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

Commissioners Present:    Chris Guinn  Mike Stepovich
                          John Perreault  Doug Sims
                          Eric Muehling  Mindy O’Neall

Commissioners Absent & Excused:  Robert Peterson Charles Whitaker

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES


Audio Track 1

AGENDA AND CONSENT AGENDA APPROVED

PUBLIC HEARING

1. Ordinance No. 2019-11 RZ2019-003: A request by Mayor Bryce Ward to rezone approximately 584 acres, including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway) (Staff Contact: Kellen Spillman)

MOTION: To recommend approval of the rezone (RZ2019-003) including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5), and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2), and adopt the staff report and seven (7) Findings of Fact in support of the recommendation of approval by Commissioner Perreault seconded by Commissioner Muehling.

Findings of Fact

1. The FNSB Regional Comprehensive Plan designates approximately 81% of the rezone area as ‘Outskirt Area’ and approximately 19% of the rezone area as ‘Outskirt Area Preferred Residential Land’. Outskirt Area is ‘Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and
sewer facilities. Other uses include agriculture, and supporting commercial uses.” Preferred Residential Land is “Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

2. The current GU-1 zoning is not consistent with the Comprehensive Plan ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’ designations because the GU-1 zone “is intended for rural areas where community sewer and water systems are unavailable.” The GU-1 zoning 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 conditional use permits.

3. The proposed RA-5 zone would better implement ‘Outskirt Area’ land use designation. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek.

4. The proposed RE-2 zone would better implement ‘Outskirt Area Preferred Residential Land’ land use designation. The RE-2 zone allows for low-density residential uses with very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems.

5. The rezone conforms to the following FNSB Regional Comprehensive Plan goals:
   a. Land Use Goal 3, Strategy 7, Action B which encourages a mix of lot sizes, addresses compatibility of the surrounding community, conformance with natural systems, and recognize the importance of the rural lifestyle in the Borough.
   b. Land Use Goal 4, Strategy 10, Action A which encourages compatible land uses and recommends rezoning new subdivisions concurrent with platting process.

6. The rezone conforms to the public health, safety or welfare because:
   a. The proposed RA-5 zone will better implement ‘Outskirt Area’ land use designation.
   b. The proposed RE-2 zones will better implement ‘Outskirt Area Preferred Residential Land’ land use designation.
   c. The proposed RA-5 and RE-2 zones will minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone.
   d. The RA-5 zone will limit the overall development density in the “Less Capable for Development” area shown in the land development suitability map. Simultaneously, the RA-5 zone will provide some commercial potential to the State-owned lots abutting Goldstream Road.
   e. The RE-2 zone will allow more residential density than RA-5 zone in the “Most Capable for Development” area shown in the land development suitability map. However, the residential density allowed with the RE-2 zone will be significantly lower than that allowed with the current GU-1 zone.
f. This rezone and the resulting low-density residential and compatible commercial development will minimize the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.

g. The rezone would not make any existing lots nonconforming within the rezone area. There are no existing structures or uses within the rezone area.

7. The rezone is not a spot zone or a reverse spot zone because:

a. The rezone is consistent with the comprehensive plan because it will better implement ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’ land use designations. The rezone advances Land Use Goals 3 and 4 of the Regional Comprehensive Plan.

b. The rezone benefits both property owners, ADNR and UA, within the rezone area because when they market these properties they can ensure that the properties have been zoned appropriately to minimize land use incompatibilities.

c. The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacent west along Goldstream Road. This rezone area is approximately a mile west of the Goldstream Road and Old Steese Highway intersection. The properties around this intersection are developed with a mix of residential, commercial and industrial uses. This rezone benefits the adjacent landowners by minimizing the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.

d. The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area as ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’. The implementation of the land use plan is a benefit to the community.

e. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The proposed RA-5 rezone area of 344 acres and the proposed RE-2 rezone area of 240 acres are independently significantly larger than 13 acres.

f. The area within the remainder GU-1 zone boundary is estimated to be more than 2,000 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.

Approved – unanimously

RECOMMENDED FOR APPROVAL

Audio Track 1

Excuse Future Absences, Commissioner’s Comments/Communications and Adjournment.

Audio: Track 1

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