

Planning & Zoning Commission Minutes

January 14, 2014

Raymond Pickett, the applicant stated that he wants to build a storage shop with a craft room that will provide storage area for future use.

Staff Summary Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead with the following analysis. He stated the current zoning for this property is SUI in the Area of Impact within a large lot development. In the packet are aerials and zoning maps of the property. Basically this is a lot in a subdivision, and they want to be able to build a shop that will be approximately 1824 sq. ft. The history for the property is outlined in the staff report; the subdivision was approved in 2008 the first phase is approximately 29 single family residents and is starting to develop as the housing market is coming back. They proposed that there won't be any odor, glare or adverse impacts to neighbors. They have also provided preliminary drawings. The plan is to construct a home and this shop on the lot at the same time. They cannot have an accessory building on a lot without a primary use. The house would be the primary use this would be an accessory building so they would have to have a building permit for the home first. Staff will conduct a full review of both permits the home and the accessory building to ensure compliance with all City Code requirements and standards. The impacts to the neighborhood will mainly be during the construction of the structure, it should not be adverse to the neighborhood. The property is in agricultural/residential type zone where large shops are found throughout the area.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed.
3. No building permit shall be issued for the detached accessory building until a building permit has been issued for the primary dwelling unit.
4. No letter of completion will be issued for Detached Accessory Building until the final Certificate of Occupancy is issued for the primary dwelling unit.

Deliberation Followed:

Commissioner Woods asked about the concurrent construction for building permit and if it means they can't begin construction of the accessory building until the home is constructed.

Planner I Spendlove stated there would have to be a permit for the primary building and construction on the accessory building could begin also. As for occupying the accessory building, it could not legally be occupied until the Certificate of Occupancy has been completed.

Chairman Frank asked the applicant if he was aware of the conditions and had any questions or concerns.

Mr. Pickett explained that he was aware and thought the conditions were reasonable.

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- Chairman Frank read into the record a letter regarding the request, the letter has been filed in the application packet.

Public Hearing: Open

Public Hearing: Closed

Deliberation Followed: **Without Concerns**

Motion:

Commissioner Derricott made a motion to approve the request, as presented. Commissioner Sharp seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed.
 3. No building permit shall be issued for the detached accessory building until a building permit has been issued for the primary dwelling unit.
 4. No letter of completion will be issued for Detached Accessory Building until the final Certificate of Occupancy is issued for the primary dwelling unit.
2. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street c/o Gerald Martens on behalf of EHM Engineers, Inc. (app. 2611)

Applicant Presentation:

Gerald Martens, representing EHM Engineers, Inc. , and stated that a few years ago the applicant purchased a building that was run down on a lot to the east of Washington on Filer Avenue to use it as a testing laboratory and have outgrown the building. The lot to the east of this building is zoned C-1 and the lot to the east of it is zoned R-4. The applicant is requesting to rezone the lot that is zoned R-4 to R-B at the northwest corner of Filer Avenue and Adams Street so that they may expand their testing laboratory with some additional lease space on a temporary basis. The laboratory is growing very quickly. The testing equipment and vehicles are very expensive and would like to use the space to store the more expensive items inside. The access to the property would be primarily from Filer Avenue there is residential to the north and to the east, but to the east there is a street in between and the north end would back up to residential. They originally requested for the property to be zoned C-1 however the Comprehensive Plan has defined this area to be R-B. To his knowledge nothing has ever been built under the R-B zoning. It is difficult but they think they can work with staff to meet the requirements. It will be developed with a residential character, preliminary drawings have been submitted. It will have a pitched roof and look residential with residential materials and a residential roof line. This property has been vacant for a long time it is too small to be developed as R-4, it will never be developed as residential in that location and with the C-1 adjacent to this property they feel they can create a very attractive development project at this location.

PZ Commission Questions:

- Commissioner Woods asked about the type of testing.
- Mr. Martens explained it is quality control testing for projects within the southern Idaho area, the testing occurs inside the building for such things as asphalt, soil and gravel samples. There should be no dust and minimal noise or impacts to the neighborhood. The samples are brought in from the construction site for quality control testing.
- Commissioner Sharp asked if the applicant owns the vacant lot adjacent to the current building and it will be used as well.
- Mr. Martens explained that he has a contract for purchase of both lots contingent upon approval of the rezone request; the building to be constructed will straddle both lots and will conform to the R-B architectural requirements.

