

SUGAR CITY PLANNING AND ZONING MEETING MINUTES
PUBLIC HEARINGS - THURSDAY, AUGUST 23, 2017

Commissioners in attendance: Clay Rasmussen, Dave Thompson, Jeanne Wright, Tyson Harris

Others in attendance:

Bean, Melvin	Johnson, Linda	Taylor, Lance
Bean, Winona	Jones, Shelley	Thompson, Debra
Cook, Miriam	King, Elaine	Thompson, Dave
Cook, Spencer	Lerwill, Ryan	Tillery, Chrystal
Galbraith, Kevin	Lusk, Barbara	Tolman, Dalen
Galbraith, Kristin	Nielsen, Catherine	Tolman, Shellie
Harris, Helen	Peters, Stephen	Waddell, Vaun
Harris, Terry	Peters, JoAnn	Walker, Blake
Hoopes, Necia	Preslar, Elaine	Walker, Matthea
Jeppson, Paul	Preslar, Greg	Wilding, Mary Lou
Johnson, Grant	Price, Vaughn	Williams, Katherine

7:15 p.m.

The meeting was called to order by Dave Thompson

Public Hearings for:

- Proposed Variance for Property Located at 222 S. Fremont Ave. Sugar City Plat A, Lots 3, 4, 5, 6 & 7, Block 50
Variance is to allow a different setback off of 3rd S. to be congruent with other homes built along the street.
- Special Use Permit for Property Located at 220 S. Teton Ave. Sugar City Plat A Lot 7, Block 51.
Special Use Permit is for a request to turn the residence into a duplex.
- Preliminary Plat Application of Old Farm Estates Division #2 Lot 1 Block 12
- City Code Revision for Parking Space Requirements to be 2 spaces per residence instead of 1.5

Dave Thompson went over the rules of conduct for a public hearing.

7:30 p.m. Proposed Variance for Property Located at 222 S. Fremont Ave. Sugar City Plat A, Lots 3, 4, 5, 6, 7, Block 50

Mary Lou Wilding requested a variance to allow a different setback off of 3rd S. to be congruent with other homes built along the street. A proposed home would be built 65' from the edge of the road. The space used along the road would not be used well if a home had to use current city setbacks. It would make more sense to have the north side of the home have a bigger side yard so that its use would be more family friendly.

Submitted written testimony:

For:

- Mary Lou Wilding – "I feel that his property should be able to be used the same as most of the property on 3rd South."
- Eileen Kershaw – "The property owner is no longer able to water, mow and care for this extra lot and keep it looking nice. Approval of this variance would make it much easier for her to sell the property."
- John Galbraith – "Seems a reasonable request."
- Carol Galbraith
- Steve Webster
- Marlene Webster
- William Schofield
- Jocelyn Kam
- Melissa Kam
- Mike Courtney
- Lori Courtney
- Boyd Lusk
- Elizabeth Lusk
- Karolyn Bartschi

Neutral: None

Against: None

Public Hearing:

Marked for:

- Grant Johnson— *verbal testimony* – With current setback the space would not be used well and the property would be more difficult to sell.
- Lance Taylor - *verbal testimony* – Makes no sense to not allow variance.
- Kevin Galbraith
- Kristin Galbraith
- Mary Lou Wilding
- Linda Johnson
- Dalen Tolman

Marked neutral:

- Stephen Peters
- JoAnn Peters
- Ryan Lerwill
- Katherine Williams
- Matthea Walker

Marked against: None

Mrs. Wilding had no closing comments to state.

Chairman Dave Thompson asked Mrs. Wilding if the proposed home to be built was 1 or 2 stories. She responded with the plans she had seen had a room above a garage and stated that the setback would be ok if the home faced 3rd S, but if it was to face Fremont it doesn't make sense to waste that much space on south side of home. Chairman Thompson asked if the building lines drawn on her application plan were footing lines or eve lines and she was not sure.

7:40 p.m. Special Use Permit for Property Located at 220 S. Teton Ave. Sugar City Plat A Lot 7, Block 51

Special Use Permit is for a request to turn the residence into a duplex.

Dalen Tolman is wanting to turn his existing single family dwelling into a duplex. The outside appearance of the home will change very little. It has adequate parking and he will follow city code during the process.

Submitted written testimony:

For:

- Mary Lou Wilding – “That home was built onto, to become two units and will adapt easily into a duplex.”
- C. Arlin Bartschi
- Greg Venema
- Bonnie Venema
- Boyd Lusk
- Elizabeth Lusk

Neutral: None

Against:

- Melvin Bean – “We feel it very unfair to allow a duplex in the middle of single dwelling homes. We feel doing so would greatly decrease our property value. Duplexes and apartments should be in an area completely separated from single dwelling homes. People renting don't normally maintain yards and upkeep buildings. We are totally against a duplex in our area.”
- Michael & Sharon Bates – “This property is right in the middle of single-family dwellings and should remain a single family unit. If he wants to sell it, tell him to lower the price where a single family can afford it. I am in direct opposition for this proposal.”

