



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

January 19, 2021
4:00 PM

ESTABLISH A QUORUM

Chairperson Topher Wallaert noted there was a quorum present and called the January 9, 2021, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Topher Wallaert, Nancy Brletic, Travis Eikeness and James Eskridge.

Commission Member Deedee Devol, and Mark Sauerwald were unable to attend.

Staff members attending were Community Development Director Brock Cherry, Administrative Assistant Brenda Ellis, and Public Works Director Richard Urquidi.

MINUTES

*January 4, 2021

Commission Member James Eskridge made a motion to approve the minutes for the Regular Planning and Zoning Commission Meeting held on January 4, 2021. Commission Member Nancy Brletic seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

RECOGNIZING PERSONS NOT ON THE AGENDA - None

PUBLIC HEARING AND ACTION

* None

NEW BUSINESS

*None

OLD BUSINESS

Action Item – Discussion/Decision for tabled Public Hearing 12-07-2020– A request by William Hodges, The Yard Idaho, LLC for a **Conditional Use Permit** for a Temporary Use Permit to allow a Food Truck Yard and Farmer’s Market as a temporary use on parcels RPA3S07E303982 & RPA3S07E30393. (PZ20-0014).

Mr. Hodges attended by phone.

Brock Cherry, Community Development Director, spoke, “The item before us is a Conditional Use Permit, for a Temporary Use. A Temporary Use as defined is a use that cannot extend for more than six

months and is only available for a six month time period annually. If Mr. Hodges were to pursue this use he would have to go through this same process again. The applicants' intent is for this to someday be a more permanent use. This is for a Food Truck Yard. He is proposing mobile food and beverage trucks. Mr. Hodges has an approval from ITD for up to four trucks and no other business allowed without ITD approval. I recommend if this body chooses to continue with this action, it be conditioned upon approval given to Mr. Hodges from ITD. There were other uses discussed for the future of this site and there are no permissions from ITD that would allow for that. If Mr. Hodges is able to gain future permissions from ITD he is able to bring it to this body to receive those extra permissions for any other types of use. This is a Temporary Use and not a permanent use. The benefit of having him come annually is you will be able to see what he has done, what you liked, what you didn't like and you will be able to make conditions of future approval or not approve it at all if it is considered a nuisance. As a benefit of being a temporary use Mr. Hodges doesn't have to have the typical improvements to a site such as, paving, parking, lights, and etcetera. The downside is he has to continuously apply for the temporary use permit or make it permanent.

Chairperson Topher Wallaert asked Community Development Director Brock Cherry to clarify the applicants' request. Mr. Cherry stated, "What is most important is the motion should be conditioned on the ITD approval which was for up to four food trucks. That is the extent of the use approved by ITD. You could condition other items based on additional ITD approval."

Public Hearing Opened

Joni Harris with Rost Funeral Home came forward to speak. Her concern was the expansion from Food Trucks to event center, parking at the funeral home for back entry access, trash, and entertainment noise. She suggested conditions to include no amplifiers or microphones to limit sound. She is willing to work together with Mr. Hodges. The future plans for big events, is a concern do to the future cemetery because of sound. She knows the ITD approval is for food truck and nothing more and wonders can he do the music and events?

Gail Groefsema came forward to speak. She lives at 18th and American Legion. She was concerned about the noise. Ms. Groefsema questioned if the traffic would be an issue for events. She asked if there was 8th Street access. There is not. His access is off American Legion. Her final question was regard to sales and display activities which are limited to daylight hours and what time period that was. There is a food truck lot at the opposite corner from her and they shut down at dark. She is not necessarily against it as long as it is kept under control.

Public input was paused to allow Mr. Hodges to speak.

Mr. Hodges stated, "We walked the site and I believe everyone understands the location of the food trucks, the container, porta-pottys, and storage, which is out of the floodway in the elevated portion of the lot. The distance from the mortuary was visualized from the trailer for occasional music." Commission Member James Eskridge stated, "It seems ITD has limited your use to four food trucks and nothing else, I am concerned regarding the bandstand." Mr. Hodges replied, "That approval is for the access that I widened on the lower portion of the property. There is an additional easement through the medical clinic that we intend to use to place the container on the elevated portion of the ground. ITD approval doesn't take into account that easement access. I think we are within the ITD approval." Chairperson Topher Wallaert stated, "I think the question was since ITD only approves you for only four food truck is a trailer with a stage considered part of those food trucks?" Mr. Hodges stated, "A trailer with a stage would not be part of the food trucks. We could place that stage on the elevated portion of the property that is accessed by the easement if there is any concern there." Commission Member Nancy Brletic commented, "It seems like the plan changes every time we talk. I understand ITD has concern with the ingress/egress

