

Dear Resident:

You are receiving the enclosed information to provide you with the opportunity to discuss a proposed zone change that is being considered within 300 feet of your property.

The proposed change in zoning is in reference to the corner property of West Main and South 1st West formally housing the Rigby Junior High Building. The zone change is only Lot 8 of the 8 recorded lots. The remaining 7 lots as shown on the enclosed map will remain zoned as "school".

The planning and zoning commission held a public meeting to review the zone change. Minutes of those meetings are included in your packet. The commission has forwarded its recommendation to the city council which will conduct a public hearing with a "too approve."

The city council will hear comments from the public of either being in favor, neutral or in opposition to the project prior to rendering its final decision. If you wish to comment on the project you are entitled to submit written comments to the council prior to the meeting, attending the meeting and voicing your opinion or you are entitled to submit a written statement during the meeting. Again the public hearing will be held at the Rigby City Hall on Thursday, May 16, 2019 at 7:00pm.

Please read the enclosed information and if you have questions you may either attend the meeting or call the city clerk at 2008-745-8111 ex 11.

NOTICE OF PUBLIC HEARING
Application for Zone Change

Per city code 10-3-7: Action by Board/Council, the **City of Rigby, Jefferson County, Idaho** hereby gives notice that the Rigby City Council will hold a public hearing on the recommendation it received from the Rigby City's Planning and Zoning Commission for approval of a request to change existing zone from **School Zone to Commercial Zone**. A commercial zone is characterized by clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting, and well-maintained shops, stores, offices and other buildings are also characteristic of this Zone.

The legal address associated with this property is: Lot 8, Block 7 of the Original Townsite. The property is an undeveloped parcel of land located at the intersection of West Main and 1st West was previously occupied as the Rigby Jr. High School and is being developed by Northwest Development Company for the construction of a 10,000 square foot retail building.

Project information and a complete copy of the application is available for review at the office of Rigby City office located at 158 W Fremont, Rigby, ID during normal business hours (9:00– 5:00) Mon-Fri.

The public hearing will be held **Thursday, May 16, 2019 at 7:00pm** at the Rigby City Hall located at 158 W Fremont, Rigby, ID verbal and written comments will be accepted up to and at the hearing. The public is invited to attend this meeting. Be advised that there will be a five (5) minute time limit for anyone providing oral testimony. Mailed comments will be accepted through US Postal Service or emailed or hand delivered to rigbyclerk@cityofrigby.com if received before 5:00pm Wednesday, May 15, 2019.

City of Rigby
158 W. Fremont
Rigby, ID 83442
(208) 745-8111
(208) 745-7111 Fax

Total Due \$500.00

Application for a Zone Change

Lot 8, Block 7, Original Rigby

Zone changes require two public hearings -- the first before the Planning and Zoning Commission and the second before the City Council (see Public Hearing Procedure). Requests for a zone change shall first be submitted to the Planning and Zoning Commission which shall evaluate the request to determine the extent and nature of the amendment requested. The Planning and Zoning Commission may recommend or reject according to the Notice and Hearing Procedures provided in Idaho Code Section 67-6509.

Prior to granting a zone change, notice and opportunity to be heard shall be provided to property owners or purchasers of record within the land being considered, and any additional area that may be impacted by the proposed change as determined by the Commission.

