



**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING
CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO**

December 5, 2022
6:00 PM

ESTABLISH A QUORUM

Chairperson Kristopher Wallaert noted a quorum present and called the December 5, 2022, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, William Roeder, Scott Harjo, and Kristopher Wallaert.

Commission Members, Cristina Drake, and Travis Eikeness were not in attendance.

Staff members attending were Community Development Director, Brock Cherry, Assistant City Planner, Chris Curtis, Public Works Superintendent, Rich Urquidi, and Legal Counsel, Geoff Schroeder, and Betsy Hiddleston.

MINUTES

*Action Item – Minutes, November 7, 2022

Commission Member Scott Harjo made a motion to approve the minutes for November 7, 2022. Commission Member William Roeder seconded the motion. All in favor. The motion passed by a unanimous vote.

RECOGNIZING PERSONS NOT ON THE AGENDA – None

CONFLICT OF INTEREST DECLARATION

* Does any Commissioner, Commissioner's employer, or Commissioner's family member have an economic interest in any matter on the agenda? (Idaho Code 67-6506)

* Have any Commissioners received communications or engaged in discussions regarding matters on this agenda outside of this meeting? – None.

PUBLIC HEARING AND ACTION

* Action Item – Vacation Application (VAC) – Lee Young - Albertsons Companies Inc.

To Vacate Right-of-Way (ROW) seven (7) feet from the rear of the building removing existing ramps from the ROW and allowing for expansion of the property located at 528 N. Main St. (RPA3S06E253850).

PZ-22-100

Community Development Director, Brock Cherry, gave the staff report. This and the following application correspond with one another. The request by the applicant is for the City of Mountain Home to vacate public right-of-way in the form of an existing sidewalk area. The existing ramps are currently within public right-of-way and there is an easement for them. Albertsons would like to do an expansion on the southern side of the building for cold storage. Staff have reached out to both the applicant and legal counsel to properly make the request. Currently the sidewalk is public right-of-way. The southern boundary of Albertsons is right along their property boundary line, which makes them a non-conforming

building. What is being asked is that the City of Mountain Home, vacate seven feet of sidewalk, so they can expand their building. Staff have verified with the Public Works Director that we could still meet our requirement for being ADA compliant. We would have a five-foot sidewalk, which is the minimum. It can be a note once we reach City Council that vacating right-of-way does remove certain options for future roadway expansion. It is proposed by the applicant that allowing for the vacation will allow for them to better operate their store. On the Economic Development Side, they have been in Mountain Home for a long time and provide a number of jobs.

Albertsons owns the ramps, and they have an easement in our right-of-way. The original Townsite Plat shows an eighty-foot-wide street on East 5th North. From the back wall of the Albertsons building forty feet to the center line of 5th North and forty feet from that center line to Hilers. In 1998 the City of Mountain Home allowed them to occupy the right-of-way with those two ramps as an easement, which is unusual. The easement currently is not in total, there are two little rectangles that encompass the ramps, which are used for trucks to unload. They have a similar arrangement on both sides of the building with ITD.

Lee Young, a representative of the applicant came forward to speak. The two bump outs that they want to put at the rear of the store will help increase efficiency for the store. They are not proposing to change the size of the sales area, therefore it will not change any of the parking loads. The approaches, driveways, and accessible walkways will not change, they will just add a little bit of square footage for the store.

Public Hearing Opened

Misty Pierce came forward to speak. Misty is the precinct committee person for this area. Misty's constituents have voiced their concerns about the walkway. There is a lot of foot traffic in that area. There is also concern if the construction will block 5th off. Main and 5th Street have a pedestrian light that is turned backwards, and the cars cannot see it creating pedestrian safety issues.

Rebecca Brooks came forward to speak. Rebecca is an employee of Albertsons and believes the expansion will do well and allow employees to work more efficiently.

Don Gust came forward to speak. Don was unsure where the construction was going and inquired where these pallets are that the employee works with. Don felt they could kick the wall out on 2nd Street instead. Don feels there is room back there and they have rearranged it many times. Don as so felt there could be issues with emergency services if construction created an issue.

Public Hearing Closed

There have been no historical complaints regarding the current easement in which the ramps are currently placed, but there was a parking violation for a Falls Brand meat truck blocking an entrance to a neighboring business and was in front of a fire hydrant and that issue was resolved. For this type of land use this configuration is irregular for big box stores, they are usually in a space with ample area for on and off loading for new builds. This Albertsons has been here since 1988 and was a Safeway prior. The staff's professional opinion is that for Albertsons to operate in a manner to be effective is to make the site work with the proposed action or relocate. The store layout identifies 5th Street being optimal for expansion over 2nd Street for operations as they would lose sales space. During construction, the sidewalk will be closed for a short period of time. There is a sidewalk on the opposing side of the street. Traffic should not be impeded in the street.

