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. The work session was called to order at 6:00 p.m. by Eric Muehling, Acting Chair.

WORK SESSION

Mr. Carl Heim from Alaska Department of Transportation presented a PowerPoint to review the Chena Hot Springs Road interchange with the Steese Highway roundabout project to include the re-alignment of Whitney Drive and a shared use path along the north side of Chena Hot Springs Road.

The Regular Meeting was called to order at 6:55 p.m.

A. CALL TO ORDER AND ROLL CALL

COMMISSIONERS PRESENT: Eric Muehling            Chris Guinn
                        Kerynn Fisher            Charles Whitaker
                        Doug Sims               Toni Abbey

COMMISSIONERS ABSENT & EXCUSED: John Perreault     Mike Kenna

OTHERS PRESENT: Christine Nelson, Director of Community Planning
                          Donald Galligan, Transportation Planner IV
                          Annmarie Billingsley, Asst. Borough Attorney
                          Sharon Wittenkeller, Recording Clerk
                          Shelly DeWilde, Administrative Assistant III

B. MESSAGES

1. Citizen’s Comments – limited to three (3) minutes

   There were no comments by Citizens.

2. Communications to the Planning Commission

Ms. Nelson had a couple of items:
   • There are no cases for the Oct. 22nd meeting, so she suggested it be cancelled.
   • The Grandfather rights appeal on the September 10, 2019 Planning Commission agenda has been postponed due to the death of the property owner. Community Planning will reschedule once they get notice from the new representative of the estate.
• The FNSB is doing outreach for three vacant Board & Commission seats.

3. Disclosure & Statement of Conflict of Interest

There were no disclosures and statements for anything on the Agenda.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

D. MINUTES

1. Minutes from August 27, 2019 are removed from consent agenda and will be placed on the October 8th agenda for revision.

MOTION: To remove the August 27, 2019 meeting minutes from the consent agenda for revision. The revised minutes will be placed on the October 8th agenda in addition to today’s minutes, Motion by Commissioner Muehling.

PASSED WITHOUT OBJECTION

E. PUBLIC HEARING

1. ORD2019-32: A ordinance amending FNSBC Title 18 to define banquet halls and to add banquet halls as a use in various zones.

Marna Sanford presented the Sponsor Report and introduced Alden Wilbur who was having trouble creating a wedding venue on his 10 plus acre property due to the limitations of the current code. The Sponsor agreed with the Planning Department’s report on the recommended amendments to this ordinance. The amendments allow Wilbur to do what he intends to apply for. She urged the Commission’s support and encouraged any refinement and questions.

Questions by Commissioners

Commissioner Muehling asked if the intent was for agriculturally zoned property?

Ms. Marna Sanford stated that originally as written it included RF Rural Farmstead Zoning Designation but after review by Ms. Nelson it was found that the actual lot size was significantly smaller than what the RA5 and RA10, the other RA Designations, allowed. The Planning Department’s analysis was that there could be conflicts to smaller properties. Ms. Nelson suggested removing the banquet hall use from the RF zoning designation.

Commissioner Muehling questioned if this is for conditional use?
Ms. Sanford affirmed that this was correct.

Commissioner Muehling expressed concerns about a variety of land use impacts. A specific concern was what are we doing if we allow conditional uses on agriculturally zoned areas, where the primary zoning capacity may or may not be supported?

Ms. Sanford responded that one of the suggestions by the Planning Department was to limit the lot size to 200,000 square feet, which is about 4.5 acres. In the RA5 zone there are actually many lots that do not comply with the 5 acre minimum. The 200,000 square feet minimum does, regardless of RA5 zone, limit the application pool for conditional uses. It may be too stringent, 3 acres may be plenty. However, 200,000 square feet seems fair as Fairbanks people encourage quiet and peaceful neighborhoods. 200,000 square feet errs on the side of caution. Currently, allowed in the agricultural zone are several uses that are peripheral to agriculture; Bed and Breakfasts or Homestays. Uses that support an agricultural industry, which may or may not be able to survive on its own. This could sustain agriculture in our community. The Commission can further consider whether or not parking and other factors meet the demands of a venue of any size. These are factors that need to be considered by the applicant when applying. She’s comfortable they need to appear before the Commission for these types of considerations.

