

**PLANNING & ZONING COMMISSION (PZC)**  
**Regular Minutes for April 13, 2022 at 6:30 p.m.**  
**City Council Chambers**  
**911 North Seventh Avenue, Pocatello, ID 83201**

**Chair Chanda** opened the meeting 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.

**Krystal Chanda** made a site visit for agenda items 6, and had begun work on agenda 6 but the work did not move forward. **Marjanna Hulet** made a site visit for agenda items 6 and reported she sent an email to Kathleen Olsen, which is included in the public comments and distributed to the P&Z and applicant. **Rich Phillips** made a site visit for agenda items 3, 4, 5, 6, 7, 8 and noted he made a visit to item 8 to discuss equipment sales, but does not a conflict of interest. **Shin Kue Ryu** made a site visit for agenda items 3, 6, 7, 8, and 9 and had nothing else to report. **Dakota Worrell** made a site visit for agenda items 4, 5, 6, and had nothing else to report.

**Present:** Krystal Chanda, Marjanna Hulet, Richard Phillips, Shin Kue Ryu and Dakota Worrell.

**Excused:** Whitney Fenwick and Nate Roberts.

**Staff:** Carl Anderson, Matt Kerbs, Matthew Lewis, Aceline McCulla, Brent McLane and Merrill Quayle.

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

The Commission may wish to waive the oral reading of the P&Z clarification and regular meeting minutes held March 9, 2022 and the special clarification and regular meetings held March 23, 2022, and to approve the minutes as written.

It was moved by **S. Ryu** and seconded by **R. Phillips** to approve the meeting minutes as written from March 9 and March 23, 2022. Those voting in favor were Chanda, Hulet, Phillips, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

**AGENDA ITEM #3: PUBLIC HEARING – CONDITIONAL USE PERMIT FILE 22-816**

This time has been set aside for the Commission to hear comments from the public regarding a request by Idaho Fish & Game for conditional use permit to expand a building on property located at 1345 Barton Road.

**Chanda** opened up the public hearing at 6:35 p.m.

**Zack Lockyer**, Regional Wildlife Manager of IF&G stated the plan is to expand the current building by 35 percent and dirt will be moved due to the slope. Added security will reduce theft currently experience due to the fencing issues. The shed will face the highway and provide additional storage capacity.

Senior Planner **Jim Anglesey**, with the City of Pocatello summarized the staff report.

One comment was received and given to the Commission prior this the hearing for this application.

Staff finds that the proposal is compliant with all applicable standards of City Code 17.01.170, assuming the following conditions are met: **1)** All applicable standards of the City of Pocatello Municipal Code Title 17 Zoning Regulations not herein listed and applicable shall apply; **2)** Any activity requiring a separate development or building permit shall comply with applicable regulations; **3)** The applicant shall coordinate with all applicable City Departments to address any improvements that may be required prior to applying for a building permit which shall include a slope analysis and geotechnical report; **4)** Landscaping standards shall be waived due to the unavailability of water around the maintenance yard; and **5)** Screening standards shall be waived due to the inability to effectively prevent the screening of outdoor storage activity from the right-of-way due to differences in elevation.

**Chanda** opened up the meeting for public comment at 6:41 p.m.

Those in favor or opposed: none.

Those neutral:

**Joe Yeaman** asked if this property belongs to Brad Frasure and future use.

With no more public comments, **Chanda** closed the public hearing at 6:44 p.m.

It was moved by **M. Hulet** and seconded by **D. Worrell** to approve the Conditional Use Permit application from Idaho Department of Fish & Game for the expansion of outdoor storage in the Residential-Commercial-Professional zoning district at 1345 Barton Rd., finding the application does meet the standards for approval under Chapter 17.02.130 of Pocatello Municipal Code, with conditions listed in the staff report, and to authorize the Chair to sign the findings of fact. Those voting in favor were Chanda, Hulet, Phillips, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

#### **AGENDA ITEM 4: PUBLIC HEARING – CONDITIONAL USE PERMIT FILE 22-237**

This time has been set aside for the Commission to hear comments from the public regarding a request by Capitaline Holdings PLLC for a conditional use permit to allow a storage facility in the Commercial General (CG) zoning district at 746 and 762 McKinley Avenue.

