

CITY OF GRACE
 PLANNING & ZONING COMMISSION
 MINUTES OF ZONING MAP AMENDMENT HEARING &
 REGULAR MEETING HELD ON APRIL 27, 2016

Chairman Nelson called the Zoning Map Amendment Change hearing held on April 27, 2016 to order at 7:01 p.m. welcoming everyone to the hearing and thanking them for coming.

Chairman Nelson asked the Citizens to please sign the Public Hearing Sign –In sheet stating if they would like to comment.

Chairman Nelson asked those present to state their name: Kevin Fredrickson, Sadie Sant, Jackie Barthlome, Bruce Nelson, Liberti Van Gass, Sue Hardy, Loy Raye Phillips, Randy Nelson.

The purpose of this hearing is for Zoning Map Amendment Change Application #2016-1.

Le Grand Van Gass applicant and property owner, for approval of a Zoning Map Amendment Change on one parcel from R-1 Residential to R-2 Residential for Multi-family Dwellings. The site of the request is on 1st W. 10th S. (see attachment).

Chairman Nelson read the comments received from the neighbors within three hundred feet (300') that were returned to the Planning & Zoning Commission.

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| Varley Farms: Norman K. Johnson | Neutral |
| Jerry & Yvette Weeks | Supports Applicant |
| Comments: No harm in rentals coming to Grace. | |
| Wayne & Tina Bredehoft | Supports Applicant |
| Comments: We think that they should have a fence around the yards. | |
| A Plus Automotive | Supports Applicant |
| Armando & Tonya Mateos | Supports Applicant |
| Randy & Susie Peterson | Supports Applicant |
| Earline Williams | Supports Applicant |
| Jay Condie | Do not support applicant's request |
| Mary Lester | Do not support applicant's request |
| Greg Prowell | Do not support applicant's request |
| Brent Austin | Do not support applicant's request |
| Comments: I'm opposed to the change because I live there as a permanent Resident, who likes to know my neighbors, don't want to have them changing all the time. I also have property bordering the rear of that property and don't want the liability of someone getting hurt because they're on my property. I possibly would re-think the situation if they would build a privacy fence before starting construction. | |
| Randy & Kori Lester | Do not support applicant's request |
| Isavel Rodriguez | Do not support applicant's request |
| Bruce Nelson | Do not support applicant's request |

Chairman Nelson asked if there were any comments. Mrs. Van Gass stated that they will have a fence before they start construction and they are also aware that rentals in Grace are next to none, there

are rentals which are rarely available and sometimes older. What we are trying to do is something that would benefit the Community.

Discussion on the need for rental properties in the City but there are seven people who do not agree with the proposal.

Motion to adjourn the hearing for the Zoning Map Amendment Change #2016-1 for Le Grand Van Gass was made by Commission Member Hardy. Motion was seconded by Commission Member Fredrickson. Motion was unanimous.

Adjourn 7:05 p.m.

Chairman Nelson called the regular meeting of the Planning & Zoning Commission to order at 7:05 p.m.

PRESENT: Chairman Randy Nelson
Commission Members: Kevin Fredrickson, Sue Hardy, Sadie Sant
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT:

Invocation: Chairman Nelson
Pledge of Allegiance: Zoning Clerk Phillips

Chairman Nelson stated that Susan Lorenz with Southeast Idaho Council of Governments (SICOG) will not be in attendance this evening.

Chairman Nelson asked if the Planning & Zoning Commission had read the minutes of the previous meeting and if there were any changes. Commission Member Fredrickson made the motion to approve the minutes of the regular meeting held March 23, 2016. Motion was seconded by Commission Member Sant. Motion passed unanimously.

Report from City Council: Chairman Nelson stated that he had attended and extended an invitation to the City Council to attend the Comprehensive Plan Work Shop on April 7 at 6:00 p.m.

Chairman Nelson opened the Zoning Map Amendment Change Case # 2016-1, Le Grand Van Gass for discussion using the Findings of Fact for the Comprehensive Land Use Map Change.