Ms. Christine Nelson provided a staff report on behalf of the Planning Department and recommended approval with two recommended amendments to the FNSB Assembly.

**Amendment #1: Amend Line 39 to read: Banquet halls, only on lots of not less than 200,000 square feet in area.**

This amendment would limit banquet halls as a conditional use to lots of 200,000 square feet (4.59 acres) or larger in the RA-5, RA-10, RA-20, and RA-40 zones.

**Amendment #2: Delete Lines 41-44.**

This amendment would remove the proposed banquet halls use from inclusion in the RF zones.

Questions by Commissioners

Commissioner Simms asked about the process for amending a CUP for different events.
Ms. Nelson explained how staff counsels applicants to consider future events and activities to ensure their CUP covers the scope of what they want to do on the site.

Commissioner Whitaker inquired about a conditional use restriction on noise.

Ms. Nelson stated that the borough has no standards for noise. However, hours of operation and where an event is located on the property can be conditioned.

Commissioner Whitaker asked about ways to regulate noise.

Ms. Nelson replied that time, place, and manner are the three things that the courts have stated you have the right to set conditions on. Hours of operation is the strongest tool in controlling the noise impact on neighbors.

Commissioner Guinn asked whether this could be a commercial venture that people can profit from.

Ms. Nelson stated that it would be a commercial business.

Commissioner Guinn stated there are one lane public dedicated roads going to sparsely developed neighborhoods, where traffic could be a problem. He concluded it could start disturbing the quiet enjoyment of the neighborhood and didn’t know if it could be handled in the conditional use process.

Ms. Nelson agreed that traffic and road maintenance can be an issue and is an area where conditional use criteria may not be sufficient.

Commissioner Muehling mentioned ways to mitigate noise. He asked about an amendment to require banquet hall use to be secondary rather than primary use of the property.

Ms. Nelson replied that code states which zones can have one primary use and which zones allow for more than one primary use. As written, this ordinance does not prohibit a wedding venue from being a primary use, whether it is vacant or has other primary uses.

Commissioner Muehling expressed concern about how an applicant know what they have to do to receive a conditional use permit.

Ms. Nelson explained the pre-application process.

Public Comment Opened

Ms. Sanford testified about the uses currently allowed in this zone without being evaluated by the Commission, such as airports and church buildings. Conceivably
a hundred people can attend a church service multiple times a week without seeing the Commission. Currently, shooting ranges, golf courses, grange halls, guest houses, home occupations, and commercial outdoor recreation uses are allowed. Each applicant will have to be evaluated with conditional use.

Mr. Alden Wilbur testified that he is a fourth generation Fairbanks Alaskan and grew up and lives in Fairbanks. He contacted Community Planning to develop his Rural Agricultural (RA5) property into an event and wedding venue area. There was no permitted or conditional uses for wedding or event venues for RA land. He tried fitting into several other category uses, however, none were applicable to him and was denied. He would like to see an event and wedding venue added to the definition of a banquet hall that allows banquet halls to be a conditional use on rural agricultural land. He referenced Ms. Sanford’s comment on the already allowed uses for commercial enterprises.

Questions by Commissioners

Commissioner Simms stated how the community evolves and grows and how the zoning code attempts to try and classify land uses and put them in the right category that’s compatible within the community. As the community grows there are new endeavors, ideas, and commercial interests. It’s an appropriate use to have in the community but where does it go? He asked Mr. Wilbur if his event venue idea would be ongoing or seasonal.

Mr. Wilbur affirmed that it was seasonal and would start with the tent type atmosphere with a porta potty to accommodate guests.

Public Comment Closed

MOTION: To approve ORD2019-32 with the two recommended amendments to the FNSB Assembly by Commissioner Simms, seconded by Commissioner Guinn.

