

**PLANNING & ZONING COMMISSION (PZC)**  
**Regular Minutes for March 11, 2020 at 6:30 p.m.**  
**City Council Chambers**  
**911 North Seventh Avenue, Pocatello, ID 83201**

The meeting began at 6:30 PM.

**AGENDA ITEM #1: ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.**

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

**Jared Bernt** made a site visit for agenda items 3, 4, 5, and 6 and had nothing else to report. **Jill Kirkham** had nothing to report. **Jack Moore** made a site visit for agenda items 3, 4, 5, and 6 and had nothing else to report. **Dorothy Ricks** made a site visit for agenda items 3, 4, 5, and 6 and had nothing else to report. **Shin Kue Ryu** made a site visit for agenda items 3, 4, 5, and 6 and had nothing else to report. **Kailey White** made a site visit for agenda items 3, 4, 5, and 6 and had nothing else to report.

**Present:** Jared Bernt, Jill Kirkham, Jack Moore, Dorothy Ricks, Shin Kue Ryu, and Kailey White.

**Staff:** Carl Anderson, Aceline McCulla, and Merrill Quayle.

**AGENDA ITEM #2: APPROVAL OF MINUTES**

The Commission may wish to approve the minutes as written from the clarification and regular meetings from February 26, 2020.

It was moved and seconded, (**K. White, J. Moore**) to approve the minutes as written for the clarification and regular meetings from February 26, 2020. Those voting in favor were Bernt, Kirkham, Moore, Ricks, Ryu, and White. Those voting against were none. Motion passed unanimously.

**AGENDA ITEM #3: PUBLIC HEARING – ANNEXATION**

This time has been set aside for the Commission to hear comments from the public regarding a request by Ryan & Carol Hancock and McCormick Ranch LLC, represented by RMES, for the annexation and zoning of .51 acres (more or less) of land west of the future Trail Creek Estates – Division 4.

**Chair Ricks** opened the public hear at 6:36 P.M.

**Mitch Greer**, RMES, 600 E. Oak Street, Pocatello stated this annexation was cleaning up property lines for the Trail Creek subdivision.

**Carl Anderson**, Senior Planner with the City of Pocatello summarized the staff report.

No public comment was received concerning this application.

Staff concludes that the annexation request and concurrent Zoning Map and Comprehensive Plan Land Use Map amendment are compliant with Pocatello Municipal Code Section 17.02.110 & 17.02.120. Should the Commission recommend approval of the subject application, staff recommends the following conditions: **1)** The subject property shall be annexed into the corporate boundaries of the City of Pocatello; **2)** That upon

annexation, the subject property shall be zoned Residential Low Density (RL); **3)** That upon annexation, the subject property shall be given a comprehensive plan designation of Residential (R); **4)** Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; and **5)** Any activity requiring a separate development or building permit shall comply with applicable regulations.

Those in Favor:

**Niki Taysom**, General Delivery, Pocatello was in favor of the project.

Those Neutral or Against: None

With no other public comments, **Chair Ricks** closed the public hearing at 6:44 P.M.

Discussion between Commission members ensued.

It was moved and seconded, (**S. Ryu, J. Kirkham**) to recommend approval of the application from Brain Ball of McCormick Ranch, LLC and Ryan and Carol Hancock to annex the subject property, to be zoned Residential Low Density and a Comprehensive Plan Land Use Map designation of Residential (R) as requested, finding the application does meet the standards for approval under Chapter 17.02.110 & 17.02.120 of Pocatello Municipal Code, with the conditions listed in the staff report, and to authorize Chair Ricks to sign the Findings of Fact. Those voting in favor were Bernt, Kirkham, Moore, Ricks, Ryu, and White. Those voting against were none. Motion passed unanimously.

#### **AGENDA ITEM #4: PUBLIC HEARING – PLANNED UNIT DEVELOPMENT**

This time has been set aside for the Commission to hear comments from the public regarding a request by Jonathan Vincent of Gate City Builders, represented by RMES, for the construction of the Breezy Apartments Planned Unit Development located south of Quinn Road and east of Philbin Road.

**Chair Ricks** opened the Public hearing at 6:47 P.M.

**Brady Smith** of RMES, 600 E. Oak Street, Pocatello gave some history on the application in 2015, which was approved, but the time to complete the subdivision had expired. Smith identified changes from the previously approved project. The lot division would provide better opportunities for potential owners to purchase one or two units on a lot instead of 18 units on one lot. The lot size would be averaged to allow joint buildings. **Ryu** asked if adjoining walls were safe. **Smith** stated a two-hour firewall was a safety condition recommended by Fire Department.

