

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
May 25, 2021

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in-person and via Zoom from the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

The meeting was called to order at 7:03 p.m. by John Perreault, Chair.

A. ROLL CALL

COMMISSIONERS PRESENT: Chris Guinn Savannah Fletcher
John Perreault Sandra Mota
Eric Muehling Shane Koester
Doug Sims Jason McComas-Roe
Kerynn Fisher

COMMISSIONERS ABSENT (A) & EXCUSED (E): Mike Kenna (E)

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Annmarie Billingsley, Asst. Borough Attorney
Sarah Bingham, Planner II
Sharon Wittenkeller, Recording Clerk

B. MESSAGES

1. Communications to the Planning Commission

Mr. Spillman discussed the Planning Commission agenda items for the upcoming June and July meetings. He noted that the June 8, 2021 meeting is cancelled due to no items. He explained the Powell Rezone; RZ2021-004 will be heard by the FNSB Assembly on June 24th. He also commented that FNSB Community Planning Department budget for FY22 was approved with the addition of a new FTE Planner position. He also explained that permits are at an all-time high and that the RFP for the update to the Downtown Plan closed.

Ms. Nelson explained that there are some changes being discussed regarding the masking policy in borough facilities and that the Planning Commission will be notified of any policy changes regarding mask use in the JHAC.

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

3. Disclosure & Statement of Conflict of Interest – None.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by Commissioner Muehling and seconded by Guinn. Carried without objection or roll call vote.

D. MINUTES

Minutes from May 11, 2021 were approved.

E. QUASI-JUDICIAL HEARING

1. **CU2021-011 Sunshine Family Daycare:** A request by Rosario Miller for conditional use approval of a Daycare Facility for 12 children in the Two-Family Residential (TF) zoning district on Lot 6, Block 48, Hamilton Acres Subdivision, located at 235 Farewell Avenue, Fairbanks, AK.

Oath Administered.

Sarah Bingham presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval.

The Commission discussed and questioned the following items with staff:

- Requirements of Finding of Fact #3 in the staff report; the requirement for 2 inches of compacted gravel.
- Whether the alley is used for drop-off and pick-up.
- The connection between C Street and Farewell Avenue and B and D Street connections.
- Routes to get to the daycare.
- Traffic impacts and what type of road Farewell Avenue is classified as.
- Other conditional use permits in the area.
 - Whether the prior conditional use permit that the applicant had at 200 C Street remains valid or if it was extinguished when the applicant moved.
 - Whether the previous conditional use permit the applicant had is connected to the property and location or the owner.
- Potential for the conditional use permit at 200 C Street to be used.

Applicant Testimony

Lily Guerra-Caballero, represented the applicant and provided testimony on behalf of the applicant; Rosario Miller and spoke to the following:

- There are three staff members employed at the daycare; one lives on location.
- Staff parking and number of parking locations for staff.
- Gravel has been added to the front area of the daycare.
- The daycare has been moved from the previous 200 C Street location which is why they are applying for a new conditional use permit at the current location.

The Commission discussed and questioned the following items with Ms. Guerra-Caballero:

- Whether the applicant or the applicant's representative maintains an interest in the old property.
- Safety concerns for pulling out onto the road.
- Noise levels and concerns mentioned in a written comment submitted by a neighbor.
- Length and maximum amount of time scheduled for outside play.
- Whether there are any future plans to operate a 2nd daycare at the previous location.

Interested Person Testimony

Chair Perreault opened interested person testimony. Being that there were no members of the public who wished to provide testimony, interested person testimony was closed.

MOTION: I move to approve the Conditional Use Permit (CU2021-011) for a day care facility on Lot 6, Block 48, Hamilton Acres Subdivision with seven (7) conditions, and adopting the staff report and three (3) Findings of Fact as amended in support of the approval made by Commissioner McComas-Roe and seconded by Commissioner Koester.

Commissioner McComas-Roe commented that staff's recommendation of approval for the conditional use permit is appropriate. He further added that there have been a few concerns from neighbors regarding traffic and noise; and that the impact of the increased traffic is fractional, and noise will be limited to about an hour a day.

Commissioner Muehling commented on the noise level and stated the hours of operation of the daycare are consistent with the Fairbanks noise ordinance. He further stated that there is access to Farewell Avenue from B, D and C street which helps minimize the traffic impact, daycares are needed, and this daycare creates employments for three people and provides daycare services to the community.

