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 or other location. The meeting was called to order at 6:00 p.m. by Eric Muehling, Vice-Chair.

A. CALL TO ORDER AND ROLL CALL

MEMBERS PRESENT: Chris Guinn  John Perreault
                  Doug Sims  Charles Whitaker
                  Mike Kenna  Eric Muehling

MEMBERS ABSENT & EXCUSED: Kerynn Fisher, Toni Abbey

OTHERS PRESENT:  Annmarie Billingsley, Asst. Attorney
                  Christine Nelson, Community Planning Director
                  Kellen Spillman, Deputy Director
                  Donald Galligan, Transportation Planner
                  Kristina Heredia, Planner III
                  Sharon Wittenkeller, Clerk

B. MESSAGES

Citizen’s Comments – limited to three (3) minutes – None.

Communications to the Board – None.

Disclosure & Statement of Conflict of Interest – None.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

MOTION: to approve the agenda and consent agenda with corrections to
the minutes, made by Commissioner Perreault and seconded by
Commissioner Whitaker. Carried without objection or roll call vote.

D. MINUTES

Minutes from July 23, 2019 approved with corrections.

E. QUASI-JUDICIAL HEARING

1. V2019-003 A request by Steven Brooks ADOT&PF Right-of-Way Agent, on behalf of George E. Sikorski for lot size variance of 111 square feet from the legal non-conforming size of 130,680 square feet in the RA-5 zone which has a 200,000 square
feet minimum lot size to allow a lot of 130,569 square feet. The property is located at 878 McGrath Road.

Donald Galligan presented the staff report. Based on the staff analysis, the FNSB Department of Community Planning recommended approval.

Applicant Testimony

Mr. Brooks stated DOT acquired the property before they received the variance, and they realize it is not the procedure they should follow. Mr. Brooks explained what was done in this project was how DOT originally operated. He explained DOT would acquire the property, build a project, and the variance would be obtained at the end of the process. He further noted DOT is changing their policy, and the current process will be changed when new projects come forward. Going forward, it will be determined in the beginning of a project if a variance is required, if so, DOT will immediately apply for it.

MOTION: I move to approve the requested 111 square foot variance from the legal non-conforming size of 130,680 square feet in the RA-5 zone which has a 200,000 square feet minimum lot size to allow a lot of 130,569 square feet; with one (1) condition, adopting the staff report and fourteen (14) Findings of Fact in support of the decision by Commissioner Perreault seconded by Commissioner Guinn.

Commissioner Perreault stated the variance satisfies the bookkeeping for DOT, and landowners, without impact to the landowner’s ability to use their property or to the public benefit to allow the road to be finished.

Commissioner Guinn stated the process is a house keeping measure, the size of the taking leaves the lot useable.

Commissioner Muehling stated there is no impact to health and safety in the area, in fairness, there are other lots that are less than 200,000 sq. feet in size, and the variance was required in compliance with Title 18. He was pleased to hear DOT will be changing their procedure, so the variance is first requested prior to acquisition of the property.

ROLL CALL
Six in Favor: Sims, Perreault, Guinn, Whitaker, Kenna, Muehling
Zero Opposed

MOTION PASSED

Findings of Fact for Approval

1. This land was originally patented on December 16, 1925. There was no zoning for this area in 1925.
2. The lot was created by deed on July 24, 1967. When the lot was created in 1967 it was legal in size as there was no zoning in effect and no required minimum lot size.

3. The “Lot of Record” is defined as “a plot of land, the description of which has been recorded in the office of the District Magistrate.”

4. When the area was initially zoned in 1968 it was zoned as Unrestricted Use (UU) and at that time did not have a minimum lot size requirement.

5. In 1971 the lot was rezoned to General Agriculture with a 200,000 square foot minimum lot size.

6. The acquisition of 111 square feet of right-of-way in February 2018 for the McGrath Road Upgrade project increased the lot size non-conformity, thus a variance is required.

7. The special condition requiring a variance was the property acquisition by AKDOT for the McGrath Road Upgrade project which increased legal non-conformity of lot size.

8. This right-of-way acquisition will also require re-platting of this lot.

9. 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 geometrics and sight distance on McGrath Road.

10. With the acquisition of the right-of-way, there is still adequate distance between the well and septic on the lot. All setback requirements are met.

11. 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.

12. Neighboring property owners have developed their properties with a variety of residential uses. With the approved variance the current property owner will be able to use the existing property for the current residential use or for a number of allowed uses in the RA-5 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 substandard lot does not
comply with Title 18 requirements without a variance.

14. The proposed variance is needed to be in compliance with Title 18 is the result of property acquisition for the McGrath Road Upgrade project.

2. **V2019-004:** A request by Steven Brooks ADOT&PF Right-of-Way Agent, on behalf of Quinton O. Parker for lot size variance of 4,440 square feet from the legal non-conforming lot size of 95,832 square feet in the RA-5 zone which has a 200,000 square feet minimum lot size to allow for a lot of 91,392 square feet. This parcel is located at 814 McGrath Road.

