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
Charles Whitaker Eric Muehling

Commissioners Absent & Excused: Mindy O’Neall Robert Peterson

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES


MOTION: To postpone VR2019-001 and VR2019-002 to April 9, 2019 by Commissioner Sims seconded by Commissioner Perreault.

MOVED WITHOUT OBJECTION OR ROLL CALL

MOTION: To approve the remainder of the agenda and the consent agenda to include minutes by Commissioner Stepovich seconded by Commissioner Guinn.

MOVED WITHOUT OBJECTION OR ROLL CALL

QUASI-JUDICIAL HEARINGS

1. CU2017-008: A request by AT&T, on behalf of Sally Pelno, for amendment of the conditional use approval of a major communications tower to replace the wood pole with a steel pole and to make changes to the site plan and to the previous conditions of approval in the Rural Residential (RR) zone, on Lot 5, Block 2, Lakloey Park Subdivision, located at 1410 Valley Drive (tower) adjacent to 1414 Valley Drive (house), on the north side of Valley Drive, west of Levan Way. (Staff Contact: Manish Singh)

MAIN MOTION: To approve CU2017-008, an amendment of the conditional use approval of a major communications tower to replace the wood pole with a steel pole and to make changes to the site plan and to the previous conditions of approval, with six (6) conditions, and adopting the staff report and twelve (12) Findings of Fact in support of the approval by Commissioner Sims seconded by Commissioner Guinn.
MOTION TO AMEND: To add condition number seven (7) to read “Physical access to the communications tower utility lot shall ensure no material damage occurs to neighboring property by Commissioner Sims seconded by Commissioner Whitaker.

MOTION TO AMEND THE AMENDMENT: To replace the word “material” with the word “physical” in condition number seven (7) by Commissioner Muehling seconded by Commissioner Guinn.

ROLL CALL (motion to amend the amendment)
Six in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich and Muehling
Zero Opposed:

MOTION TO AMEND THE AMENDMENT PASSED

ROLL CALL (motion to amend)
Six in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich and Muehling
Zero Opposed:

MOTION TO AMEND PASSED

MAIN MOTION: To approve CU2017-008, an amendment of the conditional use approval of a major communications tower to replace the wood pole with a steel pole and to make changes to the site plan and to the previous conditions of approval, with seven (7) conditions, and adopting the staff report and twelve (12) Findings of Fact in support of the approval by Commissioner Sims seconded by Commissioner Guinn.

ROLL CALL (main motion)
Six in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich and Muehling
Zero Opposed:

MAIN MOTION PASSED

CU2017-008 APPROVED
[SIX 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.

CONDITIONS

1. The tower is limited to sixty nine feet (69’) in height, including all antennas and other appurtenances.

2. The subject tower shall remain unlit.

3. The applicant shall maintain a sight-obscuring fence and/or dense vegetation to mitigate visual impact to adjacent properties. This screen shall be placed immediately inside the utility lot lines.
4. A utility lot for the lease area shall be created and recorded through a FNSB platting process, such that both Lot 5, Block 2 and the required utility lot comply with all applicable Title 17 and Title 18 requirements, including:

   a. The utility lot may not exceed two thousand thirty square feet (2,030 sq. ft.) in area.

   b. The boundaries of the utility lot shall comply with the site plan labeled A-1.2 dated January 29, 2019, attached as Exhibit A.

5. All required and waived setbacks shall be measured from the edge of the communications tower, rather than the center of the pole or the accessory equipment.

6. The property shall be developed in accordance with Exhibit A and the site plan labeled as A-1.3 dated January 29, 2019, attached as Exhibit B.

7. Physical access to the communications tower utility lot shall ensure no physical damage occurs to neighboring property.

**FINDINGS OF FACT**

1. The conditional use amendment request is to replace the existing wood communications tower with a steel communications tower of the same 69 feet height and locate the replacement steel tower approximately 9 feet south of the existing wood tower within the existing 30’ x 30’ lease area.

2. This tower replacement will improve the structural capacity of the tower and support a concurrent upgrade to AT&T’s latest technology, with replacement antennas and replacement equipment.

3. The conditional use amendment requests changing the previously approved yard modifications because it was not possible to create a utility lot with the tower setbacks approved with the previous conditional use permit (CU2014-009) without revising the existing 30’ x 30’ lease area.

