

## EMMETT CITY ZONING COMMISSION

April 5, 2021

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho.

**Chairman Earls called the meeting to order at 6:00 p.m.**

Chairman Earls led the **Pledge of Allegiance**.

**Commissioners Present:** Gwen Earls, Jeff Chapman, Kim Butler

**Commissioners Online:** Jeff Wiechman

**Commissioners Absent:** Jennifer Frieboes, Marta Henry

**Staff Present:** Zoning Administrator, Brian Sullivan; Recording Clerk, Alishia Elliott; Second Recording Clerk, Dori Millan-Sotelo

**Staff Online:** City Attorney, Jake Sweeten

**Public Present:** Marilyn Peoples, Kevin Healy, Patricia Morlan, Chris Paulsen, and Jane Suggs.

### **Review of Agenda:**

Commissioner Chapman made a motion to approve the Agenda. Commissioner Butler seconded the motion.

**Motion Carried.**

**Approval of Minutes:** Commissioner Chapman made a motion to approve the March 1<sup>st</sup>, 2021 minutes.

Commissioner Butler seconded the motion. **Motion Carried.**

### **#1 Public Hearing: Skyhawk Subdivision Preliminary Plat PP #21-001 with a Variance**

#### **Zoning Administrator's Presentation**

Zoning Administrator Brian Sullivan presented the application for a Preliminary Plat for Skyhawk Subdivision to the commission. Sullivan read the staff report for the application and asked for any questions from the commission. Commissioner Earls asked if the final plat application would come in front of the commission. Sullivan informed the commission that the final plat would not come in front of the commission and would only need the City Council approval. Commissioner Chapman asked Sullivan to point out the main roads on the preliminary plat. Sullivan explained to the commission where W. 4<sup>th</sup> St. and S. Mill Rd. are in relation to the plat. Commissioner Chapman asked why the variance was requested. Sullivan explained that W Jade St. would have to make a 90-degree corner to meet the requirements of city code. Commissioner Butler asked if the only access to S Mill Rd. would be off of W. Jade St. Sullivan confirmed that the only access to S. Mill Rd. would be W. Jade St. Commissioner Chapman asked if this preliminary plat is the same design as the one from the original application in 2008. Sullivan informed the commission that the plat is similar, but the preliminary plat from 2008 did not propose multi-family housing. Commissioner Chapman asked if the drainage areas on the plat are calculated into the common area space requirements. Sullivan confirmed that those drainage areas are not calculated in to the common areas, and that they will meet the common area requirements with what is proposed on the preliminary plat. The commission had no further questions.

#### **Applicant Presentation**

Jane Suggs, with Gem State Planning, presented her application for a Preliminary Plat for the Skyhawk Subdivision. Jane Suggs informed the commission that the applicant agrees with all conditions of approval and the agency comments submitted in the staff report, as read by Zoning Administrator Brian Sullivan. Jane Suggs also informed the commission that they are meeting all zoning requirements for lot size and setback. Jane Suggs asked the commission if they had any questions for her. Commissioner Chapman asked if there would be a single HOA for the subdivision, or multiple since there are multifamily housing proposed. Applicant Jane Suggs explained that more than likely there will be different HOA's for the single-family housing and the multifamily housing. Commissioner Wiechman asked about the parking for the apartment complexes. Applicant Jane Suggs informed the commission that they have an average of 2 parking spaces per unit. Sullivan stated the code requirement is 1.5 parking spaces per unit. The commission had no further questions for the applicant.

#### **Public Input**

Marilyn Peoples, 798 S. Mill Rd, stated her concerns of traffic and pedestrian safety on S. Mill Rd. Marilyn Peoples asked about school impact fees for the houses that will be built in the subdivision. Mrs. Peoples stated that she is not in opposition of growth, but would like to see good planning.

Kevin Healy, 656 S. Mill Rd, asked if this subdivision is in conjunction with the nightclub and racetrack on S. Mill Rd. Mr. Healy also stated concerns of irrigation shares and distribution of water to this subdivision. Mr. Healy stated that the developers asked the irrigation company for 7 days a week access to the water. Mr. Healy informed the commission that there is already a problem sharing water in that area.

Patricia Morlan, 734 S. Mill Rd, stated her concerns with having to change her address from S. Mill Rd. to a proposed W. Jade St. address. Mrs. Morlan's driveway is within the property owned by the developer. The developer is proposing to change her access to a driveway between two (2) lots on W. Jade St. and moving her utilities between a lot on S. Blackfoot Ave. Patricia Morlan is opposed to changing her access to W. Jade St., due to the hassle it would cause. Mrs. Morlan is also concerned about the traffic on S. Mill Rd. and the irrigation shares.

#### **Rebuttal**

Applicant Jane Suggs spoke in regards to the traffic impact study that was completed for the Skyhawk Subdivision. Mrs. Suggs also informed the commission that they will be installing curb, gutter and sidewalk at the entrance of W 4<sup>th</sup> St. and S. Mill Rd. and throughout the subdivision which will help with pedestrian safety. Jane Suggs also informed the commission that no city in Idaho has impact fees for schools. Jane Suggs spoke in regards to the irrigation, and resolving the issue of water intake and availability. Jane Suggs informed the commission the driveway that Mrs. Morlan has been using did not show up as a recorded easement and the developer is willing to move her access to W. Jade St. Mrs. Suggs informed Mrs. Morlan that she would need to reach out to the Postal Service regarding her address change. Commissioner Butler asked the applicant Jane Suggs when it was brought to her attention that Mrs. Morlan's driveway was not a recorded easement. Applicant Jane Suggs informed the commission that they were made aware after the survey was completed for the property. Applicant Jane Suggs confirmed to the commission that there is no recorded easement for the driveway to Mrs. Morlan's property and the developer agrees to move the utilities and driveway to provide for a legal easement. The commission asked Attorney Jake Sweeten for advice on the driveway for Mrs. Morlan. City Attorney Jake Sweeten informed the commission that they can not get involved in private property rights and the issue is between the two (2) property owners.

#### **Decision of Public Hearing: ACTION ITEM**

Commissioner Wiechman made a motion to recommend to the City Council approval of application PP #21-001, adopting the conditions of approval as stated in the staff report and approving the variance. Commissioner Chapman seconded the motion. **Motion Carried.**

#### **New Business:**

Upcoming applications for next meeting: New subdivision application on 12<sup>th</sup> St.

#### **Unfinished Business:**

Zoning Administrator Brian Sullivan informed the commission that the subdivision ordinance is still in process.

#### **Items from the Commission:**

Zoning Administrator, Brian Sullivan informed the commission that there have been two (2) resignations. One formal and one informal. If there is anybody interested in the position Sullivan asked that they contact Mayor Petrie.

#### **Items from the Building Official/ Zoning Administrator:**

Next Regular Meeting – May 3, 2020

Commissioner Butler made a **motion to adjourn**. Commissioner Chapman seconded the motion. **Motion Carried.**

**Meeting adjourned at 7:30 p.m.**

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Chairman Gwen Earls

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Acting Secretary