

**PLANNING & ZONING  
COMMISSION MEETING  
January 10, 2019  
Meeting Minutes**

Call to order: Vice-Chairman Ellsworth called the meeting to order at 7:02 p.m.

Roll call:

The chair asked the clerk to call the roll:

Comm. Stowell-	Present
Comm. Sutherland-	Present
Comm. Wilder-	Present
Comm. Ellsworth-	Present
Comm. Bennett-	Present
Comm. Warner-	Absent

Review and Approval of Minutes:

The chair asked the commission to review the minutes of December 13, 2018. Commissioner Stowell moved to approve the minutes of Dec.13, 2018 seconded by Commissioner Sutherland.

The chair asked for a voice poll: All in favor none opposed.

Public Hearing- Variance – Brad Hall & Assoc.

The chair asked if the attorney would conduct the hearings this evening.

The attorney asked if any of the commission needed to recuse or had participated in any ex parte communications. Hearing none from the commission he then explained the process for the hearing and asked if a representative from Brad Hall & Assoc would come forward and present the applicant's need for the special use permit (SUP).

Applicant: Marty Duffin, representing Brad Hall & Assoc. came forward and explained to the commission the need for a variance of the setback on the north side of the proposed convenience store being constructed at 490 Rigby Lake Drive. He explained the reason was to allow more room between the south side of the (front) building and the gas pumps.

He further explained the project as being drafted allowing for vehicles to enter off of Farnsworth and Rigby Lake Drive. He noted the added parking spaces on either side of the building. He stated there would be access from the motel on the south onto the property, which was discussed with the owners of the motel and they were in support of the access.

Speaking in Favor:

Ryan Meikle – had signed up in favor and stated he concurred with what Mr. Duffin had stated.

Speaking Neutral on the project:

None

In Opposition to the project:

Sherwood Ricks: Mr. Ricks operated the Wendy café to the north of the proposed convenience store. He had two concerns: Drainage from the building coming on his property and parking lot and utility easement between the two properties. His concern with drainage was any water/snow would fall onto his parking lot in an area which customer's park. The constant drainage from the building will cause him maintenance issues over time. He has a similar instance at another building and he is burdened with the parking lot maintenance. His second concern is that the map shows utility easements along the property line and was concerned with a building being built over the utilities.

Todd Ricks: Mr. Ricks also representing the Wendy's franchise was concerned with what his father had mentioned. In addition he was concerned with the setback creating a visual barrier with the building blocking views of the Wendy's building from people traveling Farnsworth. He also wanted to add that if the building was built on the property line any snow/water draining off of the building in the winter will create ice accumulation on a portion of the parking lot which is shaded by the building.

Rebuttal: Mr. Duffin came forward and addressed the issues raised by the Ricks. As to the utility easement, they would not build across any easements for utilities. As to the drainage, the building is being built with the roof sloping to the south with gutters and drains on the south east and south west sides of the building. As for visual impediment, they will not be building a high building and height will be taken into consideration.

The attorney asked if anyone else wished to speak who had not done so. Hearing none he then closed the meeting for public comment and turned the time over to the commission for their deliberations.

Comm. Sutherland expressed his concern with the setback being zero and felt a five foot setback would be more appropriate.

Comm. Bennett concurred with Comm. Sutherland and felt that any maintenance that needed to done on the roof would require the owners to access the parking lot of Wendy's. He felt more than five feet would be needed.

Comm. Ellsworth inquired about the locations for garbage. Mr. Duffin responded they would more than likely be located on the south side of the property along the customer's parking spaces.

Comm. Wilder expressed concern with the setback being too restrictive on the west side of the gas pumps of 24 feet. Mr. Duffin stated 24 feet based on experience would be sufficient.

Comm. Sutherland asked if the two owners could come to some sort of agreement as to the setbacks.

Given that the two parties appeared to want to discuss the issue the attorney adjourned the meeting on the SUP to allow the parties to discuss the issue. He then moved on to the second public hearing for annexation.

**Public Hearing- Annexation and Zone Designation – J&L Legacy LLC:**

The attorney asked if any of the commission needed to recuse or had participated in any ex parte communications. Hearing none he asked if the clerk would present the background on the property being considered for annexation.

The clerk came forward and gave a brief summary of the property as to its location and the breakdown on the zones being that it be given: commercial, multi-family and single family.

Ted Whyte, representing the applicant, came forward to present the request for annexation. Mr. Whyte stated that given the growth the city has been and is experiencing the Dansie family feels that the 37 acres would be best developed if it was annexed into the city with the three zones as designated. He reviewed the access that Idaho Transportation Department has allowed. ITD is allowing access to the middle of the acreage with the property owners closing the driveways on the west and east of the two homes. The main access to the development will be used as well as the dead end street in the subdivision to the west and roughly 30 feet on the east. He felt that dividing the 37 acres into three zones with the front being commercial, the next third being multi-family and the back third single family would be an acceptable development.

