

FAIRBANKS NORTH STAR BOROUGH
Planning Commission
August 10, 2021
7:01 p.m.

A regular meeting of the Planning Commission was held Tuesday, August 10, 2021, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

ROLL CALL

There were present appearing telephonically and personally:

Doug Sims	Savannah Fletcher
Chris Guinn	Jason McComas-Roe
Mike Kenna	Eric Muehling, Vice-Chairperson
John Perreault, Chairperson	

Comprising a quorum of the Commission, and

Sharon Wittenkeller, Administrative Assistant III Clerk
Kellen Spillman, Acting Community Planning Director
Melissa Kellner, Acting Community Planning Deputy Director
Don Galligan, Community Planning Transportation Planner IV
Jill Dolan, Borough Attorney

Absent & Excuses

Shane Koester	Kerynn Fisher
Sandra Mota	

MESSAGES

C.1 Communications to the Planning Commission

Kellen Spillman, Acting Community Planning Director, provided an status update on the transition of clerking functions to the Clerk's Office, and Community Planning's staff shortages, noting there are 5-6 open positions advertised. Mr. Spillman explained his role as Acting Community Planning Director and Melissa Kellner's role as Acting Deputy Director, and the Community Planning Department's prioritized workload. Mr. Spillman explained the Community Planning Department is working with Agnew Beck consultants on finalizing the Downtown Plan, and they held a booth at the Tanana Valley State Fair to provide information on the Comprehensive Road Plan, the Recreational Trails Plan and the Comprehensive Economic Development Strategy (CEDS) ; the received roughly 200

comments between the three projects. Mr. Spillman finished his communications with upcoming Planning Commission agenda items.

C.2.a. Citizen's Comments on agenda items not scheduled for public hearing.

David Fischer, Project Manager, DOT&PF, was filling in for John Netardus, the Project Manager for HP2021-009 Old Richardson Highway Intersection Improvements and gave a summary overview of the project.

Commissioner McComas-Roe inquired if it would be constructive from the Planning Commission to start looking to DOT&PF to provide them with an area map that showcases concurrent projects that will be underway at the same time.

Mr. Fischer replied there are construction maps on their website that show their projects.

C.2.b. Citizen's Comments on items other than those appearing on the agenda.

Jerry Cleworth, Park Drive, Fairbanks, Downtown Working Group Member, explained the history of the establishment of the Downtown Working Group, their tasks and the progression of the Downtown Plan. He noted one of the most important tasks the Downtown Working Group was involved in, was the zoning of key areas in downtown. He was interested in viewing the final work plan that was presented in the work session and how it will collaborate with the Downtown Working Group.

An inquired ensued on which entity created the working group.

David Van den Berg, Downtown Association of the Fairbanks, Director, explained he was an observer and supporter of the Downtown Working Group at many of their meetings. He was relieved to hear the progress of the Downtown Plan and looked forward to the incorporation of the Downtown Working Group's progress and completed tasks alongside the efforts of the Agnew Beck consultants. He expressed the importance of having a City of Fairbanks Administration presence and involvement as part of the Downtown Working Group.

C.3. Disclosure & Statement of Conflict of Interest

NONE

APPROVAL OF AGENDA AND CONSENT AGENDA

FLETCHER,
Seconded by KENNA

moved to approve the agenda and consent
agenda as read.

VOTE ON MOTION TO APPROVE THE AGENDA AND CONSENT AGENDA AS READ.

Yeses: Muehling, Kenna, Fletcher, McComas-Roe, Sim, Guinn, Perreault

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

APPROVAL OF MINUTES

1. Planning Commission meeting minutes of June 22, 2021.

Without objection this measure was read by title and approved under the consent agenda.

CONSENT AGENDA ITEMS

F.1. *HP2021-009 Old Richardson Highway Intersection Improvements

A request by the State of Alaska Department of Transportation and Public Facilities (ADOT&PF) for local planning authority approval of the Old Richardson Highway Intersection Improvements project. Improve intersections in North Pole at Santa Claus Lane and East 5th Avenue, and North Pole High School Boulevard at Old Richardson Highway and 8th Avenue. Work will include hardware and utilities. The railroad crossings will also be improved to current standards.

Without objection this measure was read by title and approved under the consent agenda.

