

SUGAR CITY PLANNING & ZONING MEETING MINUTES
Public Hearing - THURSDAY, April 2, 2020

Commissioners in attendance: Dave Thompson, Paul Jeppson, Dan Mecham, Christine Lines, Justin Merrill, Tyler Hoopes

Others in attendance:

Chase Hendricks (Ciy Attorney), Quinton Owens (P&Z Admin), JoAnn, Barbara Lusk, Ryan Lerwill, Thomas, Brent, Johnny Watson, Elaine King, Richard Rembish.

7:20 P.M. Public Hearing called to order by Chairman Dave Thompson

Prayer by: Christine Lines

Affidavit presented that all applicable postings were done as required.

7:25 Public Hearing on Zone change for site of proposed New Sugar-Salem Jr High School

Request for any ex-parte communication from commission: None

Applicant's Presentation by Johnny Watson: Johnny Watson stated the Sugar Salem School District is requesting a zone change from Trans-Ag to C2 for their property on 3rd North for the new Junior High School to bring it into a zone that allows for the special use permit requested. The intent is to zone the entire parcel for the new Junior High School and any future plans the school district may have.

Public Testimonies: None

Submitted written testimony:

For: Gene Jeppson stated "It needs to happen"

Neutral: None

Against: None

Public Hearing Sign in: Taken from participant list through Zoom meeting.

Marked For: Barbara Lusk

Marked Neutral: None

Marked Against: None

Closing comments by Johnny Watson: No additional comments.

Comments by Commissioners: No comments

Public Hearing Closed

7:40 Public Hearing on Preliminary Plat application for site of New Sugar-Salem Jr High School

Affidavit presented that all applicable postings were done as required.

Request for any ex-parte communication from commission: None

Applicant's Presentation by Johnny Watson: Johnny Watson understood Mr. Dyer is allowing applicant to use the site plan as the preliminary plat. Commissioner Jeppson confirmed. The site plan currently shows phase one which includes the building, associated parking, bus circulation and associated field areas. Future proposals will include possible elementary school and play fields as the district needs. The master plan is to allow for growth and may change relative to the growth of the city. Mr. Watson also acknowledges that additional requirements need to be worked out with the city engineer including traffic flow, utilities, and other items. The plans are currently approved on the location of the building, design of the building, and parking.

Comments by Commissioners: The Commission requested clarification from applicant that only when the items identified by the City engineer are provided can the city engineer make any comment. Mr. Watson agreed to that understanding. Jeppson asked if it is important to have them all done in the preliminary plat stage. Mr. Watson recognizes that all of the city engineer's items will have to be resolved before sending out to bid or beginning any construction. A conference call with the city engineer is scheduled for tomorrow morning to discuss and resolve his issues. Justin asked if there is a Development Agreement with the preliminary plat application. Mr. Watson says there is not currently an agreement, but that it typically happens during construction in most jurisdictions and he does fully anticipate having a development agreement done. He stated he has never seen a development agreement done prior to the beginning of a project. It was asked if "water and sewer" were the "utilities" noted by Mr Dyer. Mr. Watson said that was correct.

Public Testimonies:

For: None

Neutral: None

Against: None

Submitted written testimony:

For: Gene Jeppson stated "It needs to happen"

Public Hearing Sign in: Taken from participant list through Zoom meeting.

Marked For: None

Marked Neutral: None

Marked Against: None

Closing comments by Johnny Watson: No additional comments.

Public Hearing Closed

7:55 Public Hearing on Special Use permit for New Sugar-Salem Jr High School

Affidavit presented that all applicable postings were done as required.

Request for any ex-parte communication from commission: None

Applicant's Presentation by Johnny Watson: Johnny Watson noted in C2 zone (refer to zone change application and hearing) educational facilities are only allowed with a special use permit. The intent of the school district is to use the entire 44 acres for school use only and there is no plan to subdivide the property. All facilities planned for the parcel are educational in nature.

Comments by Commissioners: No comments

Public Testimonies:

For: None

Neutral: None

Against: None

Submitted written testimony:

For: Gene Jeppson stated "It needs to happen"

Public Hearing Sign in: Taken from participant list through Zoom meeting.

Marked For: None

Marked Neutral: None

Marked Against: None

Closing comments by Johnny Watson: No additional comments.

Public Hearing Closed

7:59 Public Hearing on Preliminary Plat for Old Farm Estates Division 4

Affidavit presented that all applicable postings were done as required.