Public Hearing:

Marked for:

- Mary Lou Wilding - *verbal testimony* - would be opposed if it were a request to build a new duplex there but as current home is just going to be modified slightly would work out very well for 2 families to live there.
- Linda Johnson— *verbal testimony* - brought awareness that there is currently a duplex already on 3rd S and where there is no change to the structure would be no problem to make it a duplex.
- Grant Johnson

Marked neutral:

- Stephen Peters
- JoAnn Peters
- Ryan Lerwill

Marked against: None

Mr. Tolman's closing comments: he would be the one taking care of this property to make sure the yardwork is done. He wants the property to stay nice looking and would make sure it does. He also brought up the fact that there are 4 duplexes in town that he knows of in the middle of single family homes.

Commissioner Harris asked if there would be any exterior changes.

Dalen responded that there would be minimum exterior changes made. The only exterior change would be to move a door where there currently is a window and a window to the current door area. He would make sure there is the necessary parking required for a duplex.

7:40 p.m. Preliminary Plat Application of Old Farm Estates Division #2 Lot 1 Block 12

A letter was read from Ray McDougal who was unable to attend the meeting. **See attachment A.**

Blake Walker presented the plans for the subdivision for Ray McDougal. The property is zoned **R3** which allows for 16 units per acre. The property will have 88 units which are within the code limits for density. There will be 2 parking spaces per unit and there will be additional visitor parking. There will be sidewalks and a 24' lane to allow easier access for turning around. Mr. Walker went through the application requirements to verify that the application submitted is complete.

Submitted written testimony: None

Public Hearing:

Marked for:

- Ryan Lerwill - *verbal testimony* in fact for Jeff Lerwill– applauded these men for the long hours in studying and following code, these are 2 good local men who believe in this development and who want to build here & beautify our community.
- Vaughn Price - *verbal testimony* – support Ray McDougal's development, he is a man of integrity and an engineer who will do well, his interest is not to distract from lifestyle of city but follow the code and bring something good here.
- Stephen Peters - *verbal testimony* –development is inevitable, wondered if water resources will be available, and if developers are putting in water tank and resources for their development. Hates to see city grow but knows it is going to happen but hope current citizens will not have to pay for the services for the development.
- Katherine Williams - *verbal testimony* - this is a good development because it is local men that have an interest and love for the community. These men are men of integrity and are good men.
- Lance Taylor - *verbal testimony* – doesn't necessarily disagree with those that are not in favor, we need to make sure things are done properly. Talked about growth of BYU-I, by 2020 it will have doubled the population of Madison County since the university became a 4 year college. We did not think to ask college to help pay for the impact, we are feeling growing pains here in this city. Growth will take place; we should be willing to accommodate growth that will come which will mean multi-family housing. Married student housing is hard to find in Rexburg. At one point Mr. Taylor was interrupted by Necia Hoopes who stated that he needed to face the commission, not the audience, as part of public hearing protocol. Mr. Taylor adjusted his stance to do so.
- JoAnn Peters
- Matthea Walker

Marked neutral:

- Necia Hoopes

Marked against:

- Barbara Lusk - *verbal testimony* –had miscommunication with city for paperwork concerning this public hearing. asked for information regarding Old Farm Estates Division #2 and was given older application and older plat

map, she is open to this application after hearing about it, but opposes it until paperwork issues are taken care of.

- Debra Thompson - *verbal testimony* –stated these plans looked better and was thankful for bringing density down, talked with ITD, they are not putting in a right turn hand lane and asked if they do, what would happen to her property and was told that they could condemn her property and offer her fair market value for it. She asked “What do citizens have to give for this development?” She is not against development but is against high density.
- Terry Harris - *verbal testimony* – might be neutral, wondered if we have things zoned right because most people want single family homes. Apartments devalue homes. High density, good people or not, brings more noise, more confusion, and more kids where people bought single family homes. More law enforcement is something we need to consider if we are to grow and listen to complaints of citizens. New developments should bring in own water and sewer lines. Concerns about lack of desire in this community to address ordinance issues.
- Elaine King - *verbal testimony* – only map she’s seen is plat map displayed, concerned information is missing and not available to public. Hadn’t heard city is capable of putting an additional 88 units in. Wondered if developer is really complying, is there 10% open space there?
- Greg Preslar - *verbal testimony* – we need to be careful, we can’t go backwards. Feels citizens are getting worn down, and concerns are not being addressed. Citizens want community to stay single family residents.
- Elaine Preslar
- Catherine Nielsen
- Chrystal Tillery
- Helen Harris

Blake Walker’s closing comments: we are local and tied to this development, we are staying in jurisdiction of our rights as property owners, we will work within city ordinances and code, don’t want to burden citizens, tax base will be beneficial to city, Old Farm Estates has invested in upgrading infrastructure and donated water shares to help city.

Commissioner’s questioned about a citizen stating they weren’t aware of maps, questioned when last revision was submitted, it was 3 weeks ago, and they added open space easement, which will be recorded in CC&R’s just for clarification today.

Additional parking spaces were created for visitors, open space areas are labeled as well as snow storage. Snow storage is not required in preliminary plat, but marked on drawings for clarification.