Commissioner Sims stated his concerns regarding the applicant's prior conditional use permit located at 200 C Street; CU2014-01 and expressed the following:

- He would like to have known the conditions of the prior conditional use permit.
- See that the conditional use permit at 200 C Street be rendered invalid.
- Ambiguity of the conditional use permit.
- Density of daycares near one another in relation to noise concerns.
- He is concerned that someone else may establish a daycare at 200 C street under CU2014-01.
- For those reasons he did not support the motion.

ROLL CALL

Eight (8) in Favor: Guinn, Koester, Mota, McComas-Roe Muehling, Fisher, Fletcher, Perreault

One (1) Opposed: Sims

MOTION CARRIED – CU2021-011 APPROVED

Conditions for Approval

1. The maximum number of children permitted at the day care is limited to twelve (12).
2. The hours of operation of the day care facility shall be limited to 6:00am to 6:00pm, including drop off and pick up activities.
3. The gravel portion of the driveway, travel surface, and parking area, as shown in the applicant's site plan, shall be surfaced with at least two inches of compacted gravel no later than July 1, 2021 and that surface shall be maintained.
4. No materials or vehicles, other than employee vehicles or client vehicles, shall be parked or stored in the designated parking areas.
5. All outdoor parking spots, including the drop off and pick up area, shall be plowed and maintained year-round.
6. Drop off and pick up times shall be staggered to ensure that client vehicles do not exceed three vehicles simultaneously within the designated parking area.
7. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

Findings of Fact for Approval

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes:
 - a. The proposed conditional use is consistent with the 'Urban Area' FNSB Regional Comprehensive Plan land use designation because the day care facility will provide "essential human services for residents" of the borough "that will enrich the quality of life for all residents," mentioned in Strategy 1 of Goal 1 in the Community and Human Resources section of the Comprehensive Plan. The added land use also "fit[s] the diverse needs of the community," corresponding to Goal 3 in the Land Use section of the Comprehensive Plan.
 - b. The conditions that limit the number of children, hours of operation and parking restrictions, promotes public health, safety, and welfare and protects private property rights.
 - c. The applicant is in the process of renewing their state license for a day care facility from the Alaska Department of Health and Social Services, the state agency that is responsible for regulating childcare facilities. Renewing their state license is dependent on obtaining this conditional use permit.
 - d. The FNSB Eielson Air Force Base Regional Growth Plan shows that "The FNSB region has a shortage of affordable infant and preschool age childcare options" demonstrating that this application meets the purpose of a conditional use, to meet "the public need for the particular use in a particular location" as stated in FNSBC 18.104.050.
2. There are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.
 - a. The day care facility has adequate water supply and sewage capacity because the property is served by Golden Heart Utilities.
 - b. The facility has adequate power supply because it is served by the GVEA grid.
 - c. The facility has adequate fire services because the property is served by the City of Fairbanks Fire Department.
 - d. The facility is served by the City of Fairbanks Police Department for law enforcement.

- e. The subject property has access from Farewell Avenue which is a minor collector road maintained by the City of Fairbanks.
 - f. Farewell Avenue has the needed capacity to serve the day care facility safely and without any congestion occurring from the use.
3. The proposed conditional use protects public health, safety, and welfare because the day care facility complies with Title 18 standards for the TF zoning district (FNSBC 18.44) as well as with other applicable land use related laws.
- a. With recommended condition, the hours of operation for the day care facility will not negatively impact the residential neighborhood because the day care would not operate in the evenings or night, when more residents are home. These hours of operation are consistent with the City's noise ordinance.
 - b. The noise produced by the day care facility does not negatively impact the residential neighborhood because, as conditioned, the day care is for a maximum of 12 children and the outside playtime is limited.

F. EXCUSE FUTURE ABSENCES – None.

G. COMMISSIONER'S COMMENTS/COMMUNICATIONS

Commissioner Sims commented that he would have appreciated more research on the conditional use permit from 2014 and its conditions.

Commissioner Muehling commented on the Comp Road Plan in respect to light pollution; he would like the Commission to continue to address light pollution concerns with AK DOT&PF on future projects.

Commissioner McComas-Roe commented on the prevalence and location of other conditional use permits that may be near conditional use permits that are being considered by the Commission. He requested to see future analysis from staff where the other conditional use permits may be.

Commissioner Perreault thanked staff and representatives for the work session and Commissioner McComas-Roe for being the Planning Commission representative for the FAST Planning Technical Committee beginning in July.

H. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:59 p.m.