**Senior Planner Carl Anderson** of the City of Pocatello summarized the staff report.

Three people had reached out to Anderson with questions on this application, but not written testimony was received.

Staff concludes that the Planned Unit Development request is compliant with Pocatello Municipal Code Section 17.02.140. Should the Commission recommend approval of the subject application, staff recommends the following conditions: **1)** Per Pocatello Municipal Code 17.02.140.D.3, which states that subdividing of land may not proceed until a proposed PUD has been approved, the final plat shall not be submitted until the subject PUD has been approved; **2)** All applicable standards of Pocatello Municipal Code 16.20 & 16.24 shall be strictly adhered to; **3)** Per Pocatello Municipal Code 17.02.140.D.1 the project shall

remain under unified control throughout the entire planning stage and the completion of all approved infrastructure to ensure that development is accomplished as planned; **4)** Per Pocatello Municipal Code 17.02.140.D.7, if approved, the subject PUD shall continue for the approved use upon a change of property ownership, subject to the same conditions and terms of approval herein referenced; **5)** All open space designated as part of the subject PUD shall be maintained by the future home owners association subject to the standards of Municipal Code 17.02.140.D.4; **6)** The applicant shall coordinate with City staff to locate and incorporate improvements designed to increase pedestrian circulation and access to the community park area, at the time of building permit; **7)** The applicant shall break up the building façade, on both the front and rear, on lots 6-10 so as to reduce the appearance of a blank wall by incorporating a variation of materials and colors throughout to be approved at the time of building permit; **8)** The parking area shall be dedicated as shared common area and at no point may any fencing or other obstruction be placed within the parking and access area so as to prevent fire access and turnaround; **9)** All approved architectural shall be enforced by the associated home owners association per Municipal Code 17.02.140.G.5; **10)** Per Pocatello Municipal Code 17.02.140.D.6 physical construction of approved infrastructure shall begin within three (3) years of final approval of the PUD, which does not include grading or landscaping. Build-out of the PUD infrastructure shall be completed within five (5) years of final approval; and **11)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply

Those in Favor: none

Those Neutral:

**Robert Price**, 1779 W. Quinn Rd. wanted the utility easement by Ratliff about 10-12 years ago to be added as a condition. She was concerned with traffic congestion on Philbin Road and on Quinn Road, especially at sunrise and sunset, with Connor Academy. He also wants to have a childproof fence that would keep children out of the horse pasture, as Price has rescue horses that may be an issue if kids get through a fence.

Those Against:

**Niki Taysom**: General Delivery, Pocatello was opposed to PUD zoning. Taysom was concerned with water use, sewer use, traffic, and property maintenance.

**Merril Quayle**, Public Works Engineer with the City of Pocatello addressed traffic concerns and noted that the City monitors traffic and speed limits.

**Smith** stated that property maintenance would be the responsibility of the Home Owner Association (HOA). All property owners would pay fees to the HOA to maintain the property. **Price** approached the podium and gave Smith a copy of the utility easement paperwork he received from Ratliff. **Smith** stated this document would allow the easement to be included in the plat.

**Kirkham** asked if any Code restricted family size in a unit. **Anderson** stated that City Code allows four unrelated people to reside in one dwelling unit, and that there was no limit on related family members in a dwelling unit.

With no more public comments, **Chair Ricks** closed the public hearing at 7:25 P.M.

Discussion between Commission members ensued.

It was moved, (**K. White**) to approve the application from Ryan D. Hancock, of Cowboy Oil Co., for a

Conditional Use Permit to allow for new storage units to be developed within the Commercial General (CG) zoning district, finding the application does meet the standards for approval under Chapter 17.02.130 of Pocatello Municipal Code, if the conditions are met listed in the staff report, and to authorize Chair Ricks to sign the Findings of Fact and decision.

**Bernt** asked that the motion include the utility easement be added and a childproof wall on the east side.

**White** amended the motion to add a condition to include the utility easement and the childproof fence.

It was moved and seconded, (**K. White, J. Kirkham**) to approve the application from Ryan D. Hancock, of Cowboy Oil Co., for a Conditional Use Permit to allow for new storage units to be developed within the Commercial General (CG) zoning district, finding the application does meet the standards for approval under Chapter 17.02.130 of Pocatello Municipal Code, with the conditions listed in the staff report and to include a condition to include the childproof wall and utility easement on the east side of the property, and to authorize Chair Ricks to sign the Findings of Fact and decision. Those voting in favor were Bernt, Kirkham, Moore, Ricks, Ryu, and White. Those voting against were none. Motion passed unanimously.

