



**City of Rigby
Planning and Zoning Meeting
March 13, 2014
7:00 p.m.**

Chairman Williams called the meeting to order at 7:00 pm.

Melodie Halstead conducted roll call. Those present were: Commissioner Bennett, Commissioner Moore, Commissioner Warner and Chairman Williams. Absent were: Commissioner Berrett. Therefore, a quorum was established and the meeting continued.

Also present was: Melodie Halstead, Planning and Zoning Administrator, Robin Dunn, City Attorney.

Old Business

No old business.

New Business

Verizon Wireless Cellular – Public Hearing :40 Disc 1 of 1
158 W. Fremont Ave
Special Use Permit
Residential One (R-1)

Melodie Halstead, Planning and Zoning Administrator presented the staff report. Mrs. Halstead also read Gaelynn & Boyd Hinckley's comments into the record as Exhibit T-1. The Commissioners did not have any questions at that time for Mrs. Halstead

Chairman Williams opened the public hearing at 7:04 pm.

Applicant: Jared White 7:04 Disk 1 of 1

Mr. White stated that he was aware of the comments from Rocky Mountain Power and agreed with the stipulations. <9:39 min left>

Robin Dunn, city attorney, stated that the Special Use Permit would need to be consistent with City Council's negotiations with AT&T lease contract and Verizon's SUP should be contingent with the same expiration date on the lease contract.

Support – None

Opposition

Morgan Lake 475 Annis Hwy 8:14 Disk 1 of 1

Mr. Lake owns property on the east side of City Hall. Mr. Lake feels that the antennas will devalue his property. The water tower was constructed with tax payers and Mr. Lake does not feel that private companies should profit from its

existence. Mr. Lake stated that the water tower could become a historical landmark for the city. Mr. Lake declared that Idaho Falls water tower is not adorned with lots of antennas. Mr. Lake suggests this application should be denied. <1:05 min left>

Neutral

Joel Johnson 159 W. 1st North 12:50 Disk 1 of 1
No comment.

Christa Horkley 159 W. 1st North 13:00 Disk 1 of 1
No comment.

Rebuttal

Applicant – Jared White 13:40 Disk 1 of 1

Mr. White stated that digital towers are protected by a new federal law which states that a city can not prohibit a tower from being located within city limits. The water tower already exists and there would not be another location that would be less intrusive than the water tower. Cell service demand is too high to locate the cell towers on the outskirts of town. By locating the antennas on the water tower, Verizon will be able to provide better service to the community while reducing the visual impact as much as possible. <12:38 min left>

Commissioner Warner asked about the lease. Mr. White replied that they would comply with the same conditions listed for AT&T. Verizon is willing to pay the same amount that AT&T is currently paying to lease the space on the water tower.

Commissioner Warner asked about the maintenance of the structure and if any of the lease money would be dedicated to maintain the facilities. Robin Dunn replied that would be a City Council decision.

Chairman Williams stated that he did not notice the existing antennas, the rest of the commission agreed.

Commissioner Bennett stated that the tower has been there approx 70 years and is starting to become a maintenance issue. Commissioner Bennett does not see the harm of allowing the antennas or the antennas revenue.

Commissioner Warner stated that he would notice a new tower but he has not noticed the antennas that are already located on the water tower.

Public Hearing Closed at 7:29 p.m.

Motion

Commissioner Warner moved to approve the Special Use Permit with the condition that the antennas and lease contract be similar to AT&T's current contract. Commissioner Moore seconded the motion. All in favor. Motion passes.

Tadd Jenkins / Rigby Chevrolet – 27:30 Disc 1 of 1
380 Farnsworth
Special Use Permit
Commercial (“C”)

Melodie Halstead, Planning and Zoning Administrator presented the staff report. Chairman Williams asked if the sign exceeded the height allowance. Mrs. Halstead indicated that it did and that was the reason for the Special Use Permit.

Applicant Tadd Jenkins – 380 Farnsworth 30:30 Disk 1 of 1

Mr. Jenkins is trying to attract additional business from the State Highway. Mr. Jenkins is in support of the SUP application. <14:39 min left>

Commissioner Moore asked about the height of his current sign. Mr. Jenkins replied the sign is about 30 feet high.

Commissioner Warner asked about the height of the flag pole. Mr. Jenkins stated that the flag is about 50' high. The sign will be lower than the flag pole.

Support - none

Neutral

Joel Johnson - 159 W. 1st North 32:45 Disk 1 of 1

Mr. Johnson is neutral concerning the sign. Mr. Johnson feels that this could start a precedent. Mr. Johnson welcomes the Jenkins to the community. <4:29 min left>

Opposition - none

Rebuttal

Applicant Tadd Jenkins

Mr. Jenkins didn't offer a rebuttal but stood to answer any questions.

Commissioner Moore asked if the sign would be neon. Mr. Jenkins stated that it would be not be neon and would be exactly like the current sign only taller. The sign does not blink and is internally illuminated.

Public Hearing Closed at 7:40 p.m.