**Chanda** opened the public hearing at 6:45 p.m.

**Skyler Hartman** of Capitaline Holdings PLLC noted that with families moving in together, storage need has increased and this use is very needed. The surrounding area is primarily storage that Hartman owns and asked for approval.

**Jared Fluckiger** attorney of Racine Olsen Law Firm addressed the concerns of the complaint letter by Ms. Zohos, which is included in the agenda packet as Attachment B. Jared asked that the mediation not be required as staff addressed all the concerns in the staff report.

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

Anderson reminded the Commission was notified of the Idaho Statute regarding mediation, Title 67.6510 during the clarification meeting on March 23, 2022, and again today during the clarification meeting. Staff did reach out to the applicant, who declined mediation. However, should the Commission require mediation tonight, staff would recommend the Commission set a date for the mediation to occur, and Anderson believes the City would be responsible to pay for the mediation, and if that were the case, someone from City Staff could serve as the mediator, whether a planner department or other person.

One comment was received in opposition to this application, and was included in the agenda packet.

Staff finds that the proposal is compliant with all applicable standards of City Code 17.02.130, assuming the following conditions are met: **1)** All applicable standards of the City of Pocatello Municipal Code Title 17 Zoning Regulations not herein listed and applicable shall apply; **2)** Any activity requiring a separate development or building permit shall comply with applicable regulations; **3)** The applicant shall coordinate with the applicable City Departments prior to the submittal of a building permit to address any improvements that may be required; **4)** A Landscaping plan shall be submitted at the time of building permit meeting all applicable landscaping standards; **5)** The property owner coordination with the associated irrigation district to ensure that any associated irrigation easement is maintained; and **6)** All signage for the proposed use shall be approved through a separate permit.

**Hulet** asked where Zohos's residence is located on the map. **Worrell** asked why staff recommended, but did not require the residential buffer when abutting a commercial zone. **Anderson** noted the residential buffer is not required in a CG zoning district. **Phillips** asked about the road width. **Anderson** stated the Fire Department reviewed the plat and did not call out the roads as an issue.

**Chanda** opened up the meeting for public comment at 7:09 p.m.

Those in favor:

**Clee Heaney** liked the project, only concern was not having a storm drain.

**Anne Parker**, commercial property manager of Wild Wood Storage, stated there is low traffic, security cameras are installed and there are low security issues. The property is well maintained.

Those neutral: none.

Those opposed:

**Artemis Zohos** owns three duplexes and has concerns with headlights, and three cars drove into the sheds and another shed blew up with illegal things in a shed.

Applicant Rebuttal:

**Hartman** stated there is an irrigation buffer and the buildings are eleven (11) feet tall, so headlights have not been an issue and would not be an issue. Concrete barriers are in place to protect the buildings and runaway vehicle. Black high-quality fence surrounds the property with entry gates as clarified. Hartman agreed to add three more units to abut Zohos's property upon requested, if allowable.

With no more public comments, **Chanda** closed the public hearing at 7:20 p.m.

It was moved by **R. Phillips** to approve the Conditional Use Permit application from Skyler Hartman of Capitaline Holdings PLLC for the use of self-service storage in the Commercial General zoning district, finding the application does meet the standards for approval under Chapter 17.02.130 of Pocatello Municipal Code, with conditions listed in the staff report, and to authorize the Chair to sign the findings of fact. Motion failed, no second.