1. Existing use(s) and zoning of the property in question:
Property in question is zoned R-1 Residential.
2. Existing use(s) and Zoning of other lots in the vicinity of property in question.
Property is R- 1 Residential and agricultural. There are two blocks of R-2 Residential next to the property being discussed. Taxation will not change on the agricultural ground until it is subdivided. Block 1 is bordered by R-2 Residential there should be no problem with the change. The problem we have is that six people approved the plan with one being neutral and there are seven people against the plan. Basically we have a tie.

Discussion was had on the letters being a guide to what the citizens want but it is the Findings of Fact that needs to be done on the request for the re-zone. The Commission needs to stick to the Findings of Fact answering the questions honestly and for the purpose of the request for a re-zone. This parcel in Block 1 is R-1 Residential and the existing lots of Block 2 and 3 are R-2 Residential. Block 1 is surrounded by R-1 Residential and Blocks 2 and 3 next to Block 1 are R-2 Residential.

3. Suitability of the property in question for the proposed uses already permitted under existing regulations.
It is suitable as R-1 Residential.
4. Suitability of the property in question for the proposed use.
It is suitable for the proposed use. Commission Members agreed it is suitable to be re-zoned to R- 2 Residential.
5. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last zoned.
There has been no change or any development. There has been one new home built south of Block 1 in 2015 on Highway 34. Very little development has occurred if any.
6. The effect the proposed re-mapping would have on the implementation of the Comprehensive Plan.
Guidelines of the Comprehensive Plan to try and improve for affordable housing. Land Use: Element # 5: Goals and Objectives: Promote infill of the City limits, create a buffer zone around the established industrial park boundaries, continue development within the City limits, maintain the Area of Impact Agreement with the County, recruit for the development of the R-2 multi-family residential areas to accommodate single persons or young family dwellings, work toward the establishment of city property boundary lines. Completely in line with the proposed change if the Commission follows # 6 of Goals & Objectives and recruit, for the development of the R-2 multi-family residential in area. It would not affect making the change because R-2 Residential already exists there.
7. Impact the proposed re-mapping would have on the surrounding properties.
There would be no impact of the surrounding properties. The thing that is starving this community to death is the lack of development. Would improve the property by adding a nice clean development. Proposed multi-family units are generally split level, with a decent design to them. Discussion was had on the type of development Mr. Van Gass would be doing; it will be three separate units with two in each one.
8. Impact the proposed re-mapping on health, safety, and welfare of the community.
Nothing would affect the health and safety of the community. Discussion was had on the traffic in the area. The children can walk on 1st West right straight into the school and there is a good sidewalk available along Highway 34 to the schools. No reason for extra cross walks to get to and from the school. Helena Chemical very seldom uses the 10th West Street. There is no semi- truck traffic in the area. Helena Chemical uses the One mile road entrance or their private exit on 4th West.

Zoning Map Amendment Findings of Fact:

Discussion was held on how Mr. Van Gass could proceed if the re-zone is not done. He could get a Conditional Use Permit for each of the units he would build which would cost a lot of money and he would still be dealing with these Citizens who do not support a change or he could build a home in the R-1 Residential zone and rent the home.

A. Ordinance or standard used to evaluate the application.

Ordinance 3-3-1: Regulations for the R-1 (Single Family Residential) Zone and Ordinance and 3-1-4: Regulations for the R-2 (Multi-family Residential) Zone. R-2 Residential supports the request for the re-zone.

B. Reasons for approval or denial would be:

Seven people who did not support the applicant's proposal. Discussion was held on why it should pass and the feeling was that there could be a stipulation recommending that a fence would be built. Discussion was had on the need for a good fence that would keep everyone in their own yard. If homes were built instead there would probably not be a fence in the yard. The reasoning for the fence is that two citizens felt a fence was necessary. Discussion was held on the type of fence that could be built and City Code for fences was discussed. It would not necessarily have to be a privacy fence, just a good boundary fence along the alley. Discussion was had on shared fencing of property the law in the State of Idaho and the State of Utah in regards to a fence out law, if you don't want someone on your property you fence them out, if he would be willing to share the cost of the fence. Discussion was had on the alley belonging to the City which runs north and south. Home owners would fence their own property on the alley. Discussion on the Property for the neighbor's fence request is to the east side of the alley and the proposed property Amendment is on the west side of the alley.

