

FNSB ADMINISTRATIVE HEARING

June 6, 2019 10:30 AM

ACTION MEMO

APPLICATIONS

Preliminary Applications

1. Quick Plats

- a. **SD030-19/RP033-19 20 Below Subdivision 1st Addition:** A request by Stutzmann Engineering Associates, Inc., on behalf of Donald and Susan Sutton, to subdivide Lot 1, 20 Below Subdivision, a total of approximately 17.68 acres into two lots of 2.00 and 15.68 acres. The property is located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T3S, R3E, FM (located on Old Valdez Trail). **Staff Contact: George Stefan**

Audio Track 1

CONDITIONS OF APPROVAL

Recommendation: Staff recommends preliminary approval of 20 Below Subdivision 1st Addition with the following conditions:

1. The North Star Fire Service Area shall review and comment on the final plat.
2. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
3. GCI and ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
4. A note shall be added to the final plat which states, "No subdivision 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."
5. A note shall be added to the final plat which states, "Any new driveway or modification to an existing driveway within the Old Valdez Trail right-of-way shall require an approved FNSB driveway permit prior to construction."

FINDINGS OF FACT:

Staff further recommends adoption of the following findings:

- a. The subdivision request is exempt from road construction 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 from Old Valdez Trail.
- b. As required by FNSBC 17.56.020(G) a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #4 satisfies this.
- c. As required by FNSBC 12.16.040 a permit from the FNSB is required prior to excavation or construction in or on any public road within a road service area. Condition #5 satisfies this.
- d. This plat request does not alter a dedicated street or right-of-way or require road dedication.
- e. This plat request does not require road construction or improvement.
- f. This plat request does not require a variance from a subdivision regulation.
- g. This plat request does not deny legal and physical access to any lot or tract.
- h. This plat does not vacate a public road, trail, public area or any easements other than a public utility easement.
- i. With the five conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) working days of the decision. Request an appeal form from the Community Planning Department at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.

- b. RP034-19 (Birch Hollow):** A request by 3-Tier Alaska, LLC, on behalf of Matthew Gagnon and John Ray, to vacate a public utility easement within Lot 1, Birch Hollow Subdivision. The property is located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T1N, R1W, FM (located on Birch Hollow Court and Skyridge Drive).
Staff Contact: George Stefan

Audio Track 2

CONDITIONS OF APPROVAL

Recommendation: Staff recommends preliminary approval of the replat of Lot Birch Hollow Subdivision with the following conditions:

1. The State of Alaska DNR shall relinquish and close ADL 400869 prior to final plat approval.

2. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
3. Plat note #2 shall be corrected to state, "Direct access onto Skyridge Drive is prohibited."

FINDINGS OF FACT

Staff further recommends adoption of the following findings of fact:

- a. The 30ft public utility easement (PUE) along the west boundary of Birch Hollow Subdivision was created by the State of Alaska Department of Natural Resources (DNR) right of way permit, ADL No. 400869 on July 24, 1981 prior to the recording of Birch Hollow Subdivision, recorded on November 23, 2011 as Plat No. 2011-101.
- b. On April 26, 2019 DNR published a Public Utility Easement Relinquishment notice for public comment for ADL No. 400869.
- c. The applicant applied for the PUE vacation with this Quick Plat request. All of the relevant utility agencies have responded with no objection to the PUE vacation.
- d. ADL 400869 will be relinquished by DNR prior to final plat approval. Condition #1 satisfies this requirement.
- e. 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." Condition #3 satisfies this, and it is the same note found on the parent plat of Birch Hollow Subdivision.
- f. This plat request does not alter a dedicated street or right-of-way or require road dedication.
- g. This plat request does not require road construction or improvement.
- h. This plat request does not require a variance from a subdivision regulation.
- i. This plat request does not deny legal and physical access to any lot or tract.
- j. This plat does not vacate a public road, trail, public area or any easements other than a public utility easement.
- k. With the three conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) working days of the decision. Request an appeal form from the Community Planning Department at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.