Request for any ex-parte communication from commission: None

Applicant's Presentation by Ryan Lerwill: Mr. Lerwill noted that this application was presented in October 2019. He displayed the master plan submitted in May 2017 showing this area has since been labeled division 4. It has just over 21 acres and is zoned R1 allowing up to 4 dwelling units per acre. The proposal complies with 1.8 units per acre. Division 1 & 2 are nearly sold out and inquiries have already come in on lots in Division 4. This division is being designed with larger lots than the other divisions. The transportation plan exists with the development as it currently exists. Mr. Lerwill added that with this application and the Teton Heights application anticipated traffic is way under the maximum potential traffic flow. Mr. Dyer had expressed in a previous meeting that he had no issues with the current traffic study and what is on the record and being presented with current applications, but future development to the west however will need to be addressed in an updated study. Mr. Lerwill noted that engineers are in process of updating the study. He also stated that open space shown on current plats and preliminary plats submitted has a total of 10.83 acres. He and others have also been working in conjunction with the city on the revised development agreement. The developers are doing everything they can to fulfill their obligations by zoning ordinance, statutes, and the settlement agreement. He expressed concern about the economic situation and time frame to accomplish development. Mr. Lerwill pointed out the two maps that have been suggested. One drawing had a cul-de-sac which brought up concerns from Arlynn Jacobsen about snow removal. Another

conversations took place about a potential walking/bike path easement to the south someday crossing the canal. The second drawing showing Idaho Ave. continuing south would not work if there were ever to be connection to the proposed East Parkway Corridor because of the traffic flow from the Corridor into this residential neighborhood. Mr. Lerwill recommended a hybrid of the plans with the cul-de-sac eliminated and the road narrowed to 12' to provide future path connectivity over the canal. Finally, he indicated they are open to discussion on options for the narrow lot along the east side of Austin Ave, Lot 18, whether for green space or make available to residents for storage. Lot 18 may be addressed in the development agreement.

Comments by Commissioners: Commissioner Jeppson believes from the emails he read the city engineer favors the drawing showing Idaho Ave continuing south. Mr Lerwill said Mr Dyer expressed openness to how they do the connectivity but sensitive about traffic flow from the East Parkway Corridor if connection occurs. The commission asked what the width of Lot 18 is regarding potential garages, Mr. Lerwill responded that it would require a rezone and zero setbacks. He stated the lot used collectively would contribute more benefit. In response to Commissioner Lines on what he preferred, Mr Lerwill said they might like to put out a survey to see what the nearby residents would like to see done. Mr. Thompson added that the engineer did bring up several of the points that have been discussed in making sure protocols are followed. Mrs. Lines commented on Mr. Dyer's email sent just before the hearing which stated the traffic from Division 4 will not be enough to worry about in this division but this should be included in an updated traffic study for the overall master plan. Mr. Lerwill stated that the updated study is already underway. Mr. Owens commented feels Lot 18 would be best used as a walking/bike path as part of a larger trails plan. Mr Ryan stated that he is open to such discussion but says it is important for now to go off of current zoning and code requirements. He also pointed out the extensive width of 5th South which is something to include when considering a walkway. He requested that such discussions do not hold up the proposed plat since there is opportunity for that to be done later. Hendricks agreed on that concept and the city can work out the details with the developer as we go over the development agreement as part of the master plan, and such concerns can be done even after the plats are approved and completed. Mr Thompson pointed out there is an approved alternate transportation plan and map on record showing locations of bike and walking paths that is the city's approved plan at this time.

Public Testimonies:

For: None

Neutral: None

Against: Elaine King received a text from Joann Clark who was disconnected and was trying to get back on, noting that Linda Himsley and Sharon Archibald, Linda Sharp, and Connie Bird were not able to access internet and join the meeting and wanted to testify but cannot. Elaine said the single family homes line up with the comprehensive plan, but she does not see the 10% open space required by SCC 10-4-7. The development agreement being revised per Lerwill's statement addressing the open space concern should be submitted before this preliminary plat is approved. She is also concerned about the traffic study that was discussed and feels there is time to finish the development agreement and new study before approving the plat. The comprehensive plan is a legal document and can determine what citizens want their community to look like. Our comprehensive plan says "no component of the city's character is more important than the neighborliness connected with open space and recreation..." We need the open space as described in Idaho Code 10-4-7-D, but not shown on plat. Elaine confirmed that Joann wanted to testify she did not feel it was fair public hearing because of the others that could not get on to participate.

Barbara Lusk is in agreement with Elaine and is “against” for the same reasons.

Public Hearing on Old Farm Estates Div. 4 was tabled to allow those wanting to testify to get back online to participate. This was decided after discussion on procedure options related to online only public hearing and open meeting laws.

9:01 Public Hearing on Special Permit Use permit for Teton Heights Apartments in Old Farm Estates, Division 3.

Affidavit presented that all applicable postings were done as required.

Request for any ex-parte communication from commission: None

Applicant’s Presentation by Ryan Lerwill (in place of Jeff Patlovich): In light of due process, Mr. Lerwill noted that a significant amount of money was spent for extensive viability studies on this project and the application was submitted last November. This property does have applicable zoning regulations which the project coincides with other than the need to obtain a special use permit which is being presented here. This project consists of 10.67 acres which will be under single ownership. The parcel is the only one zoned MU2, and therefore the only space something of this magnitude can occur. The settlement agreement will have to be discussed or acknowledged that it was dedicated for this use. There will be ten 24-unit multi-family buildings (3 stories) and one 12-unit building and a clubhouse. It will be built out in phases. The Clubhouse will have 3 residential units: one for a manager and the other two for short term rental for such cases as a visiting relative. He stated that there is 30% open space exceeding the required 20% by code. The same three things have been discussed over this application as OFE Div. 4: The updated master plan as previously shown with slight changes to east property line with Sugar Ridge development; the transportation plan which far exceeds the expected traffic from the current applications; and open space which is in serious discussion as part of the new development agreement. Mr. Lerwill wanted it understood that without a plat, you can’t make a plan. That’s why plats will often be amended - because a plan changes.