8:43 p.m. City Code Revision for Parking Space Requirements to be 2 spaces per residence instead of 1.5

Submitted written testimony: None

Public Hearing:

Marked For:

- Barbara Lusk

Marked Neutral:

- Stephen Peters
- JoAnn Peters
- Matthea Walker
- Katherine Williams

Marked Against: None

Verbal Testimony: none

8:45 p.m.

The public hearing was closed by Dave Thompson.

SUGAR CITY PLANNING & ZONING MEETING MINUTES
REGULAR MEETING AUGUST 23, 2017

Commissioners in attendance: Clay Rasmussen, Dave Thompson, Jeanne Wright, Tyson Harris

Others in attendance: Shelley Jones, Vaun Waddell, Elaine King, Barbara Lusk, Catherine Nelsen, Kevin Galbraith, Necia Hoopes

9:00 p.m.

The meeting was called to order by Dave Thompson

9:01 p.m. Minutes:

Motion made by: Tyson Harris to review the minutes of the last meeting at our next regular P&Z meeting

Motion 2nd by: Clay Rasmussen

Motion carried

9:03 p.m. Discussion on Proposed Preliminary Plat Application of Old Farm Estates Division #2 Block 12

- Citizens are concerned about water & sewer and what the city is capable of handling.
- There was also a concern with the roads and the commission felt that those concerns needed to be addressed at a different level.
- They discussed snow storage versus open space.

Motion made by: Tyson Harris to table the discussion until our next meeting

Motion 2nd by: Jeanne Wright

Motion carried

9:10 p.m. Discussion on Proposed Variance for Property Located at 222 S. Fremont Ave. to allow for change in property setbacks.

- Many other homes on 3rd S. allow the smaller setbacks.
- Property would need to maintain a clear vision triangle including parked cars in the driveway.
- Have a driveway go onto Fremont instead of 3rd S.

Motion made by: Clay Rasmussen to approve variance for setback for 222 S. Fremont with amendments to variance that states that a future driveway should enter Fremont Ave, not 3rd S. The variance will apply to a single story home, if a mutli-level home is to be built then there will be an additional 5' setback common to code. The clear vision triangle and driveway location corner to corner must meet city code.

Motion 2nd by: Jeanne Wright

Motion carried

Motion made by: Clay Rasmussen to amend the previous motion include the findings of fact.

Motion 2nd by: Jeanne Wright

Motion carried

9:23 p.m. Discussion on Special Use Permit for Property Located at 220 S. Teton Ave.

Special Use Permit is a request to turn the residence into a duplex.

- Two citizens were against a duplex among single family homes.
- In city code there is a discrepancy. In one area of code it is allowed, in another it is not.
- Property value of home should not change because outside of home will not change.

Motion made by: Tyson Harris to recommend findings of fact for approval to 222 S. Fremont Ave. to go to city council with condition that will the property will meet proposed code change to include 2 parking stalls per unit.

Motion 2nd by: Clay Rasmussen

Motion carried

9:36 p.m. Discussion on City Code Revision for Parking Space Requirements

Revision is to change parking to 2 spaces per residence instead of 1.5.

Motion made by: Tyson Harris to submit findings of fact and recommend approval to change the required parking spaces in city code in all aspects of residential units (including residential in multi-use zoned areas) from a minimum of 1.5 spaces to 2 spaces, excluding commercial and light industrial areas.

Motion 2nd by: Jeanne Wright

Motion carried

9:45 p.m. Discussion on Old Farm Estates Application for Preliminary Plat Div. #2 Lot 6 Block 14 – Possible Setting of Public Hearing Date

Discussion was made about verifying if applications are complete. The commission wants a deadline and schedule for applications so that they have ample time to review them. They would also like the application itself to be clearer about expectations for the developers. They would also like procedures to be on the city's website so developers can review ahead of submission what would be required in applications.

Motion made by: Tyson Harris to table discussion on Old Farm Estates Lot 6 Block 14 until our next P&Z meeting

Motion 2nd by: Clay Rasmussen

Motion carried

10:30 p.m.

Motion to adjourn the meeting: Clay Rasmussen

Motion 2nd by: Tyson Harris

Motion carried

Meeting adjourned

Our next regular P&Z meeting will be held September 7, 2017 @ 7:00 p.m.

Statement for public hearing, South Fork Villas Subdivision Application

Respected members of the Planning and Zoning,

I greatly regret that I am unable to attend the hearing. My team has worked hard to prepare the application in accordance with city code and per the P&Z requests and recommendations. I have full confidence in my team members to represent my interests in the hearing.

I would like to make a few points to consider:

1. It is our desire to enhance the city and provide a nice community.
2. We are applying for this subdivision so that we will have the ability to finance individual buildings and to have the ability to sell individual lots or buildings. If we had the financial means to build the whole project, we could skip this process and go directly to design review and apply for permits. We are hopeful that city officials will avoid placing more burdensome requirements on us than would be required of a larger developer with greater financial resources.
3. We are not asking for a new zone or special use. This land has already been zoned for the use we intend. We ask city officials to use discernment to filter out any opposition to growth or to this zoning since this debate has taken place previously and the zoning has been set.

Thank you for your service.

Sincerely,

Ray McDougal