

City of Heyburn
Planning & Zoning Commission
Special Meeting & Public Hearing
July 12, 2018
6:30 P.M.

Call Meeting to Order:

Planning & Zoning Chairman Scot Bell called the meeting to order at 6:30 p.m.

Declaration of a Quorum:

A declaration of a quorum present was confirmed by Chairman Scot Bell. Those present were Maureen Newton, Amy Despain, & Glen Loveland. Heather Petersen was excused from the meeting.

Discuss / Consider Approval of the Minutes of the May 10, 2018 Planning & Zoning Special Meeting & Public Hearing:

Motion by Maureen Newton to approve the minutes of the May 10, 2018 Planning & Zoning Special Meeting & Public Hearing as presented. Second by Glen Loveland. Vote: Maureen Newton – Aye; Amy Despain – Aye; Glen Loveland – Aye.

Public Hearing – Special Use Permit – Application submitted by Melody Evans for the construction of 3 Duplexes on 20th and O Street

Glen Loveland stated that he works with Melody Evans and that he has no monetary connections to this project. Chairman Scot Bell asked if there were any other conflicts of interests, there were none.

Chairman Scot Bell turned the time over to Melody Evans to present the application for Special Use Permit for the construction of the 3 Duplexes.

Mrs. Evans presented booklets to the P & Z Council members for her project, these booklets included all documents already provided to the P & Z committee members in their binders. Mrs. Evans stated that the lot is .52 of an acre, and would consist of 3 duplexes, 1296 sq ft, 3 bedroom, 2 bathrooms and full laundry room per unit. There will be no garages with these units. There will a small patio in the front of each duplex. There will be sidewalks. Each duplex will

have 4 graveled parking spaces, 2 per unit and will be located on 20th Street. There will be no fences at this time, but could possibly change in the future.

Mrs. Evans was not aware that curb & gutter was required and had not taken gutter into consideration, she was advised that curb & gutter is a requirement within city limits. Scott Jones, Melody's husband introduced himself and stated that the sidewalk along 20th Street would be slightly elevated from the parking lot, he also asked about a drainage system where the gutter would go into. Tony Morley Planning & Zoning Administrator stated that any storm water on your property is required to stay within your property. Mr. Morley also stated that as far as the elevated side walk on the side of the parking lot would have to be looked at by the P & Z Commission to determine if it will be sufficient. Curb & gutter will be required alongside O Street. Mr. Morley said the City has plans to hire an engineer to look at drainage around the city. Gary Jones with GOJ Construction introduced himself and spoke on behalf of Melody Evans regarding drainage, he said that the alley is higher than the parking lot and that they would just allow a natural flow from the alley to the parking area.

Gary Jones said there will be no parking off of O Street, they may build storage sheds along that side in the future. Mrs. Evans said there will be community mail boxes in the corner of 20th & O Street. She will visit with a neighbor who has his mailbox on that side and see if at her expense he would like a community mailbox or have his own. They will be the ones maintaining the lawn and landscaping.

Scot Jones & Melody Evans both stated that these duplexes will not be going up all at once.

Chairman Scot Bell opened the Public Hearing.

Those speaking in favor of the Special Use Permit submitted by Melody Evans for the construction of the 3 Duplexes were: None

Those speaking against the Special Use Permit submitted by Melody Evans for the construction of the 3 Duplexes were: None

Those speaking who are neutral in the Special Use Permit submitted by Melody Evans for the construction of the 3 Duplexes were: Davis Vansant was concerned about the alley situation. Bobby Young was concerned about the distance between his property and the new construction. He also asked if there will be a privacy fence put up between both properties.

Hearing no further comments, Chairman Scot Bell asked for a motion to close the public hearing.

Discuss / Consider Special Use Permit submitted by Melody Evans – ACTION ITEM

Motion by Glen Loveland to approve the Special Use Permit submitted by Melody Evans for the construction of the 3 Duplexes. Second by Amy Despain. Vote: Maureen Newton – Aye; Amy Despain – Aye; Glen Loveland – Aye.

Public Hearing – Application for Paisley's Place Subdivision Final Plat – submitted by Q & K Properties, LLC

Chairman Scot Bell asked if there was anyone here to speak on behalf of the Paisley's Place Subdivision Final Plat Application. Brent Koyle and Monte Quast stepped up to the podium and introduced themselves. Mr. Koyle and Mr. Quast said they were here to get final approval to start construction as soon as possible. They also now have an Irrigation Plan proposal for the subdivision. They will have sand point wells at each lot ready for owners to install the pumps. Tony Morley, Planning & Zoning Administrator said that they have met with Dan Davidson from MID, the engineer for the subdivision, and Eric Christensen, who is over the irrigation for the city, and that they all agreed that the sand point proposal would be a good option. The developer will drill and case for each one to ensure separation between sand points.

