #3 satisfies this.
- d. FNSBC 17.56.010(F) states, "Direct lot access onto a major collector road or arterial shall not be allowed unless topography allows no reasonable alternative. Where double-frontage lots are platted, lots shall not access onto major collector or arterial roads unless topography allows no reasonable alternative. Restricted access shall be noted on the plat." The preliminary plat contains an access restriction note and this will be carried over onto the final plat.
- e. With the four conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Mr. Meyer queried if Farmall Road deadends at Oliver Drive. **Mr. Stefan** clarified that there is constructed access to Oliver Drive but the dedicated right-of-way continues beyond Oliver Drive.

Mr. Pitney clarified that if the Road Construction Exemption Ordinance is approved by the Assembly, this application would not be eligible for the exemption. **Mr. Stefan** confirmed this.

Applicant Testimony

Jeremy Hurst, applicant, addressed the Platting Board. He stated that he does not have objection to the staff report. He made himself available for questions.

Interested Person Testimony

None.

Applicant Rebuttal

None.

MOTION: A motion was made by **Ms. Fritze**, seconded by **Mr. Meyer** to approve Pyrite Subdivision with the four conditions and adopting the five findings of fact and the staff report in support of approval.

ROLL CALL: 6 in favor Fritze, Hicks, Mendenhall, Wilmer, Meyer and Pitney
0 opposed

2. **SD020-19 Huffman Lakes Subdivision Phase 2** - A request by Degerlund Engineering, LLC on behalf of Black Gold Properties, LLC, to subdivide Tract A, Huffman Lakes Subdivision Phase 1, a total of approximately 88.41 acres, into 13 lots ranging in size from 1.255 acres to 2.237 acres with a remainder tract of approximately 57.563 acres. The request includes the rights-of-way dedication within the property and for the existing Porter Avenue. The property is located within the N½ N½ Section 17, T1S R2E, FM, AK on Nordale Road and Porter Avenue. **Staff Contact: Daniel Welch**

Mr. Welch presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL subdivision with the following five (5) conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. North Star Fire Service Area and ADOT&PF shall have a maximum of 10 calendar days to review and comment on the final plat.
3. An approved ADOT&PF driveway permit shall be submitted with the final plat for the connection of Ender Road onto Nordale Road.
4. The annotation for the 40' shared access easement shall be amended to include which lots may benefit from the shared driveway easement.
5. Proposed Bella Ct. shall be renamed and be reviewed for approval by FNSB staff.

Furthermore, staff recommended adoption of the following eight (8) Findings of Fact and the Staff Report in support of approval:

- a. The proposed subdivision creates 13 lots and one remainder tract for a total of 14 parcels.
- b. Nordale Road is classified as an arterial road.
- c. The Comprehensive Road Plan classifies Porter Avenue as a major collector road.

- d. FNSBC 17.56.080(B) requires an 80-foot wide right-of-way for major collector roads.
- e. The subdivision plat proposes to dedicate 40-foot wide rights-of-way for the southern half of the Porter Avenue right-of-way.
- f. Per FNSBC 17.56.020(B)(3) states that dedication of the exterior boundary right-of-way width may be shared with the adjoining property owner if the shared right-of-way exists and is public.
 - a. The applicant is only required to supply half of the 80-foot width of required right-of-way.
- g. FNSBC 17.56.010(F) prohibits direct lot access onto major collector or arterial roads.
- h. The plat does not propose direct lot access onto Nordale Road or Porter Avenue.
- i. The plat proposes four new rights-of-way: Ender Road, Jude Court, Penelope Court, and Bella Court.
- j. FNSBC 17.60.010(B) states "Road and subdivision names shall not duplicate existing road or subdivision names in spelling or sound such that they may be confused with existing names."
 - a. Bella Court sounds similar and may be confused with the nearby Belle Ave.
- k. The plat proposes a double flag stem configuration from Lots 1 and 2.
- l. FNSBC 17.56.010(G) requires a driveway to be constructed to pioneer access road standards within the flag stems.
- m. All proposed roads end in a temporary turnaround or permanent cul-de-sac meeting the requirements of FNSBC 17.56.080(D).
- n. All proposed improvements, as designed, meet the applicable requirements of Title 17.
- o. With the five conditions, as recommended by staff, this subdivision meets the applicable requirements of Title 17.

Mr. Meyer queried if Potter Avenue was a major collector. **Mr. Welch** confirmed that it is a major collector.

Mr. Pitney questioned if roads will have to be built within the subdivision. **Mr. Welch** responded that a road construction exemption was not requested.

Applicant Testimony

Ray Brasier, Re-Max Realty, addressed the Platting Board. He stated that he is representing the owners of the property, Black Gold Properties, LLC, and will be selling the new lots for them. He stated that he does not have any questions of the staff report.