Comments by Commissioners: It was pointed out the plan does not appear to show enough snow storage for the large parking lot area. Mr. Lerwill said the areas are provided as required by code, but in cases where there is an excessive snowfall the owners will have to manage snow removal if needed. It was noted there were some items that Jeff Patlovich was to send back to the city engineer, and some dates on the application posted were incorrect on the letter. Commissioner Jeppson also complimented them on getting the applicant to agree making the landscape plan to match the perspective renderings. Commissioner Thompson wanted to know if the city engineer’s concerns have been addressed including snow storage inhibiting visibility around corners. Mr. Lerwill said they have been addressed and there are new drawings, and all of his issues will have to be addressed in the final plat. Mr. Hendricks added that the plat can be accepted conditional on the engineer’s concerns being addressed. Mr. Owens added that concerns about managing snow storage can become part of the development agreement. Mr. Lerwill confirmed there is no commercial use on this parcel. Snow storage is shown over 2 parking stalls, and with 255 units and 511 parking spaces that would leave them short on required parking. Mr. Lerwill suggested having a condition specified in the recommendation that the project will meet city codes to “fix” said problems.

Public Testimonies:

For: None

Neutral: None

Against: **Richard Rembish** does not know of required open space being provided in Old Farm Estates Division 1 & 2. He is also concerned about fairness issues expecting everyone to get online in order to participate in a public hearing. He would like to see a plan making sure fire equipment is adequate, can the schools handle the growth, is parking sufficient, can the roads handle all the cars, etc.

Barbara Lusk stated they should include commercial businesses that provides needed tax base and meet the dual use as intended with the mixed use zone. She is also concerned about the intention to charge extra for garages and maybe carports that would take away from available free parking expected for the 255 units. With the pandemic currently taking place we need to plan a little better in regard to high density. Do the garbage trucks have enough space to pick up dumpsters?

Elaine King also expressed concern about high density in a pandemic situation. She restated the same concerns about open space mentioned with OFE Division 4 hearing. Are all the little spaces between buildings, walkways, and snow storage counted as part of the referenced 30% open space if it is not similar to description in SCC 10-4-7? Some people also thought because of the pandemic, public hearings would be canceled. Elaine quoted the comprehensive plan noting development should continue the tradition of open space to population equivalent to or exceeding current proportion, which she believes is missing from this plan consisting of 255 units.

Joann thinks the plans need to be more thought out. In the past one thing has been said but then it doesn't end up what it was supposed to be. Also, Joann spoke to others who did not have access to get on. They would like to see it not accepted so it can be revisited.

Submitted written testimony: None

Public Hearing Sign in: Taken from participant list through Zoom meeting.

Marked For: None

Marked Neutral: None

Marked Against: None

Closing comments by Ryan Lerwill: Mr. Lerwill appreciated the comments given as he is sensitive to everyone's feelings. He addressed this unprecedented time, and does not believe our leaders would want progression to stop but to keep moving forward. Almost 10 years ago Mr. Stillman wanted to make this (Old Farm Estates) a special place. Mr Stillman involved a fiber optic company that brought in a backbone of fiber optic that is the only one of its kind currently from Idaho Falls to Bozeman. The fiber optic provider said this backbone is far beyond current capability with solid state electronics. This is expected to lend to benefits to commercial growth as well as residents. Planning has been an immense part of the process. Wanting a final before a decision is made is not how zoning works. You go through the preliminary plat process, and you have ideas and put them down, and those plats are preliminarily approved. The Planning and Zoning commission does not make decisions, they make recommendations to City Council who makes decisions. He believes this is a preliminary plat that meets all the zoning and code requirements, and concerns can be conditions of the commission's recommendation.

Public Hearing Closed

10:21 Reopening of Public Hearing on Preliminary Plat for Old Farm Estates Div. 4

Request for further public testimony: Some of the comments given with OFE Div. 3 hearing referred also to OFE Division 4 Preliminary Plat hearing.

Against: Richard Rembish stated we need to understand growth and how to manage it and how it affects what the citizens want.

Submitted written testimony:

None

Public Hearing Sign in: Taken from participant list through Zoom meeting.

Marked For: Spencer Cook

Marked Neutral: None

Marked Against: None

Closing comments by Ryan Lerwill: All we are trying to do is follow the zoning rules and ordinances, and have done all we can to do so. We are also doing our best to fulfill our obligations under the settlement agreement and all that will be done. But the settlement agreement issues are not about this application. This application is about what is allowed in city code when the application was submitted and this is allowed.

Public Hearing Closed