- c. **SD032-19/RP037-19 Moose Crossing Subdivision:** A request by 3-Tier Alaska, LLC, on behalf of Ernest & Merrie Dickson, to subdivide Lots 29 and 30, Blueberry Acres Subdivision, a total of approximately 9.67 acres, into three lots ranging in size from 1.05 to 7.00 acres. The request also includes the vacation of public utility easements along existing lot lines. The property is located within the NW¼ NE¼ Section 26, T1S, R1E, FM (located on Bradway Road). **Staff Contact: George Stefan**

Audio Track 3

CONDITIONS OF APPROVAL

Recommendation: Staff recommends preliminary approval of Moose Crossing Subdivision with the following conditions:

- a. 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." Preliminary plat note #9 satisfies this, and that plat note will be carried over to the final plat.
- b. Lot 1 meets the requirements of a Type II Flag Lot as codified by FNSBC 17.56.010(H)(2) because:
 - i. The flag stem is 40 feet wide.
 - ii. Evidence has been submitted that a borough standard road can be constructed in the flag stem: the preliminary plat provides sufficient elevation data on the plat graphic, and plat note #2 states, "This area is relatively flat, with slopes that are less than 10%. Spot elevations shown herein indicate that a FNSB Local 1 road can be constructed within the 40' flag if it were ever to be dedicated."
 - iii. The Lot 1 depth to width ratio is 2.6:1, which meets the requirement of FNSBC 17.56.060(I), "All lots shall have a depth to width ratio not to exceed 4:1."
- c. This plat request does not alter a dedicated street or right-of-way or require road dedication.
- d. This plat request does not require road construction or improvement.

- e. This plat request does not require a variance from a subdivision regulation.
- f. This plat request does not deny legal and physical access to any lot or tract.
- g. This plat does not vacate a public road, trail, public area or any easements other than a public utility easement.
- h. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) working days of the decision. Request an appeal form from the Community Planning Department at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.

- d. SD033-19 Wall Landing:** A request by 3-TIER Alaska, LLC, on behalf of Jeffery A. Wall, to subdivide GL-1 (Area A Sec. 8), GL-5 (Area A Sec. 7), and Area B (NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7), a total of approximately 68.4 acres, by combining them all into one tract. The request does not create any additional lots. The property is located within the E $\frac{1}{2}$, NE $\frac{1}{4}$, Section 7 and W $\frac{1}{2}$, NW $\frac{1}{4}$, Section 8 T2S R2W FM, on the Tanana River south of Chief John Drive. **Staff Contact: Daniel Welch**

Audio Track 4

CONDITIONS OF APPROVAL

Staff recommends preliminary approval of Wall Landing with the following conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. A portion of Note 2 shall be reworded to state "...this property has been determined to be located, in whole or in part, within..."
3. A note shall be added to the plat stating "Access to the property is via the Tanana River."

FINDINGS OF FACT

Staff further recommends adoption of the following findings of fact:

- a. FNSBC 17.52.050 exempts this platting application from the design and public improvements requirements of Title 17 because:
 - i. The lots were legally created by United States Department of the Interior Bureau of Land Management Native Allotment in 1984 (Bk 395 Pg 0411 FRD).
 - ii. The request does not increase the number of lots.
 - iii. The request does not create a new violation of the design and public improvement requirements of Title 17.
 - iv. The request does not increase the non-conformity of any lot under this or any other FNSB title.
- b. This request does is not a subdivision as defined in Title 17 under FNSBC 17.04.010.
- c. The property is located within Flood Zone A.
 - i. The request is not required to establish a benchmark per the requirements of FNSBC 17.52.040(D)(18)(a), because it is not a "subdivision."
 - ii. The plat meets the requirements of FNSBC 17.52.040(D)(18)(b).
- d. The property does not have existing road access.
- e. The property is surrounding by waters of the Tanana River.
- f. Legal and physical access to the property is provided by the Tanana River.
- g. This plat request does not deny legal and physical access to any lot or tract.
- h. This plat does not vacate a public road, trail, public area or any easements other than public utility easement.
- i. This plat does not alter a dedicated street or right-of-way or require dedication.
- j. This plat request does not require road construction or improvement.
- k. This plat request does not require a variance from a subdivision regulation.
- l. With the three conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) working days of the decision. Request an appeal form from the Community Planning Department at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.

- e. **SD031-19/RP035-19 Arg Subdivision:** A request by 3-TIER Alaska, LLC, on behalf of Alaska Rubber and Supply, Inc., to replat Lots 1-A and 2-A, Block 12, Metro Industrial Air Park, a total of approximately 3.45 acres, by shifting the common lot line to the south and resulting in two lots of approximately 2.26 acres and 1.91 acres. The request does not create any additional lots. The

property is located within the NE¼, SE¼, Section 21 T1S R1W FM, on Van Horn Road, Bonita Street, and Sheldon Avenue. **Staff Contact: Daniel Welch**

Audio Track 5

CONDITIONS OF APPROVAL

Recommendation: Staff recommends preliminary approval ARG Subdivision with the following conditions:

1. GVEA, GHU, ADOT&PF shall have a maximum of 30 calendar days to review and comment on the final plat.
2. A note shall be added to the plat that stating "Access from Lot 1 onto Van Horn Road is limited to the single existing driveway. Any modification to the existing driveway shall require permit from ADOT&PF."
3. A note shall be added to the plat stating the availability of existing sewer and water facilities.