Interested Person Testimony

Trevor Ponsford, interested person, addressed the Platting Board and expressed concern with the proposed subdivision with regard to Porter Avenue and his driveway off of Porter Avenue.

Applicant Rebuttal

None.

Mr. Meyer stated that he does not have any issues with this request. **Mr. Wilmer** concurred with Mr. Meyer.

MOTION: A motion by **Mr. Meyer**, seconded by **Mr. Wilmer** to approve Huffman Lakes Subdivision Phase 2 with the five conditions, adopting the fifteen findings of fact and the staff report in support of approval.

ROLL CALL: 6 in favor Fritze, Mendenhall, Hicks, Wilmer, Meyer and Pitney
0 opposed

- 3. RP027-19 Replat Lot 9, Bullwinkle Estates 2nd Addition:** A request by Stutzmann Engineering Associates, Inc., on behalf of Terry Oakes, to replat Lot 9 (3.611 acres) of Bullwinkle Estates 2nd Addition, into three new lots: 9A, 9B, and 9C, ranging in size from 0.93 to 1.58 AC. An additional 10 feet of right-of-way is being dedicated radiating off the cul-de-sac of Coldfoot Court to accommodate existing improvements. This property is located within the NW¼ SW¼ Section 19, T4S R4E, FM, AK in Salcha off Coldfoot Court. **Staff Contact: Julie Kotila**

Ms. Kotila presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following three (3) conditions:

1. GVEA shall be given a maximum of 30 calendar days to review and comment on the final plat.

2. A note shall be placed on the final plat which states *"No lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided"*.
3. A driveway permit from Public Works is required prior to any work within the public ROW. A note shall be placed on the final plat which states *"Any new driveway or modification to a driveway onto Coldfoot Court will require an approved permit from FNSB prior to construction"*.

Furthermore, staff recommended adoption of the following five (5) Findings of Fact and the Staff Report in support of approval:

- a. The subdivision request is exempt from improving Coldfoot Court to current Title 17 road standards as allowed by FNSBC 17.56.020(G) because:
 - i. The proposed subdivision creates fewer than five lots.
 - ii. Legal access exists to the subdivision boundary via Coldfoot Court off the Richardson Highway and previously approved by the FNSB Public Works Department in 1996.
- b. This subdivision dedicates an additional 10 feet of ROW radiating off Coldfoot Court to accommodate existing improvements for the ditch and back slope.
- c. This subdivision reserves an additional 30 foot PUE on the westerly portions of Lots 9A and 9B.
- d. This subdivision proposes a double flag stem and a common driveway constructed to pioneer road standards within the double flag stem as required by FNSBC 17.56.010(G).
- e. With the three conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

Mr. Pitney questioned the zoning for Lot 9A. **Ms. Kotila** responded that the minimum lot size for the zoning is 40,000 square feet.

Applicant Testimony

Jeremy Stark, applicant, addressed the Platting Board. He stated that he questions the applicability of condition #2. He stated that with the current zoning, these lots cannot be further subdivided. **Ms. Kotila** clarified the need for the note. **Mr. Stark** concurred.

Interested Person Testimony

None.

Applicant Rebuttal

None.

MOTION: A motion was made by **Mr. Meyer**, seconded by **Mr. Wilmer** to approve the Replat of Lot 9, Bullwinkle Estates 2nd Addition with the three conditions and adopting the five findings of fact and the staff report in support of approval.

ROLL CALL: 6 in favor Fritze, Hicks, Mendenhall, Wilmer, Meyer and Pitney
 0 opposed

Mr. Hicks left the dias.

- 4. RP029-19 (Aiken's Acres Subdivision)** A request by Troy Hicks to replat Lot 13, Aiken's Acres Subdivision, a lot of approximately 5 acres, into two lots of approximately 2.4 and 2.6 acres. The request includes a variance to FNSBC 17.56.010(F) to allow for a single direct access point benefiting the proposed lots onto Chena Hot Springs Road via an existing shared driveway easement. The property is located in the SW¼ SE¼ Section 23, T1N R1E, FM, AK at the corner of Chena Hot Springs Road and Esro Road. **Staff Contact: Daniel Welch**

Mr. Welch presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following five (5) conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS and FNG/IGU shall have a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be added to the final plat stating *"The Department of Transportation requires the use of a common driveway for access onto Chena Hot Springs Road. The driveway must be located within the shared driveway easement shown on this plat."*
4. A note shall be added to the final plat stating *"Any new or modification to existing driveways onto Chena Hot Springs Road shall require a permit from ADOT&PF."*
5. All approved variances shall be noted on the final plat.

Furthermore, staff recommended adoption of the following fifteen (15) Findings of Fact and the Staff Report in support of approval:

- a) Proposed Lot 13A is a Type-II flag lot per FNSBC 17.56.010.H.2.