Discussion on the Main Motion

Commissioner Sims stated the pre-app conference will generate enough information to make an informed decision on appropriate conditional use parameters.

Commissioner Guinn said most issues can be addressed in the conditional use evaluation as already many uses are not conditioned, which is having a much larger impact to the community.

Commissioner Whitaker suggested that parameters should be defined, such as with noise.
Commissioner Fisher said that she understands that a noise ordinance would complement this ordinance but trusts planning staff will address these issues on a case by case basis.

Commissioner Muehling supports amendment #2 deleting 41-44. However, expressed Amendment #1 has too small of a lot size at 200,000 square feet. He discussed increasing it to the RA10 lot size of 400,000 square feet. He deemed that five acres (200,000 square foot lot) does not provide businesses adequate room to grow where neighbors will not be disturbed.

**MOTION TO AMEND**: AMENDMENT #1, Amend Line 39 to read: Banquet halls, only on lots of not less than 400,000 square feet in area by Commissioner Muehling, seconded by Commissioner Whitaker.

Commissioner Sims spoke against Motion to Amend Amendment #1, stating it is self-limiting and that the conditional use process already takes lot size into consideration. He urged leaving it at 200,000 square feet.

Commissioner Guinn and Abbey agreed.

Commissioner Whitaker stated the reason he seconded was because it lessened his concern against disturbing neighbors with noise.

Commissioner Fisher asked about the code enforcement process on a CUP.

Ms. Nelson explained the established code enforcement process.

Commissioner Muehling believes the greater lot size minimum of 400,000 square feet will help to mitigate all or many of the issues that he saw on the presentation and will limit the number of areas in the community where these events could eventually grow.

**ROLL CALL (MOTION TO AMEND)**

Two (2) in Favor: Muehling and Whitaker
Four (4) Opposed: Sims, Guinn, Abbey, and Fisher

MOTION TO AMEND FAILED

**ROLL CALL (MAIN MOTION)**

Six (6) in Favor: Sims, Guinn, Whitaker, Abbey, Fisher, and Muehling
Zero (0) Opposed.
F. **APPEAL POSTPONED**
   1. **GR2019-132**: An appeal by Michael Helean of the denial of a request for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing junkyard in the Rural Agricultural (RA-5) zoning district for property located at 3135 Old Richardson Highway.

G. **NEW BUSINESS**
   1. Planning Commission Meeting Reference Binders will be all removed with the exception of two; one for each side of the dais in Chambers. In addition, there will be an attempt to simplify links to the Borough website so accessing titles, codes, and ordinances will be more readily available than currently.

   2. Ordinance NO. 2019-34 Boards and Commission Teleconferencing Participation is an ordinance to standardize telephonic participation in all boards and commission meetings. Ms. Nelson reviewed the elements of this ordinance, specifically, a Commissioner can call in twice a year but this will not be allowed for meetings with quasi-judicial hearings.

H. **EXCUSE FUTURE ABSENCES**
   None

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

   **Commissioner Whitaker** requested the other Commissioners keep in mind the importance of low street lighting at night in the Borough in order to emphasize the Aurora Borealis.

   **Commissioner Sims** received confirmation that the October 22nd meeting is cancelled. He informed the Commission that there is a downtown plan in progress, and he has been attending the downtown working group meetings.

   **Ms. Nelson** communicated that Planning has a new Administrative Assistant III, Shelly DeWilde. It was stated she should be clerking by November. She informed the Commission that Planning is currently understaffed by three positions.

   **Commissioner Muehling** informed that as chair he attends the FNSB assembly meetings when there is a rezone. However, he cannot attend this Thursday to represent the Planning Commissioner for the Salcha Badger Plan and for a rezone case. He will ask if Mr. Perreault, Vice Chair, can attend in his place. He stated that
in the event there is no one to represent the Commission, the Community Planning staff will convey how the Commission felt about the two items.

J. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:22 p.m.