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3 **PLANNING & ZONING**
4 **COMMISSION MEETING**

5 March 9th, 2017

6 7:00 p.m.

7 **Meeting Minutes**

8 **Call to order: Acting Chairman Warner**

9 **Roll call: Chairman Warner**

10 Comm. Belk- Absent

Comm.- Moore- **Present**

11 Comm. Bennett- **Present**

Comm.- Treasure- **Present**

12 Comm. Ellsworth- **Present**

Comm. Warner- **Present**

13 Comm. Chairman Finlayson- Absent

Comm. - Open

14
15 **Acting Chairman Warner** called the meeting to order at approximately 7:04 p.m. He
16 performed a roll call of the commissioners, and it was determined that there was a
17 quorum present to conduct the business of the commission.

18
19 **Comm. Warner** then asked if there were any conflicts or “ex parte” issues amongst the
20 commissioners, regarding the agenda items for this meeting. None being noted, the
21 meeting continued.

22
23 **Comm. Warner** then directed the commission members to review the meeting minutes
24 from 1/12/17 and 2/9/17, and then requested a motion for the approval or amendment of
25 the meeting minutes. After review, **Comm. Bennett** made a motion to approve the
26 meeting minutes from the Jan. 12th, 2017, and the Feb. 9th, 2017 commission meetings, as
27 written. **Comm. Ellsworth** seconded. The vote was unanimous in the affirmative.

28
29 In addition to the Commissioners present, **Admin. Hathaway** was also present along
30 with Todd Meyers representing Maverick/ Caribou Four Corners, Inc, Glen Taylor, the
31 store manager for the Rigby Maverick, Ed Bloxham and Kevin Bloxham.

32
33 **Comm. Warner** welcomed everyone and reviewed the agenda items. The first agenda
34 item was a presentation and review of the proposed new Maverick store to be built in
35 Rigby. Todd Meyers was there representing Maverick.

36
37 Mr. Meyers explained the location and orientation of the new Maverick store. He
38 discussed some of the background with the design and marketing plan of Maverick to
39 operate two different businesses that are profitable. There will be an enhanced inventory
40 including more fresh food items. There will be much better access and modern
41 equipment.

42 The sample of material to be used for the construction of the store is durable but also
43 visually appealing. There has been a concerted effort between Maverick, their designers,
44 and the City, to make this store a much more visually appealing store. It will be
45 comparable to the recently built St. Anthony, ID. store.

47 **Comm. Treasure** had questions relating to the demolition of buildings required for the
48 construction of this store. Mr. Meyers stated that Maverick has purchased the Abbotts
49 building, World of Discovery, and the other small vacant building west of those two
50 buildings. They also purchased the parking lot owned by Abbott's south of the alley near
51 where the new building will be built.

52 **Comm. Treasure** asked if there were any plans to purchase the buildings south of the
53 alley, next to the new store. He thought that would allow for better visibility from the
54 State Street side.

55 Mr. Meyers said that Maverick had had the other buildings south of the new site,
56 optioned, but chose not to exercise that option now. Those properties belong to Ed
57 Bloxham.

58 **Comm. Warner** discussed the positioning of the building and placement near the
59 north/south alley. **Comm. Treasure** asked if Maverick had chosen this spot as the best
60 spot. Mr. Meyers explained the history of Mavericks built in downtown and their success.

61 **Adm. Hathaway** stated that it seemed to be a great choice for Maverick, but it will also
62 have a positive benefit for the downtown Rigby business area.

63 **Comm. Bennett** asked **Adm. Hathaway** if the application met the code and zoning
64 requirements. **Adm. Hathaway** stated that it did, with the exception of Chap. 10-8-4.
65 There is one line that says a "filling station" must be 300' away from a public building
66 such as a school, library, care facility, etc. The actual measurement is 270' from the
67 library.

68 **Adm. Hathaway** has submitted an administrative decision for the review and action of
69 the Commission, related to waiver of that code requirement. The decision would waive
70 that requirement. There are some locations where that code should have been applied but
71 has not been. It is also vague as to why it is there. It assumes it is for a safety issue, but
72 why would only a governmental building be specified. There are numerous other
73 businesses located within 300' of "filling stations."

74 **Adm. Hathaway** asserts that a variance would probably be allowed, due to the fact, that
75 the new store will be within 30' of compliance to that portion of the code, and complies
76 will every other code, building, and zoning requirement.