LEGISLATIVE HEARINGS

G.1. ORDINANCE NO. 2021-23

An Ordinance Amending FNSBC Title 18 To Amend Definitions, Including Adding Child Care Homes, Child Care Group Homes And Child Care Centers; Adding These As Uses In Various Zoning Districts; And Making Other Related Changes.

Kellen Spillman, Acting Community Planning Director, presented the staff report. Based on the staff analysis, the Department of Community Planning recommended that the ordinance be revised for introduction as noted: Only permitting "Child care center", "Child care group home", and "Child care home" as an accessory to another permitted use in FNSBC 18.76.020(A).

The Commission questioned and discussed the following with staff:

- In regard to site plan review of daycare facilities; whether the parking requirements in Title 18 were sufficient enough to address the new parking

demands, turning and maneuvering onsite, and similar concerns related to parking.

- Whether the ordinance change will make the process more or less onerous for applicants.
- Definition of childcare center; a facility for 13 or more children, it is the only definition that does not have an upper limit on the number of children.
 - Whether there was any discussion about having an upper limit on the number of children described within the childcare center definition.
- The requirements and determination of an accessory use in the Heavy Industrial (HI) zone.
- Cost and time savings as a benefit of the ordinance for the Community Planning Department and staff.
- The reason 4 of the 25 daycare applications would not be able to go through the quicker permitting process versus the conditional use permit process.
- The two terms, childcare group home versus childcare home, and whether the borough would treat the two categories differently or if it is that they are mirroring the state definitions.
 - Whether someone who is licensed for a childcare home, later decided to expand to a childcare group home, and whether they would have to apply for a new permit, or would the existing permit apply to a childcare group home.
- Buffer requirements for childcare group homes and childcare homes.
- Accessory use in a HI zone, the risk posed to a childcare center is the same risk posed whether it is an accessory use or a permitted use.
 - Whether is it necessary to have an accessory or permitted use in HI zone.
- Regarding using the state definitions within borough code, whether it was likely the state definitions were stable and unchanging, and whether they would change their definitions, and how that would affect the definitions within borough code.
- Changes to permitted uses in the HI zone.
- Intention of the accessory uses to allow for more childcare facilities.
- Whether state and borough code are exactly the same, or slightly different.

Tammie Wilson, FNSB Assemblymember, Sponsor highlighted the following in her report:

- In the HI zone, childcare is a permitted use in the proposed ordinance.
- Childcare is one of the most regulated businesses in the state, which contributes to the shortage of childcare facilities.
- The state-issued letter to childcare facilities noting compliance requirements.
- Regulation requirements posed by the State, including, Department of Environmental Conservation requirements, fire marshal inspections, city planning, zoning, CPR and First Aid Certification, and business license requirements.

- Potential to result in loss of business renewal if forced to proceed with State regulation requirements.
- Space requirements for childcare facilities based on number of children.
- The current number of childcare facilities in the FNSB within specific zones.

The Commission and staff questioned and discussed the following with the Sponsor:

- Having childcare facilities as conditional uses in the Light Industrial (LI)/Heavy Industrial (HI) zone.
- The current number of daycares in the LI zone.

Chairperson Perreault closed public hearing as there were no citizens to provide public comment.

MCCOMAS-ROE,
Seconded by SIMS

moved to recommend approval of Ordinance No. 2021-23 to the FNSB Assembly with changes recommended by staff.

Commissioner McComas-Roe supported the cost saving measures the Ordinance would produce and encouraged the future provision of additional slots for childcare. He concurred with staff's recommended changes and supported the motion.

Commissioners Sims concurred with Commissioner McComas-Roe's comments and added the ordinance is long overdue and he supported the motion.

Commissioner Guinn inquired about staff's recommendations to the ordinance.

Mr. Spillman summarized staff's recommendations; noting, only permitting "childcare center", "childcare group home" and "childcare home" as accessory to another permitted use in the HI zone.

Commissioner Fletcher was pleased with the ordinance, noting childcare is a huge need in the community, it is within the plan goals, and the ordinance streamlines the process and cuts down on the bureaucracy of approval. She supported copying the state definitions exactly, noting there are different requirements for each level; group home, care home or center. She inquired into the pros and cons of making the childcare groups an accessory use for HI or a conditional use. She was willing to support the motion as was currently stated.