Donald Galligan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval.

**Questions by Commissioners**

**Commissioner Muehling** asked if there is a bike path in that part of McGrath Road.

Mr. Galligan stated yes, but that it is on the other side of the road.

**Commissioner Muehling** further inquired if the bike path would be impacted by the straightening of McGrath Road.

Mr. Galligan explained, it has been included in the design of the overall road, currently the bike path meanders into the roadway, the project will improve the path leaving it a constant distant from the edge of the roadway.

**Applicant Testimony**

Mr. Brooks stated the current owner of the property is not the same person they acquired the land from. The land was acquired and then it was transferred to the current owner. He stated he hopes this is the last variance they come to the Commission with after the fact.

**Commissioner Muehling** asked if there were any more variances in the pipeline.

Mr. Brooks answered no.

**MOTION:** I move to approve the requested 4,440 square foot variance from the legal non-conforming lot size of 95,832 square feet in the RA-5 zone which has a 200,000 square feet minimum lot size to allow for a lot of 91,392 square feet; with one (1) condition, adopting the staff report and fourteen (14) Findings of Fact in support of the decision by **Commissioner Sims** and seconded by **Commissioner Perreault**.

**Commissioner Sims** noted this was a necessary bookkeeping arrangement.

**Commissioner Perreault** agreed with **Commissioner Sims**'s comments.
Commissioner Muehling noted it is an allowed variance, with a conforming setback, and health and safety are not affected.

ROLL CALL
Six in Favor: Sims, Perreault, Guinn, Whitaker, Kenna, Muehling
Zero Opposed

MOTION PASSED

Conditions of Approval

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 for Approval

1. This land was originally patented on December 16, 1925. There was no zoning for this area in 1925.

2. On April 4, 1967 the lot was created by Warranty Deed. At that time it was a legal lot size as there were no zoning requirements or restrictions on lot size.

3. The “Lot of Record” is defined as “a plot of land, the description of which has been recorded in the office of the District Magistrate.”

4. When the area was initially zoned in 1968 it was zoned as Unrestricted Use (UU) and at that time did not have a minimum lot size requirement.

5. In 1971 the lot was rezoned to General Agriculture with a 200,000 square foot minimum lot size.

6. Although the lot was undersized for the GA zone it was of a legal size when created, so this action made the lot Legal Non-Conforming.

7. The acquisition of 4440 square feet of right-of-way for the McGrath Road Upgrade project was acquired in February 2018 and increased the lot size non-conformity as it pertains to lot size, thus a variance is required. The special condition requiring a variance was the property acquisition by AKDOT for the McGrath Road Upgrade Project, which increased the legal non-conformity of lot size.

8. This right-of-way acquisition will also require re-platting of this lot.

9. 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 geometrics and sight distance on McGrath Road.

10. With the acquisition of the right-of-way, there is still adequate distance between the well and septic on the lot to maintain Health Safety, and Welfare concerns.

11. 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.

12. Neighboring property owners have developed their properties with a variety of residential uses. With the approved variance the current property owner will be able to use the existing property for the current residential use or for a number of allowed uses in the RA-5 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 substandard lot does not comply with Title 18 requirements without a variance.

14. The proposed variance is needed to be in compliance with Title 18 is the result of property acquisition for the McGrath Road Upgrade project.

3. **EXCUSE FUTURE ABSENCES**

The absence of Commissioner Perreault is excused for September 10, 2019.

There being no business or agenda items the meeting of September 24, 2019 was cancelled. No objection or roll call vote.

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

Commissioner Muehling stated former Commissioner and Chair Mindy O’Neall will be missed; she resigned to serve on the FNSB Assembly.

Communications to the Planning Commission

Ms. Nelson asked the Commission if they would like to continue to have meeting reference binders at the meetings or if they would be ok with electronic versions. She stated she was looking for feedback and did not need a decision at the meeting.

Commissioner Muehling stated the Commission will give feedback.
Ms. Nelson stated it would go on a future agenda for an opportunity to discuss.

**Commissioner Muehling** allowed a citizen in the audience to comment.

David Biederman from Eagle, AK, Dawson City, Canada Old Crow stated he works for the Daily News Miner delivering newspapers. He spoke about his family history in Fairbanks. He spoke about his concerns for lack of participation in the meeting from people his age. He spoke in favor of having more water fountains in town, and having the Borough provide those fountains. He further stated there is only one downtown and it is in the church. He stated his concerns about the serious problem with drugs throughout the state, and downtown Fairbanks, and spoke in favor of helping those in need.

**Commissioner Muehling** stated the issues Mr. Biederman addressed are health and safety issues, which the Borough can address, and suggested Mr. Biederman introduce himself to the FNSB Planning staff in attendance.

5. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:43 p.m.