

## PLANNING & ZONING COMMISSION PROCEEDINGS

**August 21, 2018**

**VICTOR, IDAHO**

The Victor City Planning and Zoning Commission met in regular session in the Chambers of City Hall located at 32 Elm Street at 7:01 P.M. Upon roll call the following were found to be present:

PLANNING & ZONING COMMISSION: Christian Cisco, Kristi Aslin, Jen Fisher, Brady Barkdull and Lynn Bagley were present.

STAFF: Ashley Koehler & Tyler Steinway

**July 17, 2018 Regular Meeting Minutes.** A motion was made by Lynn Bagley and seconded by Brady Barkdull to approve the July 17, 2018 regular meeting minutes with two corrections. In the middle of the second page Kathy was spelled wrong and at the top of page three Mike Ward should be capitalized. Chair Cisco called for the vote. The vote showed all in favor. The motion carried.

**Teton Valley Enterprises/Ryan Kearsley Loving Trust has requested Annexation into Victor city limits for the 60-acre property located at 7150 S 1000 W. The property consists of three 20-acre parcels, is currently agricultural land, and is zoned A-2.5 under Teton County's jurisdiction. The proposed zoning for the property is Industrial Flex (IX). The request includes parcels: RPB3N45E031801, RPB3N45E031802 and RPB3N45E031803.**

Josh Wilson confirmed that proper notice has been given and that supporting materials are complete. Lynn would like to declare a conflict of interest. Josh Wilson made staff comment regarding the purpose of this item, and the history of the application. This application was remanded back to Planning and zoning Commission by the City Council on June 27<sup>th</sup> with a revised proposal. The revised proposal would rezone 10 acres out of the 60 to the industrial flex (IX) and the remaining 50 would be placed in a residential zone but it has not been identified what Victor City zone that would be. The applicant did not submit any detail on what that proposal would look like. If only the 10 acres were to be annexed they would first have to have the property split in the county. There is no information as to what Victor City zone the residential piece would be. the findings found in the staff report remain the same as the pervious hearing and the recommendation would be that the application be denied.

Kritsi Aslin wanted clarification about the proposed zone and annexation. If the annexation were to go through would it open the 10 acre portion of this property to a wide range of industrial uses?

Josh Wilson made staff comment, that If and annexation and this zone were granted that it would be his recommendation to require a developer's agreement that would restrict the use on the IX parcel to just self-service storage.

The applicant, Ryan Kersley, made a presentation that the intent of this proposal is to do storage units and storage facility. The applicant is only concerned about putting storage units, so if the annexation were to only be the 10 acres that would be fine. There has been other discussion about the paving of road at Mr. Heuseveldt's request. The applicant has considered that and maybe the only way that the project gets done. The applicant believes that the road is in good condition but will donate 70 thousand dollars to the city for crust gravel to put on top. It's a project that needs to be done and there is no one in the city that wants to give up any ground or if they do it's at a major cost.

Chair Cisco opened the public hearing.

Chrissy Hemenes, resident of Aspen Lake Subdivision, doesn't feel that the annexation is a good idea. She believes that if it were to be approved it should be paved. Chrissy also had concerns about 7000 because it is narrow and even narrower in the winter and if people are pulling in and out with trailers it can pose some problems. She is also concerned about light pollution and noise, and ultimately losing property values.

Jim Rein, resident of Aspen Lake Subdivision, wanted to make sure that the series of petition was circulated and wanted to highlight the 4 points of the petition. The first petition got 38 signatures and the one presented tonight has 40. If the annexation and rezone of this property happens it sets a precedent for the future. There is also concern about the wide range of uses allowed in the IX zone. He would like that the commission recommend denial to the City Council.

Shawn Hill, Teton Valley Advocates, agrees with the findings and conclusion found in the staff report and supports the recommendation for denial. He wanted to submit a question, if it is not known what the proposal for what the residential zone would be how was this application considered complete and come before the Planning and Zoning Commission.