Staff Summary Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead with the following analysis. He stated at the conclusion of this public hearing the Commission will be asked to make a recommendation on the requested zoning of the property. The zoning recommendation will be forwarded to the City Council for their consideration. History for this property is outlined in the staff report; at one point this lot was zoned C-1 in 1992, the City later instigated a rezone in 2002 to rezone the property back to R-4 and the Comprehensive Plan show this area a appropriate for Residential Business. The zoning being requested is R-B; residential business, the request is appropriate for the Comprehensive Plan and staff feels that any future development will follow the zoning district. The zoning district was created to allow low scale, low intensity commercial and business operations to be developed as part of an infill project. This would be a very good example of an infill project for a lot that has been vacant for a number of years, staff feels this request follows the Comprehensive Plan and it follows the Future Land Use Map.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two main tasks: 1) to determine whether the request is in conformance with the Comprehensive Plan and 2) to evaluate the request to determine the extent and nature of the amendment requested.

Planner I Spendlove stated upon conclusion the commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented, with our without conditions, or they may table the request and ask that additional information be provided for their review. For the Commission to make a positive recommendation to the City Council the Commission must determine that 1) the request is in conformance with the Comprehensive Plan and 2) the extent and nature of changing the zoning of this property to RB would be compatible with and not detract from the surrounding area. If the Commission is so moved, then Staff recommends the Commission recommend approval of this request, as presented.

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Public Hearing: Open

- Leila Mason, 476 Adams St, asked if the noise from the testing procedures will remain in the building or will it carry into the neighborhood.
- Douglas Shanfelt, 181 Filer Avenue, asked how many buildings, can the building be used for retail space, where will access to the property be located, and the type of landscaping that will be provided.
- John Kullum, Filer, ID, representing the owner of 551 Adams asked about the building height and the impact it will have on Adams Street. The height of the building will change everything with regards to property values, unless it stays within a residential roof line, however it still looks like a large building. His other concern is parking along Adams Street, how the property and trash is going to be maintained.

Public Hearing: Closed

Closing Statement:

- Mr. Martens explained there will be access to the back of the building from Adams with no parking on Adams. There will be two sides landscaped so there will be a buffer the R-B Zone limits the building to a certain square footage. This building will be approximately 3500 sq. ft. because a portion of the building will be in the C-1 where there are no size restrictions. The height of the building will be 12' with 16-17' at ridge of the roof it will have residential character with architectural shingles, residential siding and trim. The property will be cleaner and maintained, the parking lot will be paved, a sealed dumpster will be used for trash and there will be no dust and no weeds. This will only be a one story building at 3500 sq. ft. The testing area will be on the west end with some retail on the other end, the noise will move closer however there will be approximately 4 insulated walls between the testing laboratory and the neighborhood and the noise should be minimal. He invited the public to come to his office if they have any questions about the development.
- Planner I Spendlove read the current City code restrictions for building design within the RB Zone.

Deliberation Followed:

- Commissioner Woods asked about the Special Use Permit requirement for the R-B zone as it relates to the testing laboratory.
- Planner I Spendlove explained that if the applicant chose to place the testing laboratory on the R-B Zoned portion of the property a Special Use Permit would be required, however for the C-1 Zoned lot a testing laboratory is a use that is allowed without a Special Use Permit.
- Commissioner Grey stated it is about time that the property gets developed.
- Commissioner Sharp agreed.
- Commissioner Frank stated that the request meets the requirements for the zoning change.
- Commissioner Woods stated the previous projects that he has seen completed by EHM have been nice.

Motion:

Commissioner Woods made a motion to recommend approval of the request to the City Council, as presented. Commissioner Derricott seconded the motion. All members present voted in favor of the motion

[Recommended for approval to the City Council, as presented](#)
[Scheduled for City Council February 10, 2014](#)

3. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment for .49 (+/-) acres from R-4 to R-4 PRO for property located at 840 Addison Avenue c/o R. Thomas Ruby (app. 2613)

Applicant Presentation:

Thomas Ruby, the applicant, stated that this is an item that came as a surprised to most everyone involved. The property has been used as commercial property for approximately 40 years. It was represented as a commercial property by the seller, the listing agent and everyone thought it was commercial. When he went to file for a Commercial building permit and plans it was discovered through the Planning & Zoning plan review that the property was a little island zoned R-4 with no PRO designation. The City Staff has been working with him through this process to get around the limits that would stop him from being able to move forward with the remodel. The Building Department has approved the plans for the permit however Planning & Zoning can't sign off on the plans until this request has been approved. As presented in the staff report the property has been through several requests for rezone and prior to being scheduled the request has been withdrawn. He stated they intend to finish the process and asked for the Commission's consideration.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead with the following analysis. He stated at the conclusion of this public hearing the Commission will be asked to make a recommendation on the requested zoning of the property. The zoning recommendation will be forwarded to the City Council for their consideration. The applicant has stated what the history is and this information is also provided in the staff report. There have been multiple times this property came up for a rezone for R-4 PRO and was withdrawn. The property sits next to other properties that are zoned R-4 PRO and the applicant wishes to have a hand therapy clinic which would be an allowed use with a Special Use Permit. Staff has been working with the applicant and gotten to a point in the process where the applicant was able to do some things but not able to move forward on some things in the remodel permit, because of this technicality. Planning & Zoning cannot sign off on a permit for a commercial use on a residentially zoned property. In rezoning this property it is surrounded by other professional offices there is an agreement on the north side for professional offices to be located along Addison Avenue as well as all the other various lots that front Addison Avenue. There won't be any additional impacts to the neighbors that were not already there. Staff is aware the property has been used for quite some time as commercial for different businesses and has been occupied with non-conforming businesses or professional offices for approximately 40 years. The request is in compliance with the Comprehensive Plan it is designated as Townsite, this designation allows for a mixed use of different residential professional offices in certain areas. Development criteria will need to be reviewed; this request is only for the rezoning of the property.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this request to the City Council, as presented, staff recommends the following condition:

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1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Public Hearing: Open

Public Hearing: Closed

Deliberation Followed:

- Commissioner Frank stated he was surprised when he read the request.
- Commissioner Grey stated basically it is a technicality and this cleans it up.

Motion:

Commissioner Tatum made a motion to recommend approval of the request to the City Council, as presented. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

Recommended for approval to the City Council, as presented, with the following conditions

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Scheduled for City Council February 10, 2014

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Planner I Spendlove just reminded the Commission of the next meeting dates.
- Commissioner Woods stated he had been reviewing training material for the Commissioners and asked a few follow-up questions. He stated he is aware that the City has a Comprehensive Plan and the School District has a Comprehensive Plan and was wondering about the School Districts plan to add to the Canyon Ridge High School Building and adding additional grade schools and middle schools and whether or not the plan is tracked to see if the City is on track with the growth projections or if adjustments need to be made.
- Planner I Spendlove stated yes the plan is reviewed and it is believed that the City is very close to the projected growth, they have reviewed a couple other population projections for the area independent of the one used in the Comprehensive Plan and they are all close to what was projected in the original plan. The Comprehensive Plan is due for a review and updates and staff is working on beginning that process. He stated he has also been involved with the review of the School District Plan and as far as their long range plan they are on track with their projected needs for expanding due to the population projections. Part of the Strategic Plan for the City is to develop partnerships with these types of entities and he has been included as part of the Schools Long Range Facilities Plan and the need for additional schools to address the schools needs and the impacts that schools have on the community at large.
- Commissioner Woods also asked about the transportation plans for the City and the projected 50,000 population estimate and the changes that may be necessary when that number has been reached.
- Assistant City Engineer Vitek stated there is a Master Transportation Plan that addresses the projections and the impacts for transportation that is available for anyone to review.

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- Commissioner Woods asked if there is a mandate for addressing public transportation needs when the population reaches 50,000 people and does it make the City eligible for grants.
- Planner I Spendlove stated that once an area reaches this size the City is required to have a Metropolitan Planning Organization which outlines public transportation needs. The City has not met the population requirement yet.
- Commissioner Woods asked if the number is calculated and driven by the census.
- Planner I Spendlove stated usually the mandate doesn't come until a couple years following the census and staff is projecting that the population will be reached by the next census in 2020. Staff is in the process of being proactive and working with community members to get a plan together for meeting these requirements. There will be requirements that will need to be filled and staff is trying to project what the needs will be and how to address them.
- City Council Liaison Mills Sojka stated that she has been chosen to be the Liaison again for the Planning & Zoning Commission for the next two years. There has been more discussion regarding the open meeting process and the desire for participation. Currently if a Council member is interested in attending a meeting they are to notify staff if staff receives 4 or more wanting to participate the meeting will be a formal meeting; she assumes it would be the same for the Commission, for example attending ZOAC meeting. There has also been discussed about possibly transforming ZOAC in the Planning & Zoning Commission because several had interest in participating in the discussion. It was discussed whether or not another committee was needed to discuss issues that would come to the Planning & Zoning Commission anyway, so that is a possibility in the future. If the Commission has any questions or concerns to let her or the City Council know.

VI. UPCOMING PUBLIC MEETINGS:

1. Public Hearing-January 28, 2014 6:00 PM City Council Chambers
2. Work Session-February 5, 2014 12:00 PM City Council Chambers

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:55 PM.

Lisa A. Strickland
Administrative Assistant
Planning & Zoning Department