Discussion was had on the letters sent being nice but the property owner should show up to the meeting and be part of the discussion. These letters shouldn't determine 100% of what is going to happen. Commission Members were quite surprised that Mrs. Van Gass didn't offer more information. Concern was voiced that one citizen showed up and did not say anything as to why he was opposed. Discussion was had on any reason to deny the re-zone. Only one letter stated to why they opposed the change but stated he would rethink if a fence was in place and none of the others stated their concerns for not supporting the re-zone. If the citizen who would rethink the situation would consider changing his vote it would put more on the plus side. A citizen who supported the re-zone had stated they would like to see the back yards fenced.

C. Action, if any, if denied the Applicant could do to get approval.

If Mr. Van Gass is denied he would have to get a Conditional Use Permit for each structure. Concern was discussed why Mrs. Van Gass did not state if they were going to be split level, or two story or two bedroom, etc. Commission Member Fredrickson stated that right now all we are working on is the re-zone for Block 1 and that part of the process comes when they apply for the setting permit to build, all we are doing is making the recommendation on what we find and that does not mean that the City Council will allow the re-zone. Stipulations and standards should not apply at this point before we even see a plan. All this Commission is doing is going through the motions to say yes we agree that this should be re-zoned or no it should not be re-zoned.

Summary of Findings of Fact # 2016-1:

1. R-1 Residential
 2. R-1 Residential & R-2 Residential
 3. Not suitable for what they are asking to be done. Suitable but not zoned for Multi-family Dwellings. Needs to be Re-Zoned.
 4. Purposed use of the property is very suitable for the purposed use.
 5. Trend there has been no change.
 6. There would be no effect to the Comprehensive Plan as the Commission is re-doing that now. It would improve the plan.
 7. Actual change of the re- zone part is not going to impact going from R- 1 Residential to R-2 Residential. Going to Commercial or to Industrial would be a major impact. Will not impact any of the properties or property values. All of the other property in the same area is already R-2 Residential. No impact on any of the property around the proposed change.
 8. No impact on the health or safety of the community but the Re-Zone would be a better fit. It would improve the welfare of the community. When it is developed it would improve the value of the property. Property there has just been weeds and grass forever and ever, depending who owned it and how it was cared for.
- A. The Commission used R-1 Residential and R-2 Residential Multi-family Dwelling ordinances; also the Comprehensive Plan was looked at and evaluated.
- B. Reasons for approval or denial:
Approval would benefit the community.
Keep the property neat and clean and improve value of the property.
Improve availability of housing.
- C. Reason for denial:
The seven neighbors who stated they did not support it. Concerns for need of fence, not knowing his neighbor, concern for liability of trespassing and law suits. The problem exists now with no fence around his property and children in the neighborhood. You don't know maybe it will be retired couples, young families, or a single person who will move into the dwelling.

Commission Member Hardy made the motion to approve to send the application on to the City Council for approval or denial. Motion seconded by Commission Member Fredrickson. Motion passed unanimously.

Commission Members requested that Le Grand Van Gass be present at the City Council meeting on May 4, 2016 with his notes and things to be able to address any questions and concerns. Also be able to prove or be able to show some kind of hardship if denied. Denial would be quite a hardship after purchasing the property and not being able to build and have to make payments for years for nothing.

Discussion was held on the City denying approval then it becomes a hardship he can still apply for a Conditional Use Permit to build one unit at a time and still go through the process of a public hearing. All he is asking for is a re-zone from R-1 Residential to R-2 Residential or he can build a home and rent it out.

Business: Commission Member Hardy read a letter of her resignation from the Planning & Zoning Commission effective April 27, 2016. Commission Members stated that they appreciated her for the hard work she had done on the Commission.

Discussion was held on names of people who the Commission could present to the City Council to fill Commission Member Hardy's term. Discussion was held on sending more than one name as Commission Member Fredrickson's term is open next month. It was decided to send four names.

Motion to adjourn was made by Commission Member Fredrickson. Motion was seconded by Commission Member Sant. Motion passed unanimously.

Meeting adjourned at 8:00 p.m.

Zoning Clerk

APPROVED _____
Chairman

DATE _____