turning off the highway, but is a stage considered a business? By using the easement does that get around the ITD stipulation of four food trucks?" Mr. Hodges stated, "The stage is not considered a business it is ancillary to the food trucks. On the most recent site plan we show the three food trucks and the trailer for the music. The trailer can be moved to the elevated portion of the property which is accessed from the easement and is outside of the purvey from ITD approval. I think that will take care of any concerns regarding the ITD approval. They approved the four food trucks being accessed through the new expanded driveway. I think if you make it a condition that we place the trailer for music up on the elevated portion that is accessed by the easement then I think that takes the concern away." Chairman Tophier Wallaert commented, "I am concerned that the placement of the trailer on the elevated portion will redirect the sound to the residential side." Mr. Hodges was willing to place the trailer facing American Legion. Commission Member Travis Eikeness pointed out that there are residential properties on the other side of American Legion. Commission Member James Eskridge was concerned that it sounds like we are trying to figure out a way to get around the ITD limitations. Community Development Director, Brock Cherry clarified, "What this body is being asked for is to operate with what ITD has approved with up to four food trucks. We are not speaking about a community center or bike park as of right now. What hours of operation are you asking for, and what months do you anticipate operating? Do you anticipate operating from April 15th to September 15th?" Mr. Hodges would like to operate during daylight hours from 11:00 am to sundown and he would like some leeway if they don't get to open up until May 1st he would like the full six months.

Hearing was opened back up to the public.

Brian Armes came forward to speak. Mr. Armes is the owner of the Wagon Wheel. Mr. Armes had a few issues to discuss. They have focused on updating the Wagon Wheel. They look for non-disruptive tenants. There is a mix of long term residents, construction and shift workers. A unique component to the Wagon Wheel is a peaceful environment. That their business model. The concern is this is a toad-stool approach with an ill-defined mission statement. Live music is a concern and feels the low portion of land will channel the music to the residential area. Mr. Armes was concerned about trash. An additional concern was the sale of alcohol and what type of security there will be. The concern he had as well was of the capacity of impact on his business and residents.

Ken Pearce came forward to speak. Mr. Pearce is the area Manager for Foundation Partners Group which manages the Rost Funeral Home. He shared the same concerns that Joni Harris had. His major concern was privacy for the decedents families. He feels people will use their lot to access the back of Mr. Hodges property via the access road. The transfer vehicles for the mortuary will be visible to passing traffic. There is no need for privacy fencing, but feels if this approved fencing will be a need and feels Mr. Hodges should be responsible for the bill. Mr. Pearce was given the minutes to the site visit meeting.

There was question regarding if there was an easement to the Mortuary. There is not. There was a question regarding the Drs. Clinic easement and if that would disrupt their business. Community Development Director, Brock Cherry stated, "Being this is a temporary use there is no required parking associated with it unless this body designates it." There was concern about the soil being clay.

Mr. Allen Cupit asked, "How many days a week will this be in operation?" Mr. Hodges stated, "He expects to be open seven days a week."

Public Hearing Closed.

Community Development Director, Brock Cherry commented, "Just so we understand the subject property is in a C-3 General Business District. Out right permanent uses that are allowed could be a, bus terminal, a bar, or an outdoor recreation center." Chairperson Tophier Wallaert spoke, "To reiterate, the

current zoning for the proposed use is a commercial zone which allows many uses, one is ^{listening} exactly what Mr. Hodges is requesting. As a commission we need to make sure we are aware and listening to what the public is asking but also ensuring we are following our code, following the zoning, and the Comprehensive Plan.”

One letter was received from Chris and Charlette Huot in opposition to the application.

The Commission reviewed the Land Use Chart and compared the allowed uses in the C-3 Zone.

Commission Member Nancy Brletic stated, “The main concern seems to be noise. I am comfortable with the Temporary Use allowing for the food trucks only and no music component.”

Commission Member Travis Eikeness agreed with Commission member Brletic.

There was discussion regarding the types of conditions that could be made in the motion.

Additional comments mentioned that everything he is proposing is an allowed use in the zoning chart that does not require a permit. The temporary use is due to the floodplain and floodway issue. Mr. Hodges is working with FEMA to amend the floodplain map or receive a LOMA. This temporary use is a way for Mr. Hodges to beta test the use before going with a permanent use which requires substantial investment. Mr. Hodges stated, “The music would be more acoustic, country folk type of music. If I have any legitimate complaints with regard to sound, we will eliminate that from this venture.” Chairperson Topher Wallaert recommended a decibel level. Commission Member James Eskridge suggested tabling it to the next meeting to consider conditions. Chairperson Topher Wallaert gave a synopsis of the general concerns of the public and the uses that were allowed in the zoning chart, to aid in determining the conditions to focus on. The decibel levels regarding City Code were discussed.

Commission Member Nancy made a motion that the Planning and Zoning Commission recommend to City Council that a positive recommendation be made with the following conditions per City Code and planning best practices:

1. Sales area and display shall be limited to a maximum of one hundred-eighty (180) days in any calendar year (Per 9-9-26D(6a)).
2. Sales area and display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances (Per 9-9-26D(6b)).
3. No permanent signage will be allowed
4. No more than four (4) food trucks are allowed, and no other business allowed without Idaho Transportation Department approval.
5. Operating Months will be for six (6) continuous months.
6. Operating Hours shall be during daylight hours, seven (7) days a week.
7. Noise limit will not surpass 60 decibels measured from the subject property.

Commission Member Travis Eikeness seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

DEPARTMENT HEAD ITEMS

- * Monthly Building Permit Report – December-None
- * Monthly Code Enforcement Report – December-None

ITEMS REQUESTED BY COMMISSION/STAFF

- *None

ADJOURN

Chairman Topher Wallaert adjourned the meeting at 5:10 p.m.

Chair 