FINDINGS OF FACT

Staff further recommends adoption of the following findings of fact:

- a. FNSBC 17.52.050 exempts this platting application from the design and public improvements requirements of Title 17 because:
 - i. The lots were legally created by Plat No. 86-167 FRD.
 - ii. The request does not increase the number of lots.
 - iii. The request does not create a new violation of the design and public improvement requirements of Title 17.
 - iv. The request does not increase the non-conformity of any lot under this or any other FNSB title.
- b. Van Horn Road, a major collector road, is maintained by ADOT&PF.
- c. Bonita Avenue and Sheldon Avenue are local roads without a managing authority.
- d. The proposed lots are not located within the City of Fairbanks.
- e. Plat Note 6 from Plat No. 86-167 FRD restricts additional direct access onto Van Horn Road, and this restriction will be added to the final plat. Condition #2 satisfies this.
- f. FNSB GIS shows available sewer and water facilities to adjacent to the proposed lots.

- g. This plat request does not deny legal and physical access to any lot or tract.
- h. This plat does not vacate a public road, trail, public area or any easements other than public utility easement.
- i. This plat does not alter a dedicated street or right-of-way or require dedication.
- j. This plat request does not require road construction or improvement.
- k. This plat request does not require a variance from a subdivision regulation.
- l. With the three conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) working days of the decision. Request an appeal form from the Community Planning Department at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.

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- f. RP036-19 (Smith Subdivision)** A request by David Scott, on behalf of Chena Properties, LLC, to replat Lots 12-A-2, 14, 15, 16, and 17, Block 11, Smith Subdivision, a total of approximately 38,000 square feet, into four lots of approximately 9,400 square feet each. The request combines five lots into four lots and does not result any additional lots. The property is located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 T1S, R2W, FM, on Hardland Avenue. **Staff Contact: Daniel Welch**

Audio Track 6

CONDITIONS OF APPROVAL

Staff recommends preliminary approval for the Replat of Lots 12-A-2, 14, 15, 16, and 17, Block 11, Smith Subdivision with the following conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, GCI, and GHU shall have a maximum of 10 calendar days to review and comments on the final plat.

3. A note shall be added to the plat that stating "Any new driveway or modification to an existing driveway onto a Service Area road will require a driveway permit from FNSB Rural Services."

4. A note shall be added to the plat stating the availability of existing sewer and water facilities.

FINDINGS OF FACT

Staff further recommends adoption of the following findings of fact:

a. FNSBC 17.52.050 exempts this platting application from the design and public improvements requirements of Title 17 because:

i. The lots were legally created by Plat No. 139.947 FRD and Plat No. 98-122 FRD.

ii. The request does not increase the number of lots.

iii. The request does not create a new violation of the design and public improvement requirements of Title 17.

iv. The request does not increase the non-conformity of any lot under this or any other FNSB title.

b. Hardland Avenue is a local road.

c. Hardland Avenue is maintained by the Smith Ranch Road Service Area.

d. It appears that sewer and water facilities are adjacent to the proposed lots.

e. This plat request does not deny legal and physical access to any lot or tract.

f. This plat does not vacate a public road, trail, public area or any easements other than public utility easement.

g. This plat does not alter a dedicated street or right-of-way or require dedication.

h. This plat request does not require road construction or improvement.

i. This plat request does not require a variance from a subdivision regulation.

j. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) working days of the decision. Request an appeal form from the Community Planning Department at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.

2. Grandfather Rights

- a. **GR2019-121:** A request by Julie Nichols for affirmative recognition of legal nonconforming use status (grandfather rights) for three existing attached dwelling units (triplex) in the Two-Family Residential (TF) zone for the property described as Lot 3, Block 16, Middle East Portion of Hamilton Acres (Located at 309 Dunbar Avenue). **(Staff Contact: Kristina Heredia)**

POST PONED TO A CERTAIN DATE OF 6/20/19

Further information can be obtained from the Community Planning Department office at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.