Commission Member William Roeder made a motion to approve the request to vacate seven feet of the right-of-way to the rear of the building, removing existing ramps and allow for expansion of property located at 528 North Main Street, Parcel RPA3S06E253850. Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Roeder; aye, Commission Member Harjo; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

*Action Item – Conditional Use Permit (CUP) - Lee Young - Albertsons Companies Inc.
A Conditional Use Permit to allow the expansion of a nonconforming building or structure (allowing zero rear-yard building setback in a C3 zone.) located at 528 N. Main St. (RPA3S06E253850).

PZ-22-101

Community Development Director Brock Cherry gave the staff report. For Albertsons to do an expansion they would need to vacate and to expand the nonconforming structure they would need to apply for a conditional use permit or rezone to C-2 which has zero setback all around. Staff did not feel that would not be appropriate for that property and recommended the conditional use permit to expand the nonconforming building. They are asking to expand the nonconforming portion of the building which is the rear portion of the building. In the C-3 Zone the rear setback needs to be fifteen feet, they are twelve and they seek to encroach upon that requirement by seven additional feet. Generally, the intent for a nonconforming uses or structures is they are things we accommodate for one reason or another but may not want to live in perpetuity. This circumstance is unique. There have been other similar conditional use permits, one for a law office nearby to expand. The conditional use permit code should also be looked at to ensure that the expansion does not have a negative effect on the environment around them. It is safe to say approval of the vacation future City roadway expansion is no longer present.

It appears this meets city code 9-10-2 (f) as a nonconforming structure not a nonconforming use. The nonconformity is its failure to meet the setback of fifteen feet. Current set back is zero feet. Should the vacation be allowed, the nonconformity would be duplicated. Albertsons would own the property after its vacation. It is a blend of acquisition of more property and waiving the setback requirement.

Lee Young, representing the applicant, spoke. The existing building is there with a current conditional use permit when Albertsons bought the building thirty years ago for the same reason of the need for the zero lot line. The total expansion square footage is eight hundred and thirty-four square feet. The boxes they put back there are not going to be any taller than half the height of the building is. It will be minimalistic and blend in. The ramps will stay and there will be two pop-out areas of expansion. The expansion areas will be for storage and workspace. The current operational use of the ramps that exist adjacent to the expansion areas along 5th Street are for a loading zone for deliveries.

Public Hearing Opened

Don Gust came forward to speak. Clarification was made that the expansion was next to the ramp and did not engulf the ramp and will be extra storage in the building. The power pole will not need to be moved. Don wondered how often deliveries come in on the side. Don had concerns about the pallets. Don was made aware that the street would not be changed in any way.

Rebecca Brooks came forward to speak. Rebecca gave an overview of the deliveries that happen and their locations. Deliveries may last up to an hour. Receiving is only open till noon.

Public Hearing Closed

There was an opposition letter received and was provided to the Commission in their packets. The letter was received on November 28, 2022, from Sharlene Carrie. Sharlene believes Albertsons has outgrown the space and instead of giving them further allowances to remain they should relocate.

Commission Member William Roeder made a motion to approve the Conditional Use Permit to allow the expansion of a nonconforming structure, allowing a zero rear yard setback in a C-3 Zone, located at 528 North Main Street Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Harjo; aye, Commission Member Roeder; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

*Action Item – Zoning Title Amendment (ZTA) Brock Cherry - Community Development Director
A request to amend the City Code by addition of Chapter 1, Title 9, Section 7; Chapter 3, Title 9, Section 2; Chapter 7, Title 9, Section 4. The additions will outright permit all City of Mountain Home facilities and structures, provide a definition for City facilities and structures, and update the Zoning land use chart to illustrate all City of Mountain Home facilities and structures as permitted.

PZ-22-96

Public Hearing Opened

Public Hearing Closed

After discussion with counsel, it was advised to have a joint meeting between the City Council and Planning and Zoning.

Commission Member Scott Harjo made a motion that City Staff enables a joint meeting between the Planning and Zoning Commission and City Council regarding the zoning title amendment, Chapter 1, Title 9, Section 7; Chapter 3, Title 9, Section 2; Chapter 7, Title 9, Section 4, and set a Public Hearing. Commission Member William Roeder seconded the motion. The vote is as follows: Commission Member Roeder; aye, Commission Member Harjo; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

NEW BUSINESS

*None

OLD BUSINESS

*None

DEPARTMENT HEAD ITEMS

* None

ITEMS REQUESTED BY COMMISSIONERS/STAFF

*None

ADJOURN

Chairperson Wallaert adjourned the meeting at 6:47 p.m.


Chair