It was moved by **D. Worrell** and seconded by **M. Hulet** to approve the Conditional Use Permit application from Skyler Hartman of Capitaline Holdings PLLC for the use of self-service storage in the Commercial General zoning district, finding the application does meet the standards for approval under Chapter 17.02.130 of Pocatello Municipal Code, with conditions listed in the staff report and **add a condition "to add a tree between and extend the landscape buffer the buildings 700 and 800,"** and to authorize the Chair to sign the findings of fact. Those voting in favor were Chanda, Ryu and Worrell. Those voting against were Hulet and Phillips. Motion carried.

#### **AGENDA ITEM 5: PUBLIC HEARING – CONDITIONAL USE PERMIT FILE 22-687**

This time has been set aside for the Commission to hear comments from the public regarding a request by Capitaline Holdings PLLC for a conditional use permit to allow for new storage units within the Commercial General (CG) zoning district at 3934 Jason Avenue.

**Chanda** opened the public hearing at 7:35 p.m.

**Skyler Hartman** of Capitaline Holdings PLLC stated this property was previously used as container storage, and this project would be an improvement. Storage units are needed in this area of the City as well. Hartman is working with staff on a stormwater area off-site.

Senior Planner **Matthew Lewis** of the City of Pocatello summarized the staff report.

One phone call was received on this application. One written comment was received and provided to the Commission.

Staff finds that the proposal is compliant with all applicable standards of City Code 17.02.130, assuming the following conditions are met: **1)** All applicable standards of the City of Pocatello Municipal Code Title 17 Zoning Regulations not herein listed and applicable shall apply; **2)** Any activity requiring a separate development or building permit shall comply with applicable regulations; **3)** The applicant shall coordinate with the applicable City Departments prior to the submittal of a building permit to address any improvements that may be required; **4)** A Landscaping plan shall be submitted at the time of building permit meeting all applicable landscaping standards; **5)** The property owner coordination with the associated irrigation district to ensure that any associated irrigation easement is maintained; and **6)** All signage for the proposed use shall be approved through a separate permit.

**Chanda** asked about an additional access point, regarding the written comment.

Development Engineer **Merril Quayle** with the City of Pocatello Public Works discussed the access gates being moving to the north, Quayle noted this will be evaluated with the construction process. He noted the stormwater would also be addressed during the construction phase and these items would meet standards.

**Chanda** opened up the meeting for public comment at 7:50 p.m.

Those in favor and neutral: none.

Those opposed:

**Joe Yeaman** was concerned with traffic due to the South Valley connector.

Applicant Rebuttal:

**Hartman** stated that storage unit traffic is currently and would be minimal as well in the future.

With no more public comments, **Chanda** closed the public hearing at 7:55 p.m.

Discussion between Commission members ensued.

It was moved by **M. Hulet** and seconded by **D. Worrell** to approve the Conditional Use Permit application from Skyler Hartman of Capitaline Holdings PLLC for the use of self-service storage in the Commercial General zoning district, finding the application does meet the standards for approval under Chapter 17.02.130 of Pocatello Municipal Code with conditions listed in the staff report, and to authorize the Chair to sign the findings of fact. Those voting in favor were Chanda, Hulet, Phillips, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

#### **AGENDA ITEM 6: PUBLIC HEARING – ZONE MAP AMENDMENT 22-276**

John Burtenshaw of JG Ventures, LLC, and represented by Michael Jaglowski, has submitted a zoning map amendment to rezone the subject property from Residential Low Density (RL) to Residential-Commercial-Professional (RCP), located at the 700 Block of Hospital Way.

**Chanda** opened the public hearing at 8:07 p.m.

**Mike Jaglowski**, represents JG Ventures LLC presented the project and the past history of possible uses on the property. Jaglowski discussed City guiding documents, zone map, and being a good neighbor. The materials in the application packet were covered. Providing living and convenience is what this project is striving for with this development of living, business and office uses. Zoning needs to be approved prior to the project design work could truly begin.

Senior Planner **Matthew Lewis** of the City of Pocatello summarized the staff report.

