

MINUTES
RIGBY PLANNING AND ZONING COMMISSION
JUNE 12 2003
7:00 PM

Members present: Chairman Larry Finn, Wayne Clark, Kelly McKamey, Karen Durst, Ron Hedelius, and Stan Borowski. Also in attendance were City Attorney Steve Clark, Kevin Thompson, Ruby Cervantes, Benny Beck and Melanie Jones.

Chairman Larry Finn called the meeting to order at 7:05 PM.

Kevin Thompson presented plans on behalf of Scott and Misty Stoker for a proposed subdivision in the impact area off of Hwy 48. Zoning will change from agricultural to residential. The lots are going to be one (1) acre lots. He showed that there were two points of access using roads and not easements. A dirt road already in existence would be paved and another road would be built between two properties whose owners have already agreed to the plan.

P & Z members discussed how the roads were to provide access and were satisfied with Mr. Thompson's explanation. Karen Durst moved to approve writing a letter of approval to Jefferson County P & Z with the stipulation that they be required to hook onto city services as soon as they are available and Stan Borowski seconded. All others voted aye. Benny Beck was present and spoke on behalf of his mother, Billie Beck. They are having difficulties with the owner of the apartment complex adjacent to them on 2nd West. Their original building permit stated they were to have a fence between the properties matching the one on the other side of Billie Beck's property but they have not done that. She had sold 150 feet on the back of her property to Cory Newman and he has paid her only a portion of the money. Mr. Beck wondered, if they sold the 150 by 50 feet property that has been abandoned by the developer, would it be legal to build a home there. It was pointed out that the developer said he was going to put a manufactured home on the property. Steve Clark will check and get back to him. Mr. Beck stated that the property is torn up and the developer has not lived up to the development agreement of December, 2002. The findings and conclusions document from when the apartment complex was originally proposed was read by attorney Steve Clark. It was concluded that if the developer has not complied with the agreement a misdemeanor complaint could be lodged. The Planning and Zoning Commission could write a letter to Doug Nelson or Larry Anderson to look at the property and issue a letter of non-compliance from Steve Clark's office to Cory Newman. Billie Beck is sure, if the fence was finished to city code, she could sell the property adjacent to the apartments.

Benny Beck also brought up concerns about another property adjacent to his mother's house that appears to be operating a body shop with the accompanying noise and fumes. She has called the police about the problem and the person has been cited for nuisance, but the problem continues. Billie Beck has also called the mayor and said she was told that it was, basically, her word against the neighbor's since there is nothing out of the ordinary going on when police officers respond to a call.

Melanie Jones was also present to give her view of this situation and had pictures and a list of newspaper advertisements for cars that have been bought and sold on the property. Her bedroom faces the body shop and she states the fumes and noise are continual.

Wayne Clark said if the shop is operating as a commercial business, it is violating the home business ordinance and he read from Ordinance 10.9.5L, paragraph 5 (*No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises*). Benny Beck and Melanie Jones were told they could file another complaint with the new evidence of pictures and the list of cars sold.

Ruby Cervantes was present and was representing Falls Insurance. They have a building permit waiting to be signed and they would like two signs on their building since they have a corner lot. They are asking for one five (5) by eight (8) foot and one three (3) by six (6) foot sign that will be flush with the wall. There are no signs on the building now, just in the window. Karen Durst read from ordinance 10.12.5C, "*Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area,*" and from 10.12.5E, "*On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided that, the area of such sign does not exceed twelve (12) square feet.*"

Ordinance 10.12.6C reads "*In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet (2') measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1 ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.*"

Charlie Taylor suggested looking over and possibly recommending updates of sign ordinances for such situations to city council.

Stan Borowski moved to approve the building permit without a going through a variance or special use and Ron Hedelius seconded the motion. All approved.

The minutes were reviewed and a change to the May 8th minutes was brought up (Dennis Ashbocker said he would build a 24 foot road, not a 40 foot). Stan Borowski asked about drainage in that area and the possibility of the city joining with the county to employ an inspector was brought up. Wayne Clark moved to accept the minutes. Kelly McKamey seconded and all voted aye.

Kelly McKamey moved to adjourn and Karen Durst seconded. All voted aye and the meeting was adjourned at 9:05 PM.