77 The variance would take about 45-60 extra days to be heard. This would place an undue
78 hardship on the applicant, and may cause that the store not be built. This would be
79 detrimental to the applicant and City of Rigby.

80 **Comm. Moore** asked about additional traffic. Mr. Meyers stated that ITD had performed
81 a traffic study, and found there would not be any negative effects, or overloading of the
82 roadway at the proposed location for the new store.

83 **Comm. Treasure** asked if there was any application or action needed on the application.
84 **Adm. Hathaway** stated that the commission needs to review the "proposed"
85 administrative action requested by **Adm. Hathaway**, and act to support or not support it.
86 The commission will discuss it later in the meeting.

87 **Comm. Moore** asked about any additional jobs coming with the new store. Mr. Meyers
88 stated he felt there would be 20-30 employees total, up from about 15.

89 **Comm. Ellsworth** asked about the design and sign location. Mr. Meyers stated that the
90 sign would be moved to a safer and less visually impacting spot, and to accommodate the
91 ITD plan to redo the intersection of State and Main with new signals.

92 There was more discussion and general questions by the commission members.

93 **Comm. Warner** asked Ed and Kevin Bloxham if they had any questions or comments.
94 They stated they did not have any questions. **Comm. Warner** thanked Mr. Meyers for
95 coming to the meeting and updating the commission. He then continued with the agenda
96 items after the visitors left the meeting.
97
98 The next item for discussion on the agenda was the upcoming joint meeting between the
99 city and county planning and zoning commissions. **Comm. Warner** asked **Adm.**
100 **Hathaway** for an update.
101 The requested information requested by the county p & z was discussed. Each item that
102 was listed in the memo was discussed by the commission members and it was felt that the
103 commission had a good understanding of what was needed. **Adm. Hathaway** also agreed
104 to email the memo to each commissioner for their review again. Some of the items have
105 general answers because neither the city nor county make the decisions. An example is
106 the school district. They locate their school and the governmental entities impacted,
107 respond accordingly. Hopefully they will include all affected parties in the planning
108 stages, to minimize the impact.
109 Other factors will include the upgrade in Hwy. 20 access to Rigby. It is overdue and an
110 integral step needed for the next stage of development in the city.
111 The commission discussed general growth issues and potential for growth in the city for
112 several different areas. Some potential obstacles were noted in general.
113 The general discussion was that there is a great deal of potential for growth in Rigby.
114 There was some discussion about what stores may be suited to replace the Kings store.
115 **Adm. Hathaway** has been contacting potential new vendors. The goal is to find a vendor
116 with a high profile in a market not already saturated, that would be a regional draw.
117
118 **Comm. Warner** then asked about the Administrative Decision related to the line in
119 Chapter 10-8-4, regarding the need for 300' distance from the front of a public building
120 from a "filling station."
121 **Adm. Hathaway** asked the commission members to read the "General Background" and
122 "Administrative Conclusions" made based on that background. The commission
123 members reviewed the information in the document.
124 **Adm. Hathaway** said that it was close to the distance required at 270'. (The required
125 distance for that line in the code is 300') Maverick could submit a request for "Variance",
126 but that could prolong their starting time for two months or more. This could jeopardize
127 getting the building open before Labor Day, and may even prevent it from being built.
128 This seems like an onerous and unreasonable requirement, and that is why **Adm.**
129 **Hathaway** has put forth an "Administrative Decision" for action by the commission.
130 After discussion and questions by the commissioners, **Comm. Moore** made a motion to
131 support and approve the "Administrative Decision" to allow the approval of the Maverick
132 Corporation building permit and move forward on the construction of their new store in
133 Rigby. **Comm. Treasure** seconded the motion. **Comm. Warner** called for a vote. The
134 vote was unanimous in the affirmative. **Adm. Hathaway** will draw up the "Findings of
135 Fact" outlined by the commission in supporting the "Administrative Decision," for
136 signature by Acting **Chairman Warner**.
137

138 The next scheduled meeting of the commission will be held on April 13th, 2017 at 7
139 p.m.

140 Having no further business, Comm. Moore made a motion to adjourn the meeting.

141 Comm. Treasure seconded the motion.

142

143 Meeting adjourned at approximately 8:47 p.m.

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146  _____ - Comm. Chairman or Vice-Chairman

147

148  _____ - Attest, Kevin Hathaway- P&Z Administrator

149

150 Dated- 4-13-17

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