

VICTOR PLANNING & ZONING COMMISSION
Minutes of the Meeting
December 01, 2009

Present: Board members Mike O'Neil, Troy Barry, Zachary Smith, Lynn Bagley
Staff member Bill Knight

7:05 pm The meeting was called to order.

Minutes of Meeting

November 17 minutes were reviewed. Troy Barry made a motion to accept the minutes; Zack Smith seconded and the motion carried.

Business Licenses:

None

Big Fish/Zone Change/Public Hearing

Mike O'Neil opened the hearing with a request for a staff report. Bill Knight gave a summary of the report stating that without a contextual improvement plan, there was little basis for an evaluation of the total project.

Mike enumerated the public letters and comments addressing the up zone request.

Herb Heimerl stated that the owner was reluctant to enter into a project plan given the economic climate and risk involved.

Herb stated that the up zone was not as inappropriate as appeared. He stated that the adjacent property was zoned R1 for tax purposes and made it inconsistent with adjacent commercial property. Herb further stated that surrounding property is commercial.

Herb went on to comment on the comprehensive plan's projected commercial/high intensity use for this area.

Mike asked if there were any questions from the commission.

Lynn Bagley asked what the topography was like. Mike gave Lynn a staff report map that depicted the flood plain. Mike went on to observe that the applicant was asking for four parcels to be re-zoned.

Mike commented that the applicant's statement that the parcel is surrounded by commercial property is not accurate given the western parcels' residential zoning.

Troy commented that the initial sketch plan review resulted in the commission's concerns over flood plain and riparian areas. He further stated that the large jump in use without a plan did not address the initial commission concerns.

Herb again commented that the existing zoning was out of whack with the surrounding property. Herb stated that the client wanted to realize the rezone before they submitted and committed to a costly concept design.

Troy commented that the CBZ request would result in zero lot line potential among other increased intensities. Herb stated that the up zone would not obviate the requirements for conforming to the Trail Creek overlay. Herb commented that the parcel to the south was up zoned. Troy stated that the commission was not bound by previous acts. Herb again stated that the current zoning did not comport with the Main Street corridor. Troy observed that there is no transition between the adjacent high density residential zone and the requested parcel up zone.

Herb asked what zoning we would like to see. Zack Smith commented that the proposed zoning was pretty invasive as compared with the adjacent zoning. Mike O. commented that the history of the adjacent property was originally proposed for an up zone and that this was the property that subsequently was applied for under the TND overlay.

Mike further stated that the parcel is too large a tract of land to grant card blanche for an up zone. Mike asked if there was any further information. He asked Anna Trentadue of VARD to make comment.

Anna Trentadue stated that VARD supports Victor infill and they supported the TND overlay. She went on to say that buffers were appropriate for this property. A blanket up zone would result in a narrowing of future options for the parcel; that there might be the opportunity for a trail or pathway or some other public facility. This observation supports the notion that the parcel's up zone can't be evaluated without an accompanying development plan. Anna further commented on the Idaho Local Land Use Planning Act (LLUPA) provision for municipal service capacity. She went on to say that localities can require an accompanying development proposal in order to evaluate and approve an up zone and that this would require a conditional rezone application. She went on to say that only this approach would result in predictability. She further stated the need for buffering.

Herb remarked that services are available and that the proposal is not an outlying parcel with little in the way of service elements. Herb again asked what the commission saw as this parcel's appropriate zoning.

Zack stated that the parcel should be zoned differently along Main St. but differently on the back side. Mike asked Herb if there were any tax benefits associated with a linear park along the trail and recommended that Herb bring this to the attention of his client. Mike further said that the first 150 feet of the parcel off of Main St. should be CBZ but that the rear of the parcel is sensitive given the overlay and adjacent residential uses.

Troy observed that a north/south line delimiting the parcel as to use would be a desired approach along with a conservation easement along the trail. Mike entered the original sketch plan as a point of reference. Herb presented the original sketch plan map showing what would be sacrificed. Troy stated that there should be a transition zone along the west side of the parcel. Herb agreed that there was merit to Troy's observations. Lynn stated that he has a problem with a total up zone along Trail Creek. Herb pointed out the original plan for a trail along the creek.

Mike asked if the commission should craft some language for submittal to council. Zack asked if there was a basis for some buffering distance along the creek. Mike also stated his desire to see Elm Street constructed to city standards before any development is seriously considered. He and Troy stated the connection and interrelatedness of a number of factors necessary to achieve a

successful application. Troy sees the need for specific proposals in order to make a recommendation.

Mike stated that the rezone be contingent upon a satisfactory development proposal and that without this the parcel would revert to its original zoning. Mike said that he would table the application subject to the applicant providing additional zoning information and proposals. Herb said that this makes some sense. Herb said that his client would provide Elm Street along with the conditional rezone and some additional buffering boundaries.

Mike recommended:

1. a trail dedicated to some permanent public or non-profit entity;
2. additional information on the trail creek floodway zone;
3. creek buffer;
4. Elm Street construction
5. provision of multiple zones reflecting buffering/transition zones.

A motion was asked for:

A motion to table the zoning change with request for additional information including the above five items. Troy made the motion to table with the above additional information. The motion passed unanimously.

Review of Sign Ordinance

A discussion commenced as to what was discussed last meeting. Zack stated that they agreed to 120 sf on a monument sign with a maximum height of 16 feet and maximum width of 16 feet. Mike stated that he is comfortable with the updated language.

Mike said that Cari asked that the commissioners make any edits necessary and that the document would then be available for public review.

Zack commented on prohibited signs questioning the definition of a display flag. Troy stated that the intent is to prohibit commercial display flags rather than national or symbolic flags. Zack asked that this language be clarified. Mike said that flags that are commercial in nature rather than symbolic or those enumerated in 10-14-15 should be prohibited.

Zack noted that there is an inconsistency between the prohibition of sandwich signs and the requirement to weight them. Zack recommended that the document be edited using Google Docs for submittal to staff.

Second Review of R1-A Zone:

Mike gave a briefing on the R1-A zone stating that it was another tool to use around the boundaries of the city. Mike observed that the 20,000sf of open and impervious space required for large animals should be read 20,000 sf of open and pervious surface. There was a typo noted of 8,000 sf accessory units which should be 800sf. Troy stated that horses require shelter and that Animal Shelter should be included under Accessory uses. Troy recommended that the language regarding horses be broadened to one large farm animal per 20,000sf of open and

pervious space. Mike and Troy questioned height limits. The recommendation for **three stories** and a height limit of 35 feet was made.

Mike stated that the document is ready for publication and public review.

Lynn made a motion to adjourn; the motion was seconded and passed.

Mike O'Neil
Chairman, Planning & Zoning Director

Bill Knight
Planning Director
