

MINUTES
RIGBY PLANNING AND ZONING COMMISSION
August 12, 2004
7:00 PM

Members present: Chairman Craig Bates, Bill Millet, Karen Durst, Stan Borowski, and Ron Hedelius. Also present were City Attorney Steve Clark, and Planning and Zoning Secretary Linda Radford. The meeting was called to order at 7:07 P.M.

The hearing for a zone change and variance at the request of Karl Peterson opened at 7:08 P.M. Karl Peterson spoke as proponent. The survey tract was entered as Exhibit 1. Mr. Peterson handed out a map (Exhibit 2) to illustrate the current use of the neighborhood. Lot 0036, owned by Mark Hymas, has a 4-plex; 0063 has a 4-plex; 004E, owned by Snyder Properties, has a 4-plex; 004F, owned by Karl Peterson, has a duplex; 003E, owned by Benson Taylor, has 4-plex townhouses; and 003B is the proposed construction. Mr. Peterson plans on providing two parking spaces per unit as opposed to the one-and-a-half required by ordinance. A variance is required because the lot to be built upon has no frontage the street. Mr. Peterson suggest that fire access would be from the street instead of the access road already in place because it currently accommodates one vehicle at a time. He plans to build a two story 40' X 40' duplex. There was discussion of placement of the building to fit the largest number of parking spaces as there currently is a problem with parking. Mr. Peterson has not discussed the proposed construction with local fire officials.

The floor was opened for public comment. Speaking against was Benson Taylor of 121 South 2nd West #10, Rigby. He was concerned with parking access and that the new building would block light to current buildings if it were to be two stories.

Melanie Jones of 151 South 2nd West, Rigby, was concerned that the access road was not wide enough for emergency vehicles and wondered where the snow would go in the winter as the area is used now for snow storage. She was concerned because sidewalks and landscaping were never completed by Corey Newman, the previous developer in the area. She feels there is an ongoing garbage problem in the area and that parking was already tight and more apartments would compound these problems Gary Williams of 175 South 2nd West, Rigby, spoke as neutral and felt Melanie Jones said what he wanted to say in regards to garbage flowing out from the area and the issues of snow removal and fire protection for the access road.

Mr. Peterson took the floor for rebuttal. He states that he is in the process of buying the existing duplex near where he plans to build and will complete landscaping and keep tight control of what the renters are allowed to put in the

dumpsters. Mark Hymas owns the land where the dumpsters currently sit. It was suggested that the dumpsters be emptied more than once a week since there is no room for additional containers. He would like to share expenses with the other owners in the area and pave the access road.

The findings and conclusions from the Corey Newman hearing of June, 2002, were read by the city attorney.

Benson Taylor spoke again and brought up the twenty foot (20') wide road and the fact that a tenant habitually parks a pickup truck on the road. If it was removed, the road would be wide enough for emergency access, however the vehicle would have to back out as there is not enough room to turn around.

Melanie Jones said she had heard from Billie Beck that Mr. Peterson had told Ms. Beck that he was buying the property for use as additional parking and a children's play area. Mr. Peterson stated he told Ms. Beck he would be building and adding additional parking spaces.

Stan Borowski was concerned because there was no detailed plot plan showing actual building placement. He also wondered about easements along the access road since each owner owns the road in front of their respective apartments and could conceivably block access to the road by the owners of the other apartments. Karen Durst stated that the density per acre in the area would be raised up to twenty-seven (27) units with this proposal and that the density allowed in the past was only 16-18 units per acre. There is no ordinance that specifically addresses density. It is also unknown if the city has easements for utilities in the area.

The hearing was closed at 8:07 P.M. and the floor was opened for discussion by the commission. After discussion of density, fire truck access and exactly what the variance would cover, Stan Borowski moved to approve the zone change from R-1 (single family homes) to R-2 (multi family units) with the conditions that:

1. The issue of easements and rights of way on the private road be addressed;
2. No construction would take place before the approval of the central fire district, and;
3. the density would be kept to 18 units per acre.

Ron Hedelius seconded, all voted aye and the motion passed.

Bill Millet moved to grant the variance to waive the required minimum of fifty feet (50') frontage to the road. Stan Borowski seconded, all voted aye and the motion passed.

Item #3 on the agenda was discussion of amending city ordinances to use City Council as an appellate board after P&Z decisions and only the decisions required by state law to be approved by City Council then go on to council.

Karen Durst moved that the ordinances be amended to make P&Z decisions final and conclusive excepting those legally required by state law to be also approved by City Council and that City Council serve as final arbiter. Ron Hedelius seconded, all voted aye and the motion passed.

City Attorney Steve Clark discussed the status of the proposed Sunbrook subdivision in the impact area. The city had asked that the subdivision be built according to city specifications as far as road, curb, gutter, sidewalk and street lights. In return, the city was willing to bring city services of sewer and water lines to the development in anticipation of future annexation. It now appears that the developer is unwilling to comply. Bill Millet moved to write a letter to Jefferson County that the previous approval for Sunbrook be withdrawn due to the opposition by Rigby Planning & Zoning of one acre lots in the impact area. He also moved to send courtesy copies to City Council, Steve Clark, Doug Nelson and affected parties. Karen Durst seconded, all voted aye and the motion passed.

Bill Millet moved to appoint Craig Bates as Chairman of the P&Z board and Wayne Clark as Co-chairman. Karen seconded, all voted aye and the motion passed.

The July 8, 2004 minutes were read and approved.

Stan Borowski moved to adjourn and Karen Durst seconded. All voted aye and the motion carried. Meeting adjourned at 9:40 PM.