Date of Application: _____ Date of Public Hearing: _____

Name(s): NORTHWEST DEVELOPMENT COMPANIES LLC Public Commercial

Home Phone: _____ Business Phone: 208 412 1329

Address: 1980 S. MERIDIAN RD STE 140 City/State/Zip: MERIDIAN ID 83642

Address of Property: NWC of MAIN ST + 1st ST

To constr

Applicant: owns property leases property is purchasing property

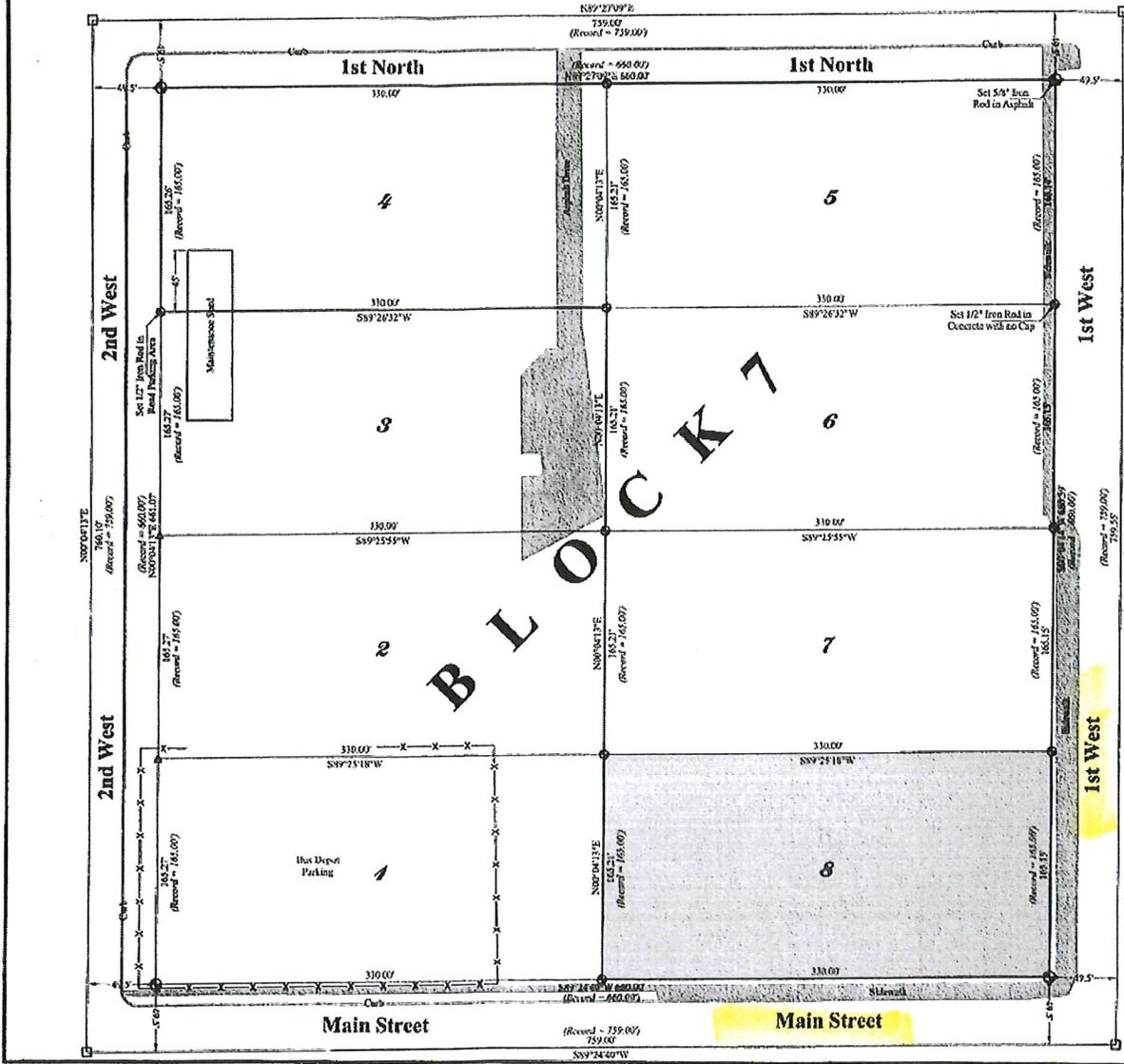
RPA 0005007005A

Legal Description of Property: _____

Current Zone: S+P Proposed Zone: C

Our request is based upon the following: _____

Block 7, Original Rigby Townsite



F
 LC
 Job
 Job
 CoC

- Tap to Download
- [Rezone Ap...pleted.pdf](#) 5.6 MB
- [Rezone Vicinity Map.pdf](#) 362 KB
- [narrative rezone.pdf](#) 509 KB

Larson Architects, P. A.
Architecture and Real Estate Planning
210 Murray Street, Boise, Idaho 83714
Phone: (208) 376-7502 Fax: (208) 658-0224

3-8-19

Rezone Narrative Statement

The City of Rigby Comprehensive plan sets forth the community goals in its development. Goal 1 and the Community Design aspect of this plan sets the criteria for the rezone proposal.

We are requesting a rezone of Lot 8, Block 7 of the original Rigby Town site from Public to Commercial. This piece of property was formally that part of the School site where the Rigby Junior High School was demolished. The bus parking is to the west and the maintenance buildings to the northwest.