4. The location of the existing wood tower was approved by the FNSB Planning Commission with the previous conditional use permit (CU2014-009). A new alternate site analysis is not required because the 69’ tower has existed on this location for 13 years; and the proposed location for the replacement steel tower is not substantially changed; and the conditional use modification request is not for a new communications tower; and the replacement tower is to be located within the existing 30’ x 30’ lease area.

5. The applicant has provided a visual impact analysis which includes a description of the existing and the proposed visual impacts of the tower. The analysis is supported by 11 annotated photographs provided by the applicant from the distances of 500’, 2500’ and 2 miles for at least two distinct compass directions. The property has existing trees of approximately 40-60 feet tall around the sight-obscuring fenced compound, which provide significant natural screening to the tower.

6. The purpose of the yard setback requirement for communications towers is to ensure safety of neighboring properties and public right-of-ways in the event of a tower fall.
7. The FNSB yard setback requirement for the 69’ tower is 34’6” (50% of the tower height). The Planning Commission may grant yard setback modifications pursuant to FNSBC 18.96.160(C)(2)(h).

8. The proposed modified setbacks are: 20’3” from north utility lot line, 6’4” from south utility lot line, 19’4” from west utility lot line and 7’4” from east utility lot line. These proposed modified setbacks will be measured from the edge of the replacement tower.

9. The 69’ height of the existing wood tower was approved by the FNSB Planning Commission with the previous conditional use permit (CU2014-009). No change in height is proposed with this modification.

10. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:

   a) The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Perimeter Area Preferred Residential Land’ comprehensive plan land use designation. The subject property is already developed with a single-family residence. The replacement tower is compatible with the surrounding community because the 69’ tower would be significantly screened with the existing 40’-60’ trees on the property.

   b) The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

   c) With the conditions proposed, the replacement tower appears to comply with all local, state and federal laws.

11. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a) The replacement of the existing tower doesn’t require any water and sewage facilities.

   b) The facility has adequate fire services because the property is served by the North Star Volunteer Fire Department.

   c) The facility is served by the Alaska State Troopers for law enforcement.

   d) The facility has adequate power supply because they are served by the GVEA grid.

   e) The subject property has access from Valley Drive which is a local road maintained by Lakloey Hill Road Service Area. The traffic generated exclusively by existing communications tower is only that resulting from occasional tower maintenance. This tower maintenance traffic is expected to have negligible impact on the existing traffic on Valley Drive.

12. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because:
a) The overall safety of the tower is improved with the increased structural integrity of the replacement steel tower. The applicant has provided a foundation design and a structural analysis prepared and stamped by an engineer registered in the State of Alaska.

b) The replacement tower is proposed to be located 48' from the west property line and 32'6" from the north property line of the parent parcel. It is proposed to be located at more than 100 feet from south and east property lines of the parent parcel. The replacement tower is proposed to be located two feet less than the required 34'6" setback from the north property line of the parent parcel.

c) The nearest structure on the neighboring property to the west is located at least 80 feet from the proposed location of the replacement steel tower. The nearest structure on the neighboring property to the north is located at least 100 feet from the proposed location of the replacement steel tower. With the 69' tower height, the nearby structures on the neighboring properties to the west and north would be safe even in the event of a complete tower fall.

d) The replacement tower is proposed to be only 6'4" from the south utility lot line and 23'6" from the existing owner’s residence on the parent parcel. By locating the replacement tower 9' south of the location of the existing wood tower, the risks for the neighboring property owners to the west and north are reduced. However, the safety risks in the event of a tower fall may be increased with respect to the owner’s residence on the parent parcel. These risks can be addressed contractually between these parties. The applicant, i.e. lessee, states that the lease requires AT&T to maintain insurance for their facility to address owner’s, i.e. lessor’s, property damage/bodily injury, etc.

e) The replacement tower, which is designed and stamped by an engineer, will not require a plan review from State Fire Marshal’s office.

f) The replacement tower will comply with Title 18 standards for the RR zone (FNSBC 18.40) and Standards for Communications Towers (FNSBC 18.96.160) as well as other applicable laws.

Audio: Track 1

New Business, Excuse Future Absences, Commissioner's Comments and Adjournment.

Audio: Track 1

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