Staff concludes that the proposed zoning map amendment is compliant with Pocatello City Code Section 17.02.170. A full analysis is detailed within this staff report in pages 2-5. Should the Commission recommend approval of the subject application, staff recommends the following conditions: **1)** The property shall be given a zoning designation of Residential-Commercial-Professional (RCP); **2)** Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; and **3)** Any activity requiring a separate development or building permit shall comply with applicable regulations.

**Matt Kerbs**, City Attorney with the City of Pocatello clarified questions on a conditional use permit code.

**Chanda** opened up the meeting for public comment at 8:39 p.m.

Those in favor: none.

Those neutral:

**Robert Richway** was concerned with traffic off Terry Rd and recommended that only one approach be permitted off

Hospital Way. Richway was concerned with slope and a lot of dust from excavation.

Those opposed:

**Candy Brown** likes the zoning in this area and Hospital Way is complimentary for the medical staff. Brown is concerned with traffic, which in the past showed 10,000 vehicles on Hospital Way. High density housing would add more traffic. Based on traffic counts from Bannock Transportation Planning Organization

**Brady Moon** was concerned with adding more commercial businesses in this area, he prefers residential zoning over Residential-Commercial-Professional use. There are office buildings for rent or sale in the area now.

**Jim Lathrup** was concerned that there are no walking trails in this area. Lathrup thinks the property is better suited for a park.

**Richard Stallings** was curious and had concerns with what will be built there.

**Vivian Goodner** was concerned with where the second access would be, and why the eastern exposure was ignored in staff review.

**Cliff Olson** was concerned why the geological report was not included with this application. He was concerned with the RCP zoning and not knowing what was planned for the area.

**Stratton Laggis** was concerned with the elevation of the land and a 45-foot building. Lagas was concerned with a lack of design of what can go on the property. Traffic is another issue, as is crime.

**John Wilson** was concerned that the zoning keeps changing in their area and taller buildings coming to the area.

**Kathy Olson** was concerned with commercial buildings in residential areas. Recommended connecting bike paths in the area.

Applicant rebuttal:

**Jaglowski** noted that if a traffic study is required once zoning is established, it would be done. Residential High Density (RH), RL, and other business types uses area allowed in an RCP zoning. The plan would transition between residential and commercial in this location. The geological technical report was presented at site plan review for ideas and a final plan would not be determined until the zoning designation is determined. The Comprehensive Plan Map designates the parcel as mixed use, which is in line with the RCP zone.

**Merril Quayle** clarified when a traffic study would be needed, and noted this area does not meet those requirements, nor does the current traffic flow on Hospital Way. Quayle commented on the bike lanes and Portneuf Greenway, Health Trust and the Hospital in the future. Commercial build height in RCP is 45 feet.

**Lewis** noted that a residential single-family home could be 35 feet in height. This application was to rezone the parcel RCP 8.75 acres of the 13.12 acre parcel to RCP. Lewis stated the Commission could motion to propose to deny the application and then approve and recommend that a contract rezone instead of an outright rezone of RCP.

With no more public comments, **Chanda** closed the public hearing at 9:21 p.m.

Discussion between Commission members ensued.

It was moved by **D. Worrell** to recommend approval of the zone map amendment application from JG Ventures, LLC to rezone the subject property located in the 700 Block of Hospital Way from Residential Low Density to Residential-Commercial-Professional, finding the application does meet the standards for approval under Chapter 17.02.170 of Pocatello City Code, with the conditions listed in the staff report, and to authorize the Chair to sign the findings of fact. No second. Motion failed.

The Commission ensued in discussion. **Lewis** mentioned that the Commission may recommend to City Council that a contract rezone application, per code section 17.02.170J be considered instead of an outright rezone to RCP.