Chairman Scot Bell opened the Public Hearing.

Those speaking in favor of the Application for Paisley's Place Subdivision Final Plat were: None

Those speaking against the Application for Paisley's Place Subdivision Final Plat were: None

Those speaking who are neutral in the Application for Paisley's Place Subdivision Final Plat were: None

Hearing no further comments, Chairman Scot Bell asked for a motion to close the public hearing.

Discuss / Consider Final Plat for Paisley's Place Subdivision submitted by Q & K Properties, LLC – ~~ACTION ITEM~~

Motion by Amy Despain to recommend that the Application for Paisley's Place Subdivision Final Plat go to the City Council for approval pending Developers Agreement between the City and the Developers and Covenants, Conditions & Restrictions (CC&Rs). Second by Glen Loveland. Vote: Maureen Newton – Aye; Amy Despain – Aye; Glen Loveland – Aye.

Public Hearing – Application for Knudsen's Industrial Park Subdivision Re Plat – submitted by MBB Properties, LLC

Chairman Scot Bell asked if there was anyone present for Knudsen's Industrial Park Subdivision proposed Re Plat. Mike Tilley stepped up to the podium and introduced himself. Mr. Tilley stated that they have changed the name now to Business Park 208 and the Re Plat reflects this change. Mr. Tilley said that they have recently acquired this property and are looking to building a new facility for their business currently located in Burley, Budget Sales. They will keep Lots 1, 2 and 3 of Block 2, 4 acres total. Develop Lots 1 & 2, fully asphalted, landscaping & nice building, and leave Lot 3 for future growth. They will list the remaining 10 Lots for sale.

The Re Plat was put together by Dar Moon with Moon & Associates. They have also received input from Lloyd Smith with Mountain West Realty, Inc.

Mr. Tilley stated that on the existing Knudsen's Plat, 2nd Street was vacated decades ago, and that their plans are to reopen it and that Oregon Street on the east end of the property connects to the county road. They will put in full infrastructure, sewer, water and all utilities. Streets will be paved and curb & gutter will be included. Mr. Tilley said they will require each new owner to

put in sidewalks, this will be included in the Covenants, Conditions & Restrictions (CC&Rs) to address all that.

Mr. Tilley stated that their new building will consist of 5 bays and an office area, 95 feet wide by 158 feet long. The bays will be a drive-thru where a semitrailer could go in one side and out the other. The CC&Rs Protective Covenants will require that the new buyers construct buildings that are a minimum of 2500 sq ft and that the lot is fully asphalted / concrete. They will require outside lighting for businesses that come in. Street lights are required as indicated in the subdivision ordinance.

Lloyd Smith stepped up to the podium and introduced himself. He has visited with Idaho Power to get their input. Mr. Smith said they were considering vacating 1st Street, but decided to keep it as it is and leave available for future growth if needed. They will follow all city ordinances that are there now. Mr. Smith said that on the old Knudsen's Plat there was a separate piece of land that had no representation by the county, it just said sign / utility strip on it. This piece of land was never acknowledge by the county assessor as having any ownership or being taxed. This piece of land is approximately 260 ft x 75 ft, they are wanting to revamp it and put it back in the system so that it is taxable. Mr. Smith said he did get permission from both Treadway and Idaho Power to change the name. This is a full Re Plat for name change and to open 2nd Street.

Tony Morley Planning & Zoning Administrator stated that a couple things did change on the new plat, there is an easement behind Idaho Power that has been omitted by Mr. Moon, that easement has no use or value, but it sits on Idaho Power's property and they will have to be informed that it will no longer be part of the plat, it is about 60 to 70 ft. There are no utilities, so the city does not need it either. They can't take it away from them without their consent, if they don't consent, it will have to be added back in. Mr. Moon discovered there is a strip of land between 1st Street & County Road, he moved that line up 25 ft, which allowed Block 4 Lots 1 & 2 to move north and allow that street to come out, so with this they are providing access to the east for future development.

Paul Ross, Legal Counsel for the city, stated that they will need consent from Idaho Power for the change to the easement, because that changes some of their rights.