#### **AGENDA ITEM 5: PRELIMINARY PLAT – BREEZY APARTMENTS**

Jonathan Vincent, represented by RMES, has submitted a preliminary plat application to subdivide 3.72 acres (more or less) into 18 multi-family dwelling units. The proposed subdivision is located south of Quinn Road and east of Philbin Road.

**Brady Smith**, 600 E. Oak Street, Pocatello, discussed the layout of the apartments and noted that in order to maintain the two-hour firewall requirement; each apartment would have separate utility services.

**Senior Planner Carl Anderson** of the City of Pocatello summarized the staff report. Staff recently learned about a possible utility easement on the east side of the property and recommended the utility easement be identified and added to the staff's recommended condition list.

Staff finds that the proposal is compliant with all applicable standards of City Code 16.20.050, assuming the following conditions are met: **1)** All comments contained in the Public Works Memorandum, dated February 20, 2020, shall be adhered to; **2)** A building permit may not be issued unless all applicable standards of City Code Section 16.24.100 are adhered to, or a subdivision surety bond and warranty bond is obtained as outlined in City Code 16.24.110, prior to recording; **3)** The parking area shall be dedicated as shared common area and at no point may any fencing or other obstruction be placed within the parking and access area so as to prevent fire access and turnaround; **4)** All requirements of the Planned Unit Development application, permit number 20-309; **5)** The final plat shall not be submitted until after the associated PUD has been approved; **6)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply; and **7)** The applicant shall work with the adjacent property owner to verify the exact location of the easement prior to the submittal of the final plat.

The Commission ensued in discussion.

It was moved and seconded, (**K. White, J. Moore**) to approve of the preliminary plat application from Jonathan Vincent, for the Breezy Apartments, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, with the conditions listed in the staff report and add the utility easement be identified and included on the east side of the property. Those voting in favor were Bernt, Kirkham, Moore, Ricks, Ryu, and White. Those voting against were none. Motion passed unanimously.

**AGENDA ITEM 6: PRELIMINARY PLAT – TRAIL CREEK VISTAS FOURPLEX DEVELOPMENT 1**

McCormick Ranch LLC, represented by RMES, has submitted a preliminary plat application to subdivide 3.34 acres (more or less) into 17 lots. The proposed subdivision is located south of North Kraft Road, and west of North Gathe Road.

**Mitch Greer**, RMES, 600 E. Oak Street, Pocatello gave some history of the property, identified how future roads would tie into the current road system and prepare for future growth in the area. The project is under density limits and is a great fit for this area.

**Senior Planner Carl Anderson** of the City of Pocatello summarized the staff report.

Staff finds that the proposal is compliant with all applicable standards of City Code 16.20.050, assuming the following conditions are met: **1)** All comments contained in the Public Works Memorandum, dated February 26, 2020, shall be adhered to; **2)** A building permit may not be issued unless all applicable standards of City Code Section 16.24.100 are adhered to, or a subdivision surety bond and warranty bond is obtained as outlined in City Code 16.24.110, prior to recording; **3)** The parking area shall be dedicated as shared common area and at no point may any fencing or other obstruction be placed within the parking and access area so as to prevent fire access and turnaround; and **4)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply.

Staff received one phone call and answered questions about this application.

**Moore** asked why the property had to be divided. **Greer** stated this would allow prospective buyers to purchase one or two units instead of having to purchase all the apartments on one lot. The other benefit provides cost sharing of maintenance fees, the annual cost would be divided by the total number of units.

The Commission ensued in discussion.

It was moved and seconded, (**J. Moore, S. Ryu**) to recommend approval of the preliminary plat application from McCormick Ranch LLC, for the Trail Creek Vistas Fourplex Development – Division 1, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, with the conditions listed in the staff report. Those voting in favor were Bernt, Kirkham, Moore, Ricks, Ryu, and White. Those voting against were none. Motion passed unanimously.

With no other business, **Chair Ricks** closed the meeting at 7:52 P.M.

Submitted by Aceline McCulla Approved on May 13, 2020  
Aceline McCulla, Secretary