It was moved by D. Worrell and seconded by **M. Hulet** to recommend denial of the zone map amendment application from JG Ventures, LLC to rezone the subject property located in the 700 Block of Hospital Way from Residential Low Density to Residential-Commercial-Professional, with the City finding the application does not meet the standards for approval under Chapter 17.02.170 of Pocatello City Code, and to recommend City Council consider a contract rezone per Code 170.02.170J and execute an agreement with the conditions listed in the staff report, and to authorize the Chair to sign the findings of fact. Those voting in favor were Chanda, Hulet, Phillips, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

**AGENDA ITEM 7: PUBLIC HEARING – ZONE MAP & COMPREHENSIVE PLAN AMENDMENT FILE 22-805**

Jared Keller of Pocatello Creek Center, LLC, has submitted a Zone Map and Comprehensive Plan amendment to rezone the subject property from Residential Medium Density Single-Family (RMS) to Commercial General (CG) and to amend the Comprehensive Plan designation from Mixed-Use (MU) to Commercial (C) for the property located at 920 Deon Drive.

**Chair Chanda** opened the public hearing at 10:00 p.m.

**Jared Keller** of the Pocatello Center discussed the neighboring commercial properties have a CG zoning and this property does not. This property has always been a commercial use and has never had a residential use. Long Range Senior Planner **Jim Anglesey** of the City of Pocatello summarized the staff report.

No comments have been received by staff regarding this application.

Staff concludes that the proposed Zone Map & Comprehensive Plan amendment is compliant with Pocatello City Code Section 17.02.170.

With no public comments, **Chanda** opened and closed the public hearing at 10:11 p.m.

Discussion between Commission members ensued.

It was moved by **S. Ryu** and seconded by **R. Phillips** to recommend approval of the Zone Map & Comprehensive Plan amendment application from Jared Keller of Pocatello Creek Center, LLC to rezone and amend the Comprehensive Plan designation for property located at 920 Deon Drive, finding the application does meet the standards for approval under Chapter 17.02.170 of Pocatello City Code, and to authorize the Chair to sign the findings of fact. Those voting in favor were Chanda, Phillips, Ryu and Worrell. Those voting against were Hulet. Motion passed.

**AGENDA ITEM 8: PUBLIC HEARING – PRELIMINARY PLAT – WRIGHT TOWNHOMES  
FILE 22-780**

Taylor Wood of Res Dev 2, LLC, represented by Summit Land Surveying, has submitted a preliminary plat application to subdivide 0.72 acres (more or less) into 10 lots. The proposed subdivision is a replat of Lot 7 & Lot 12, Block 3, Ward Park Subdivision. The proposed subdivision is located between Heber and Wright Avenues.

**Chanda** opened the public hearing at 10:13 p.m.

**Taylor Wood** of Res Dev 2 LLC plans to build five (5) two-unit townhomes, each unit would be 1,600 square feet per townhome.

Senior Planner **Matthew Lewis** of the City of Pocatello summarized the staff report.

No comments have been received by staff on this application.

Staff finds that the proposal is compliant with all applicable standards of City Code 16.20, assuming the following conditions are met: **1)** All comments contained in the Public Works Memorandum, dated April 4, 2022, shall be adhered to; **2)** The subdivision title block shall read, “A REPLAT OF LOT 7 & LOT 12, BLOCK 3, WARD PARK SUBDIVISION”; **3)** 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; and 4) All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply.

**Chair Chanda** opened up the meeting for public comment at 10:22 p.m.

Those in favor and neutral: none.

Those opposed:

**Steven Rodrigues** was concerned with a two-story townhome in a single-family home, parking and lot size.

**Barbara Marshall** was concerned with on-street parking and traffic, the potential of two-story townhomes not fitting in with the neighborhood and parking issues.

**Allan Steed** was concerned with on-street parking and traffic, the potential of two-story townhomes not fitting in with the neighborhood and parking issues.

