

MINUTES  
RIGBY PLANNING AND ZONING COMMISSION  
February 10, 2005  
7:00 PM

Members present: Acting Chairman Kelly McKamey, Bill Millet, and Karen Durst, City Attorney Steve Clark, Councilman Charlie Taylor, Planning and Zoning Secretary Linda Radford. Also present was Kurt Hibbert. The meeting was called to order at 7:05 P.M.

The hearing for a zone change at the request of Leading Technologies, Inc was opened at 7:15 P.M. A staff report prepared by Linda Radford was read by acting chairman Kelly McKamey (Exhibit A). Kirk Lund, representing Leading Technologies, spoke as proponent. They propose to buy the lot next to and the two lots behind the old Napa building at 134 State Street and remove the buildings currently in place. They will then build two retail stores on the lot. The lot the old Napa building sits on and the lot next to it are presently zoned commercial. The lot behind the old Napa store currently occupied by a mobile home is also considered commercial. The lot to the west of that lot is considered R-1.

A leading national retailer will be leasing one of the spaces in the proposed building from Leading Technologies. Mr. Lund states that this company is very sensitive to the needs and desires of nearby residential neighbors as to noise, light and traffic. These will be kept to a minimum. The store operating hours are from 8AM to 8PM. Mr. Lund presented a photo of what the store would look like and the building materials used (Exhibit B).

Noel (Dee) Johnson, of 127 West 1<sup>st</sup> South, Rigby, ID, was concerned and asked to know specifically what store was going to be leasing the property. Mr. Lund described the company as a "discount Wal-Mart" and said he was not at liberty to say the name of the company. Eddie Pincock, the real estate agent for the company explained that the company does not like to disclose their name until the rezoning is approved due to certain financial and competitive reasons.

The floor was opened for public comment by those opposed. No one had signed as being opposed but Doug James, of 111 West 1<sup>st</sup> South, Rigby, ID, had signed as neutral and wished to speak. He was concerned about the fact that the building would be placed right on the property line along the alley. He felt that the alley was too narrow for the traffic it already carries. Kirk Lund said that they would be paving the alley to the rear lot line. Mr. Lund also stated that he was under the impression that all the lots along 1<sup>st</sup> South that abutted the proposed commercial development were commercial. Karen Durst thought that just the property along State Street was commercial.

Exhibit C, a plot map of the proposed building, was discussed by the developer. They plan to move the building forty-two (42) feet from the rear lot line instead of the eighteen (18) feet shown.

Noel Johnson said that he didn't think it was legal to put the building right on the property line along the alley because the building abuts a residential area. It was asked if the alley was considered a private alley or a public thoroughfare. Steve Clark stated that it was considered a public thoroughfare. The question was raised as to where the measurements for setback were taken – from the edge of alley or the center. Noel Johnson said the alley was 21 feet wide and the map given as evidence showed it as 18 feet wide (Exhibit C, Page C).

The developer stated that the alley would not be narrowed by the construction. Mr. Johnson was concerned about property values and the impact of increased traffic on that corner. Mr. Lund did not foresee any increase in traffic on 1<sup>st</sup> South but that an increase can be expected on 2<sup>nd</sup> South as far as the driveway to the establishment. It was pointed out that this driveway would not be as far West along 2<sup>nd</sup> South as Sudsy's II (137 West 2<sup>nd</sup> South) is, and it is zoned commercial.

Neva Nalder, of 3959 East 400 North, Rigby, ID, spoke as a citizen in favor. She did not want to see the inner part of the city die and thought the retail business would be a good idea. Eddie Pincock stated that, as a norm, most communities like to see new jobs come in to the area.

Hearing closed at 8:02PM and the commission discussed the zone change. Bill Millett wanted to clarify the fact that the hearing was for a rezone to increase a commercial area and not about the particular placement of the building or what entities would be leasing it. The question arose as to which of the four lots were already zoned commercial. Later investigation showed, if measured by the current zoning map, lots 54A, 59A and 49A as shown on Exhibit C, are zoned as commercial. Lot 47A is currently zoned R-1.

Karen Durst moved that the zoning of Lot 47A (126 West 2<sup>nd</sup> South) should be changed to commercial as well as Lot 49A (118 West 2<sup>nd</sup> South) if it is not already zoned as such. Lots 54A & 59A (230 & 234 South State) are already zone commercial. Bill Millett seconded, all voted aye and the motion passed.

Kurt Hibbert presented a proposal to assist Planning & Zoning with the update of the comprehensive plan. Bill Millett moved to recommend to council that the city hire Mr. Hibbert as an advisor. Karen Durst seconded, all voted aye and the motion passed. February 24<sup>th</sup> was set as the first work meeting with the 2<sup>nd</sup> Thursday of every month being a work meeting for the next six months. No hearings would be set for these dates.

Bill Millett moved to adjourn and Karen Durst seconded. All voted aye and the motion carried. Meeting adjourned at 9:38 PM.