Motion

Commissioner Warner moved to approve the Special Use Permit for Tadd Jenkins Chevrolet, formerly Rigby Chevrolet to increase the sign height as the application states. Commissioner Bennett seconded the motion. All in favor. Motion passes.

Commissioner Warner welcomed Tadd Jenkins to the community.

Jolene Hurst – 35:40 Disc 1 of 1
355 N. 3rd West
Special Use Permit
Residential One (R-1)

Melodie Halstead, Planning and Zoning Administrator presented the staff report.

Commissioner Bennett asked if the sign request exceeds the allowable size in a Residential One (R-1) district. Mrs. Halstead stated that was correct, but when listed in a Special Use Permit the Planning and Zoning Commission could set the sign allowance.

Applicant - Jolene Hurst 355 N. 3rd West 38:35 Disk 1 of 1

Ms. Hurst indicated that the property is currently owned by herself and her sister. They have owned this property since their mother passed away. The property has been listed for sale, but so far there has not been anyone interested in purchasing the property. The gift shop will not alter the exterior or interior of the house. Ms. Hurst will live in the same location when the gift shop is open. The applicants are requesting to operate the gift shop during all or some of the holiday seasons. The sign will be a vinyl banner that will not have any blinking or exterior lights. Ms. Hurst stated that there should be 3 parking spaces in the front yard, 2 spaces in the driveway, and 3 in the side yard for a total of 8 parking spaces. Mrs. Hurst also requested that the hours could be modified if/when the gift shop is open and they discover that the times do not work for the business. <10:00 min left>

Commissioner Moore asked if the home is currently listed for sale. Ms. Hurst replied that it is. Ms. Hurst mentioned that if the Special Use Permit is approved then they would not sell the house. Ms. Hurst stated that she resides in the home when she is in the area.

Support

Shon Swager 345 N. 3rd West 45:25 Disk 1 of 1

Mr. Swager owns the property to the south. The applicants have always been good neighbors. Mr. Swager supports the Special Use Permit application submitted by Jolene Hurst. <4:31 min left>

Chairman Williams asked if Mr. Swager was concerned with the increased traffic. Mr. Swager stated that most of the traffic comes from Caribou Street and that he does not have any real concerns for the traffic or parking that will be generated from this gift shop.

Commissioner Moore asked Mr. Swager if he agrees with the parking count that Ms. Hurst has indicated. Mr. Swager stated that he agrees with the applicant on the number of parking spaces that would be available for the gift shop.

Neutral - none

Opposition - none

Rebuttal – none offered

Public Hearing Closed at 7:50 p.m.

Commissioner Warner moved to reopened the public hearing. Commissioner Moore seconded that motion. All in favor. Motion passes.

Applicant - Jolene Hurst 50:00 Disk 1 of 1

Ms. Hurst requested that the commission allow the sign size to be remain the same without having to reapply every year. <9 min left>

Commissioner Bennett clarified that the sign would only be up when the gift shop is open. Ms. Hurst verified that is correct.

Commissioner Warner asked if there would be a limit on the days that the business would be in operation. Ms. Hurst stated that initially she is requesting the week before Thanksgiving through Christmas.

Commissioner Bennett asked if she is planning on being open during any other holidays season. Ms. Hurst stated yes, but would limit the days of operation to approximately the same length of time (7-8 weeks).

Motion

Commissioner Bennett moved to approve the Special Use Permit as submitted. Commissioner Moore seconded the motion. Discussion: Commissioner Warner stated that he has some concerns that this business could grow into something larger and the application does not have any time limits or constraints placed upon the business. Commissioner Warner would be more comfortable with a specific end date. Commissioner Warner likes the concept but is concerned with the growth potential. Chairman Williams called for the question. Commissioner Bennett and Commissioner Moore supported the motion, Commissioner Warner opposed the motion. 2 to 1 in favor of the motion. Motion passed.

Minutes – January 16, 2014 Meeting

Commissioner Moore moved to approve the January 16, 2014 minutes as written. Commissioner Warner seconded the motion. Motion passed unanimously.

Minutes – February 13, 2014 Meeting

Commissioner Moore moved to approve the February 13, 2014 minutes as written. Commissioner Bennett seconded the motion. Motion passed unanimously.

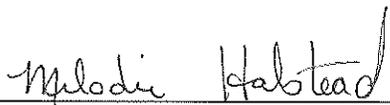
Administrator's Report

Melodie Halstead reminded the planning and zoning commissioners that the next regularly scheduled meeting will be April 10, 2014. Mrs. Halstead handed out copies of the most current Comprehensive Plan Map.

Meeting Adjournment

Commissioner Moore moved to adjourn the meeting. Commissioner Warner seconded the motion. Motion passed unanimously. Meeting adjourned at 8:15 pm.

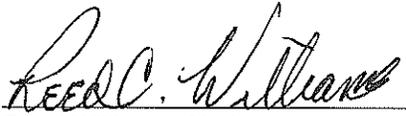
Submitted by:



Melodie Halstead, AICP
P & Z Administrator

4-10-14
Date

Approved by:



Reed Williams, Chairman,
Planning & Zoning Commission.

10 Apr 2014
Date