Mr. Ross asked about the existing businesses having to pave their properties, that if Idaho Power and Treadway / Kenworth will not have to finish paving their properties, this will be need to be addressed in the CC&Rs and they will be grandfathered in.

Brian Tibbets introduced himself at the podium and stated that the CC&Rs will only be in effect of the lots they own, this will exclude Treadway / Kenworth & Idaho Power.

Mr. Ross pointed out that initially when the water line was put in, it was on the property line as opposed to the easement. There is now an easement change along the Treadway / Kenworth property line, the easement is now on their property where it wasn't before. Mr. Ross also stated that it was very necessary to move the easement line, but that they need to be aware of this change and obtain a consent to it. This needs to be discussed with them and they need to sign off on it.

Mr. Ross stated that on the name change, he doesn't believe anyone will dispute it, but that technically the notice for tonight was not for that purpose. Developer originally named the new subdivision 208 Business Park. At the meeting they had changed the proposed name to Business Park 208. Mr. Ross discussed the noticing for the Re Plat was done as "208 Business Park". And there is a potential noticing issue there. But we know the property, we know the parcel, we have the plat, it's a last minute name change. The Developers Agreement still needs to be put in place.

Mr. Morley stated that 3rd Street is not going to be utilized by their subdivision, their lots in Block 2 will be accessed from 2nd Street. Don't think we will require them to pave that street, where it is not going to be used for their subdivision at this point.

Mr. Tilley said that they will be paving 2nd Street & Oregon Street, he said they did speak to Treadway to see if they would want to vacate 3rd Street, and they do not. 3rd Street is currently gravel and they don't need it.

Chairman Scot Bell opened the Public Hearing.

Those speaking in favor of the Application for Knudsen's Industrial Park Subdivision proposed name change to 208 Business Park Re Plat were: None

Those speaking against the Application for Knudsen's Industrial Park Subdivision proposed name change to 208 Business Park Re Plat were: None

Those speaking who are neutral in the Application for Knudsen's Industrial Park Subdivision proposed named change to 208 Business Park Re Plat were: Regina Bolton, wanted clarification on location.

Hearing no further comments, Chairman Scot Bell asked for a motion to close the public hearing.

Discuss / Consider Re-Plat for Knudsen's Industrial Park Subdivision submitted by MBB Properties, LLC – ACTION ITEM

Motion by Amy Despain to approve the Knudsen's Industrial Park Subdivision proposed Re Plat, with the following conditions, Consents from Idaho Power and Treadway Investments, Development Agreement and CC&Rs and move forward to City Council. Second by Maureen Newton. Vote: Maureen Newton – Aye; Amy Despain – Aye; Glen Loveland – Aye.

Discuss / Consider Recommendation for Zoning Designation for property Annexed by the city known as the "Beaver Pond" – ACTION ITEM

Tony Morley Planning & Zoning Administrator said he is recommending an Industrial Light Zoning for the property annexed by the city known as the "Beaver Pond". This property is located south of Centennial Park. It is owned by the city, and was in the county, in the area of impact. The Street Department will be building a shop there, gravel will be stored there and street department trucks.

Motion by Maureen Newton to propose Industrial Light Zoning for property known as the “Beaver Pond”. Second by Glen Loveland. Vote: Maureen Newton – Aye; Amy Despain – Aye; Glen Loveland – Aye.

Discuss / Consider new Planning & Zoning Committee Member – ACTION ITEM

Tony Morley said they are looking for recommendations for a new committee member. He asked if they could vote on a new Chairman for the committee tonight. Paul Ross, Legal Counsel, said they do need to elect a new committee Chairman because Scot Bell is no longer a Heyburn resident. Mr. Ross asked Chairman Scot Bell to formally step aside as Committee Chairman.

Scot Bell “ I Scot Bell formally step aside as Chairman & member of the Planning & Zoning Committee of Heyburn”.

Motion by Amy Despain for Maureen Newton to become the new Chairman of the Planning & Zoning Committee. Second by Glen Loveland. Maureen Newton accepted. No Vote was taken.

Discuss / Consider setting a new time for future Planning & Zoning Meetings – ACTION ITEM

The committee discussed different times for the meetings. They all agreed on 4:00 p.m. on the 3rd Thursday of each month.

Adjournment:

Motion by Amy Despain to adjourn the meeting. Second by Glen Loveland. Vote: Maureen Newton – Aye; Amy Despain – Aye; Glen Loveland – Aye.

The meeting adjourned at 8:45 P.M.

Scot Bell, Chairman

Debra Encinas, Planning & Zoning
Secretary