**Deanne Steed** was concerned that the homes will not match the neighborhood and parking issues.

**Donna Ball** was concerned that the homes do not conform in the neighborhood, and the parking issues.

**Roady Oral** was concerned with the fire hydrant and the senior centers

**Barbara Vicks** was concerned with traffic and parking and new residents not

**Elaine Kent** stated she did not want to look at townhomes across from her home, and thought water issues would be an issue.

**Michelle Dodger** The senior homes do not have parking lots, so all people park on the street. She was concerned with the water pressure in the area.

Applicant rebuttal:

**Wood** addressed the concerns and noted that this plan does meet City Code and a town home is not much different than a twin home. The properties are individually owned. The homes are responsibly designed and beautiful and an HOA would take care of the landscaping of the property. Wood discussed water pressure with staff and there were no concerns.

With no more public comments, **Chair Chanda** closed the public hearing at 10:43 p.m.

**Quayle** noted a driveway minimum would be 9-foot in width. **Lewis** stated the one-third parking rule is for the Original Townsite guidelines, not for this plat. However, a minimum of 45-percent of the front setback must be completed with landscaping per Code Section 17.05.610B.2

It was moved by **M. Hulet** and seconded by **D. Worrell** to continue the hearing on May 11, 2022, to allow the applicant time to update the application with parking details on the plat drawing. Those in favor: Hulet and Worrell. Those against: Chanda, Phillips and Ryu. Motion failed.

Discussion between Commission members ensued.

It was moved by **R. Phillips** to recommend approval of the preliminary plat application from Taylor Wood/Res Dev 2, LLC, 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 to authorize the Chair to sign the findings of fact. With no second, the motion failed.

Discussion between Commission members ensued.

It was moved by **D. Worrell** and seconded by **S. Ryu** to continue the hearing to May 11, 2022, to allow the applicant time to update the application and show parking spaces on the plat drawing. Those voting in favor were Chanda, Hulet, Phillips, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

**AGENDA ITEM 9: PUBLIC HEARING – PRELIMINARY PLAT – STRATTEN ESTATES DIVISION 3 FILE 22-542**

Homes West Inc, represented by RMES, has submitted a preliminary plat application to subdivide 4.30 acres (more or less) into 22 lots. The proposed subdivision is located east of Troy Lane and west of Hawthorne Road.

**Chanda** opened the public hearing at 11:14 p.m.

**Sean O'Brien** of RMES, represented Homes West Inc. stated this is the third division and summarized the application materials in the agenda packet.

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, assuming the following conditions are met: **1)** All comments contained in the Public Works Memorandum, dated April 1, 2022, 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; and **3)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply.

No comments were received and one phone call was received with questions and no concerns on this application.

**Quayle** stated the roads could be stubbed out to connect to Kinghorn Road and Hawthorne Road if future development progresses.

**Chanda** opened up the meeting for public comment at 11:21 p.m.

Those in favor and opposed: none

Those neutral:

**Dave Hendricks** was concerned that his easement and property may have issues. **Chanda** noted he would have to discuss this with the Developer and Engineers and staff. **Hendricks** understood.

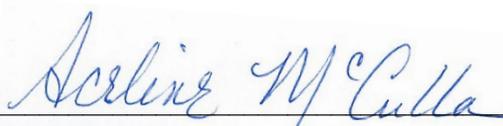
**O'Brien** stated he is aware of this concern and will work with Hendricks and staff.

With no more public comments, **Chanda** closed the public hearing at 11:24 p.m.

Discussion between Commission members ensued.

It was moved by **M. Hulet** and seconded by **D. Worrell** to recommend approval of the preliminary plat application from Homes West Inc. finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code with conditions listed in the staff report, and to authorize the Chair to sign the findings of fact. Those voting in favor were Chanda, Hulet, Phillips, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

With no other business, **Chair Chanda** closed the meeting at 11:25 PM.

Submitted by   
Aceline McCulla, Secretary

Approved on May 11, 2022