- b) FNSBC 17.56.010.H.2.b states "Evidence has been submitted by the applicant that a borough-standard road can be constructed in the stem in the event of a future dedication."
- c) The applicant has submitted evidence that a borough-standard road can be constructed in the proposed flag stem. FNSB Public Works is satisfied with the evidence submitted and concurs.
- d) FNSBC 17.56.110(A) states "The alignment of subdivision streets shall conform to the comprehensive road plan."
- e) Esro Road is classified as a minor collector within the FNSB Comprehensive Road Plan.
- f) FNSBC 17.56.110(A) states "The alignment of subdivision streets shall conform to the comprehensive road plan."
 - i. The applicant is not required to dedicate rights-of-way for Esro Road in order to meet the comprehensive road plan.
 - ii. Esro Road is located within properties under private ownership outside the control of the applicant.
 - iii. The plat does not rely on Esro Road for legal and constructed access required by Title 17.
- g) Esro Road is a private road and cannot provide the required legal and constructed access to the proposed lots.
- h) The proposed lots rely on Chena Hot Springs Road for access.
- i) Chena Hot Springs Road is classified as an arterial road.
- j) FNSBC 17.56.010.F prohibits direct lot access onto an arterial roadway unless there is no reasonable alternative.
- k) The only available legal and constructed access for proposed Lots 13A and 13B is Chena Hot Springs Road.
- l) Plat No. 82-166 permitted Lot 13 to have direct access onto Chena Hot Springs Road via a shared access easement with Lot 12.
 - i. Lot 13A still benefits from the previous approved direct lot access.
 - ii. Lot 13B is a newly introduced access and must be addressed by a variance.
- m) The applicant has submitted a variance to FNSBC 17.56.010(F) to allow Lot 13B direct lot access onto Chena Hot Springs Road.
- n) Alaska Department of Transportation is the managing and maintenance authority for Chena Hot Springs Road.

- o) With the five conditions adopted, this subdivision request meets the applicable requirements of Title 17.

A question arose regarding placement of commas within legal descriptions. Staff will remedy this situation.

Mr. Meyer stated that he does not have issue with this request.

Applicant Testimony

The oath was administered to Mr. Hicks.

Troy Hicks, applicant, addressed the Platting Board. He stated that he does not have any questions of the staff report. He made himself available for questions.

Interested Person Testimony

None.

Applicant Rebuttal

None.

MAIN MOTION:

A motion by **Mr. Mendenhall**, seconded by **Ms. Fritze** to approve the replat of Lot 13, Aiken's Acres Subdivision with the five condition(s) and adopting the fifteen findings of fact and the staff report in support of approval.

MOTION ON VR020-19:

A motion by **Mr. Meyer**, seconded by **Ms. Fritze** to approve VR026-19, a variance from FNSBC 17.56.010(F) to allow for direct access for Lot 13B, through a shared access easement for the three lots (12, 13A and 13B), onto Chena Hot Springs Road, an arterial road, adopting the five (5) findings of fact and staff report in support of the approval.

Mr. Meyer stated that he does not have issues with this request.

Ms. Fritze concurred with Mr. Meyer.

Mr. Wilmer concurred with Ms. Fritze and Mr. Meyer.

ROLL CALL ON VARIANCE #VR026-19:

5 in favor Fritze, Mendenhall, Wilmer, Meyer and Pitney
0 opposed

ROLL CALL ON THE MAIN MOTION:

5 in favor Fritze, Mendenhall, Wilmer, Meyer and Pitney
 0 opposed

Mr. Hicks returned to the dias.

UNFINISHED BUSINESS

Status of Ordinance 2019-01, Road Construction Exemption Ordinance

It was announced that this ordinance goes before the Committee of the Whole tomorrow evening and then to the Assembly next Thursday evening.

Mr. Stefan gave an update with regard to this project.

CITIZENS COMMENTS

None.

EXCUSE FUTURE ABSENCES

Mr. Meyer commented that he will not be at the May 15th Platting Board meeting.

BOARD MEMBER COMMENTS / COMMUNICATIONS

Mr. Stefan conveyed that an appeal was filed with regard to the denial of a variance for Moody Subdivision. Subsequently, the appeal went to the Planning Commission and the Planning Commission overturned the Platting Boards' decision 8-0, therefore the variance for the landing was accepted and will not require construction of the 30' landing for the designed road.

Mr. Hicks encouraged the Platting Board to refer to Title 17 when reviewing applications. He further commented that he is in agreement with the proposed ordinance change.

Mr. Meyer queried why bonding can't be used to construct roads. **Ms. Dau** stated that the Borough has bonding requirements and the policy of staff has been to do it when the road has been constructed and is basically complete.

ADJOURNMENT