The existing zoning makeup has commercial designation to the east, Public to the north and west and residential across W. Main Street to the South. Extending the Commercial zoning to the west is a natural progression because of the immediate Commercial zone adjacency and current – past use of large scale public facilities.

Sincerely,

Brad Marczuk
Project Architect, Larson Architects. P.A.



Jefferson Joint School District #251

Every Student Can Learn and Succeed

3850 E 300 N

Rigby, ID 83442

(208) 745-6693 / (208) 745-0848 (fax)

Affidavit of Ownership

State of Idaho
County of Jefferson

Jefferson Joint School District 251, residing at 3850 E 300 N, Rigby, ID 83442, depose and say that:

Description Property

Jefferson Joint School District 251 is currently the owner of the real property situated at 168 N. 2nd W., Rigby, ID 83442, and legally described as Original Rigby Townsite, Block 7, Lot 8.

Possession

We have no knowledge of any facts, which would indicate that our title or possession of the subject real property would be called into question or dispute.

To our knowledge, the title to the subject premises has never been disputed, rejected or questioned.

Lien and Encumbrances

No claim or action has been brought to our attention, which questions our title, or right to possession of the property and to my knowledge, no actions are pending against us in any court.

Purpose

This affidavit is being made, as we are the rightful owners of this property. Due to a pending sale of the property, we grant our permission to Northwest Development LLC to change the land use zoning from School and Parks to Commercial.

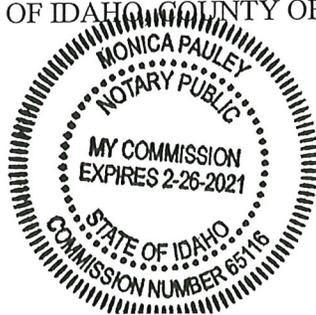
Oath or Affirmation

I certify under penalty of perjury under Idaho law that I know the contents of this affidavit signed by me and that the statements are true and correct.

Chad Martin, Superintendent

April 4, 2019

STATE OF IDAHO, COUNTY OF JEFFERSON, ss:



Notary Public

Bonneville

County

My commission expires: 2/26/2021



City of Rigby Planning and Zoning Commission

Meeting on April 11, 2019

Staff Report—Northwest Development Companies—Rezone Schools and Parks to Commercial

General

Project Name: Northwest Development Companies

Request: Rezone Schools and Parks to Commercial

Acres: 1.25 acres

Current zoning: Commercial

Location: Lot 8 Block 7 Original Rigby Town Site. Generally associated with 168 N. 2nd West, 260 W Main, and 122 N 2 W

Applicant: Northwest Development Companies

Owner: Jefferson Joint School District 251; Permission with Affidavit of Ownership for Northwest Development Companies

Staff Recommendation: Staff recommends ***approval with a development agreement.***

Assessment and Conclusion

The property is a vacant parcel of land of approximately 1.25 acres where the former Rigby Junior High School used to stand.

The application is for a rezone from School and Parks to Commercial. The Commission should only consider the general standards applicable to a rezone.

The subject site is zoned Schools and Parks, with Schools and Parks to the North and West on the same block, and R-1 with a mix of commercial buildings and homes on the South.

This application for rezone is in accordance with the Comprehensive Plan, and is in character with the neighboring parcels.

GENERAL PRINCIPLES	
Applicable City ordinances	10-5-D Commercial Zone and Rigby Comprehensive Plan/Map
Staff Comments	<ul style="list-style-type: none"> • Please ask the Planner if you have questions on how the Comprehensive Plan Map is interpreted for this or other applications. • Commissioners: if there are any items of agreement that should go into a development agreement as part of this rezone, please make a list of those items during yur and include those items in the motion.
City Public Works	<ul style="list-style-type: none"> • No comments
Fire/EMS	<ul style="list-style-type: none"> • No comments
Comprehensive Plan	<ul style="list-style-type: none"> • The Comprehensive Plan Map is attached. The blue commercial area extends West of S 1st West. • See attached pages from The Comp Plan regarding economic development, economic vitality, cultural amenities, social systems, etc.

Minutes of the City of Rigby Planning and Zoning Commission

April 11, 2019

Meeting was called to order at 7:08 p.m.

Present were Ellsworth, Sutherland, Warner and Stowell. Wilder and Cowley were absent with excused absences.