Neutral to the project:

Greg Klingler: Mr. Klingler lives in the subdivision to the east of the development. His concern was the width of the road which the developer is proposed using as being narrow. He also was concerned with the high school being directly south that the number of children cutting across the highway is a safety concern. His kids while being instructed to use the crosswalk at the intersection, they don't and they cut through traffic to get to the school.

Marvin Fielding: Mr. Fielding asked that the commission consider the project that it be in compliance with the city's comp plan. He also commented on the road in the subdivision being too narrow.

Opposed to the Project:

Dan Jones: Mr. Jones is opposed to the project for a number of issues. The first is the street is definitely too narrow. He lives adjacent to the street and with even one car parked on the road there is insufficient width for a car to pass. He is also concerned with the pedestrian traffic crossing Hwy 48. Having an R-2 (multi-family) adjacent to R-1 (single family) zone is going to affect his home value. He is in favor of growth and feels Rigby will be growing but the growth should not impact existing homes.

Rebuttal:

Mr. Whyte came forward and stated all the concerns expressed are of concern but he noted that nothing has been drafted that this is only a request for annexation with three zones.

The attorney asked if anyone else who had not talked wished to come forward.

Vickie Torres: Lives in the first house as you enter the subdivision asked if there is time for additional input.

The attorney stated the annexation/zone is only the first step of many that need to be completed prior to any construction taking place. And that yes, there will be more hearings and public input when the preliminary plat is presented which is the next stage of the process.

Jesse Torres: Was concerned with the congestion that is on Hwy 48.

The attorney stated that while that is a valid concern, only ITD has jurisdiction on the traffic being that it is a state highway, neither the planning/zoning commission nor the city has jurisdiction.

With no other person coming forward the attorney closed the public comment period and turned the time over for commissioners.

Comm Ellsworth – has concern with the city’s utilities and the three zones being requested.

Comm. Wilder expressed concern with not having the zones defined and with having multi-family zone next to single family zone. He has seen issues with this in the past and feels it may be a concern going forward.

Comm. Sutherland was alright with the three zones.

Comm. Bennett was okay with the three zones but had concerns with multi-family housing and the traffic that it generates but acknowledged that ITD need to address the issue.

Comm. Ellsworth was alright with the frontage being zoned commercial and was opposed to the multi-family zone.

Comm. Bennett moved to recommend that the property be annexed with the three zones as requested by the applicant. Motion seconded by Comm. Sutherland.

The chair asked the clerk to poll the commission:

Comm. Stowell-	Yes
Comm. Sutherland-	Yes
Comm. Wilder-	No
Comm. Bennett-	Yes

The clerk noted the chair does not vote except in the case of a tie.

The chair called for a 5 minute recess after which the commission will address the Brad Hall & Assoc. application.

The chair called the meeting back to order and asked if applicant for Mr. Hall would address the commission.

Ryan Meikle stated that he and the Ricks had agreed that a five foot setback along the north side of the proposed building would be agreeable to both parties. He felt the five foot would not interfere with store and the gas pumps.

Comm. Ellsworth thought that a 10 foot setback along the drive-thru would be better than the five foot.

Todd Ricks came forward and stated the five foot set back was agreeable with him and that the five foot would be better than going ten foot.

Commissioner Wilder moved to grant the variance with two conditions: the set back on the north side of the building will be no less than five feet and the building roof will slope to the south so as not to drain on the north. The motion seconded by Comm. Stowell.

Comm. Stowell-	Yes
Comm. Sutherland-	Yes
Comm. Wilder-	Yes
Comm. Bennett-	Yes

Other Business:

Reorganize Board:

The clerk stated that commissioner's Warner and Bennett terms will expire in February and according to the by-laws of the commission no commissioner may serve more than two consecutive terms, which both have completed.

Chair:

Comm. Wilder nominated Comm. Ellsworth as chair for the ensuing year seconded by Comm. Stowell.

Hearing no other nomination the chair call for a voice poll: All in favor none opposed.

Vice-chair:

Comm. Ellsworth nominated Dan Stowell as vice chair seconded by Comm. Wilder.

Hearing no other nomination the chair call for a voice poll: All in favor none opposed.

Impact Zone Map:

Mitch Bradley, public works director for the city came forward with a proposed map showing an expansion of the city's impact zone. He noted the city has been working on this for several years and the city and county has agreed it needs to be completed as soon as possible. After reviewing the map the commission agreed to place it on the next agenda for discussion.

Set date for next commission meeting:

Being the next regular meeting date for the p/z commission is February 14 which is Valentine Day the commission moved to meet February 13, 2019 at 7:00pm.

Adjourn:

Comm. Wilder moved to adjourn seconded by Comm. Stowell.

The chair asked for a voice poll: All in favor none opposed.

Meeting adjourned: 9:03pm

Rigby Planning & Zoning Commission

  
Brent Ellsworth, Chair

ATTEST:

  
David Swager, Clerk