Commissioner Muehling spoke to the importance of childcare in Fairbanks and stated the Ordinance supported the need for daycare.

MUEHLING,
Seconded by SIMS

moved to change childcare center definition from permitted use to conditional use in the Heavy Industrial (HI) zone.

Commissioner Muehling stated regardless of what it is called, the risk is the same, whether it is a conditional use or a permitted use if it is in an industrial zone. He felt the Planning Commission should be able to review the applications when they are within a LI/HI zone, in order to do so he proposed they be changed to a conditional use.

Commissioner Kenna opposed the amendment, stating the amendment would take away a business owner's opportunity in the HI zone the chance to provide their employees a daycare and a means to allow families to stay together at work. He also expressed, placing a \$1000 application fee and a three-month process placed on applicants was unnecessary.

Commissioner McComas-Roe stated the main motion facilitated the provisions of additional childcare in the community, it would make the process less bureaucratic, less onerous and less expensive. He did not support the amendment as it opposed the provisions of the main motion.

Commissioner Sims concurred with Commissioner Muehling's amendment. He supported the motion due to the circumstances involved with the uses allowed in the LI/HI zones which present some risks that are not found in urban zones, and those warrant a closer look into the existing operations near a proposed daycare in the LI/HI zones.

Discussion ensued among Commissioners and staff on the intent of the motion; the accessory, permitted and conditional uses in the LI/HI zones.

MUEHLING,
Seconded by SIMS

moved to amend the amendment to change "child care center" by designating "child care center" as an accessory conditional use in the Heavy Industrial (HI) zone.

Commissioner Muehling spoke to his amended amendment and stated he did not see the risk in LI and would still like to see a Commission review on any childcare applications within a HI zone.

Commissioner McComas-Roe encouraged his fellow Commissioners to vote the amendments down and get back to the original motion which was a well proposed ordinance on behalf of the sponsor and made better by staff's recommendations.

Discussion ensued on the intent of the amendment to the amendment.

Commissioner Fletcher supported the amended amendment, noting, maintain the conditional use approval to the HI zone will keep the process comprehensible, fairly enacted and the HI zones necessitate more scrutiny than the LI zones.

Commissioner Sims expressed he was not comfortable with placing a childcare center next to a bulk fuel storage area, gravel pit operation with heavy truck traffic or other similar land use applications within the HI zones.

VOTE ON MOTION TO CHANGE CHILDCARE CENTER DEFINITION FROM PERMITTED USE TO CONDITIONAL USE IN THE HEAVY INDUSTRIAL (HI) ZONE.

Yeses: Sims, Muehling, Fletcher, Guinn, Perreault

Kenna, McComas-Roe

Noes:

5 Yeses, 2 Noes

MOTION CARRIED

VOTE ON MOTION TO AMEND THE AMENDMENT TO CHANGE "CHILD CARE CENTER" BY DESIGNATING "CHILD CARE CENTER" AS AN ACCESSORY CONDITIONAL USE IN THE HEAVY INDUSTRIAL (HI) ZONE, AS AMENDED.

Yeses: Guinn, Fletcher, Sims, Muehling,

Noes: Kenna, McComas-Roe, Perreault

MOTION CARRIED

4 Yeses, 3 Noes

VOTE ON MAIN MOTION TO RECOMMEND APPROVAL OF ORDINANCE NO. 2021-23 TO THE FNSB ASSEMBLY WITH CHANGES RECOMMENDED BY STAFF, AS AMENDED.

Yeses: Muehling, Sims, Guinn, Fletcher, Perreault

Noes: McComas-Roe, Kenna

MOTION CARRIED

5 Yeses, 2 Noes

EXCUSE FUTURE ABSENCES

NONE

COMMISSIONER'S COMMENTS/COMMUNICATIONS

Commissioner McComas-Roe commented he has learned over time that it usually a good idea to have a very good reason to go against staff's recommendations.

I.1. FAST Planning Update.

Commissioner McComas-Roe provided an overview of the items heard before the FAST Planning Technical Committee which included the recommendation of the Fairbanks Road and Rail Crossing Reduction and Realignment Plan to the FAST Planning Policy Board, the Chena Riverwalk Phase III Project, the draft priority root map for non-motorized facilities, and proposed cross-walk on College Road at Farmer's Market.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8.41 p.m.

APPROVED: September 28, 2021