Minutes were distributed previously. Changes were noted: "EMZ" to "EMS", and "walking" path instead of "waking". The adjournment time was to be 11:17 p.m., not 10:17 p.m. Stowell made motion to approve minutes with the three corrections; Warner seconded. Motion passed; none opposed.

Changes to agenda: Fox Investments withdrew tonight's application. Regarding Sweetwater Townhomes, there were 5 or so individuals that said they did not receive the letter of notice for the Final PUD. It was decided that the Sweetwater Final PUD would be recessed until the May 9, 2019, P&Z Commission Meeting.

Planner Parry presented several proposed ordinances, some of which the Commission has reviewed in prior meetings.

Warner asked about when recusing yourself. Parry stated that it is likely okay if a commissioner doesn't need to necessarily remove themselves from the room; it doesn't need to be as stringent as previously presented. Deliberating and voting is still not allowed for commissioners who have recused themselves.

Northwest Development Companies rezone from Schools and Parks to Commercial. Parry presented the staff report. The owner is School District 251 with an affidavit of ownership for Northwest Development Companies. Parry asked the commissioners to jot down the development agreement components as the hearing and deliberations are conducted.

Steve Heath, Harper Leavitt Engineering in Idaho Falls, 101 S. Park Avenue, spoke for the applicant. This parcel is where the junior high school was originally. The parcel is contiguous to Commercial by both the Comprehensive Plan Map and the Zone Map. Commissioner Ellsworth reminded the applicant that they will need to work with the Planner to make sure what happens on this parcel is in accordance with the City zoning ordinances. Planner Parry said that at minimum there will be a Standard Development Agreement signed with this zone change. Warner asked if there was a bigger plan for other parcels on this block. Heath stated that he was not aware.

The public hearing was opened at approximately 8:45 p.m. The Chair reminded the three minutes time limit and to please state name and street address. He asked for anyone who would like to come forward.

Randy Waters, 700 S. Woodruff Avenue in Idaho Falls came forward in support, and also representing the applicant tonight. He stated that the intent is to move forward with this parcel. Perhaps in the future there will be other parcels from this City block that will also need a rezone.

Commissioner Ellsworth asked if anyone was in favor, then if anyone would like to speak who is neutral.

Wes Wood, 4323 Nathan Street, Idaho Falls. Wes operates a nearby business. He said this property is a good fit with the Downtown Overlay, and he sees this as a good idea to move forward in the downtown.

No one came forward to testify who was opposed.

Parry told the commissioners that school properties in Idaho cannot go forward with rezones for their own properties by law. Warner asked if there is still a school on the property. Parry said yes, a preschool. Ellsworth asked what the layout of the block is. Parry explained that College Avenue transects the block from north to south, then on each side of this Avenue there is four equally sized lots, totaling 8 lots on the block. Warner stated that there is a minimum amount of vacant space to build a school, and this property is never going to have another school on this property. There was no rebuttal.

The Chair closed the hearing. Sutherland said this zone fits right in with this area. Warner said this is a good fit for commercial; a school will not be rebuilt on this parcel. Warner said he heard no surprising information. Warner moved to recommend approval to rezone to Commercial, and subject to a development agreement as stated by Heath, Parry, and in staff report. He remarked that this is also in accordance with the intent of the Downtown Overlay Zone. Warner also stated in his motion that this parcel is not to include Multiple-Family dwellings. Sutherland seconded the motion. Roll call vote: Ellsworth yes, Sutherland yes, Warner yes, Stowell recused. Motion passed; none opposed.

Sunrise Estates Preliminary Plat in R-1 with Variances, 325 West 1st South

Warner recused himself from this hearing given that he has a financial interest in an adjoining property.

Planner Parry presented her staff report. She recommended the Commissioners jot down all elements that should be in the development agreement that will be an agreement between the developer and the City. Parry explained that all variances on any application must only be granted because of the uniqueness of the land. This parcel has twelve sides which makes it unique, and this application also meets the second requirement that the interests of the community are reserved with this application.

Parry said this application comes with her recommendation with the variances. She believes this application represents the highest and best use of this oddly-shaped, 12-sided and vacant parcel.

The three variances requested are:

1. No sidewalks required; they would be purposeless (one of the requirements of a variance)
2. Slightly smaller lot widths (48' instead of 50' required by ordinance; a result of the uniqueness of the parcel.)
3. Narrower drive entryway than typical City streets (24' rather than 40'; a result of the uniqueness of the parcel.)

Map
description for your map.