Laura Effington, resident of Aspen Lake Subdivision, is strongly opposed to the proposal. It is still spot zoning and by reducing the amount of property still leaves the subdivision close to industrial property and that opens the flood gates down the road to rezoning the rest of the property to industrial. His original intent was to zone the whole 60 acres to industrial. She also states that she has seen other property in the valley that is zoned that way and would allow for the use the applicant intends for. Just because there is a demand doesn't mean that it is right for the community.

Mark Johnson, resident of Aspen Lake Subdivision, he and his wife are very much against the annexation and the zoning. He believes that we shouldn't be allowing commercial property in this area because it is jumping over residential zones. He also strongly believes that once that ten acres goes its only a matter of time till the other 50 goes commercial.

Peter Hayden, resident of Aspen Lake Subdivision, love that he can see the milky way on his property and believes that if that was there was a storage facilities there he wouldn't be able to see that.

Tom Han, resident of Aspen Lake Subdivision, has a question if the application is going to be turned down because the application was correctly processed to come to Planning and Zoning? Also, will it be brought back up for consideration once the application is processed correctly?

Gale Barren, resident of Aspen Lake Subdivision, she wants the commission to see how many people are against the annexation.

Josh made staff comment, this application came to Planning and Zoning Commission and to City Council as a complete application proposing 60 acres of Industrial Flex (IX). At the City Council meeting the applicant proposed that only 10 acres be zoned to Industrial Flex and the rest stay residential. It was the recommendation of City Council to place it on the next available Planning and Zoning Commission agenda and that the applicant submit more detail about what the proposed residential area would be. The

applicant didn't submit more information and it would not have changed of changed staff recommendation.

The applicant has no idea what the other 50 acres is going to be. Originally it was encouraged to put the full 60 acres into the application, so we wouldn't have to go this process again. The applicant believes that it isn't going to set a precedent because it would again have to go through hearing process again. he believes that it is a good place to put storage because it is away from everything. He appreciates everyone's time.

Discussion followed regarding

Kristi, doesn't want to see spot zoning this far away from the city core or even city limits. It is an inappropriate place for that zone

Brady agrees, it is also opposed by the community. It isn't an appropriate spot for that zone. Also the city utilities need work in that area.

Jen echoes the fellow commissioners' thoughts. She has built a house in the pond next to a storage facility and most of the time it is quite but not always. She also agrees that this would be spot zoning would set a bad precedent.

Christian agrees with the fellow commissioners and his perspective hasn't changed from the first time we reviewed it. It isn't the right place and making it smaller doesn't change that.

A motion was made by Jen Fisher and seconded by Kristi Aslin, Having concluded that the Criteria for approval of an Annexation found in Title 10, Article 14.7.13 and Rezone Map Amendment found in Title 10, Article 14.7.11 have not been met I move to recommend denial to City Council of AX2018-01 for Teton Valley Enterprises, LLC as described in the revised application Page 7 of 7 materials submitted on June 27, 2018 and the revised and per the Findings of Fact in the staff report for the meeting dated May 22, 2018.

Vote Shows all in favor, Motion carries.

**Peter Braun 5%, Equity Trust Co FBO 95% IRA has requested a Rezone for Lots 5 and 6, Block 9, Victor Townsite, located at the eastern terminus of E. Dogwood Street. The property is 2.50 acres and is currently zoned Single and Two-Family (RS-7). The proposal would rezone the property to RS-3 to accommodate the construction of a Cottage Court. The request includes parcels: RPB0086009005A and RPB00860090060.**

Josh Wilson confirmed that proper notice has been given and that supporting materials are complete. No commission members declared a conflict of interest. Josh Wilson made staff comment regarding the purpose of this item, and the conditions of the surrounding area. Peter Braun has applied to rezone 2.5 acres to RS-3 to construct cottage courts. The area is a mix of higher and lower density Residential. This rezone is constant with the surrounding area. The applicant's original intent was do a cottage court but that was taken away from him when we eliminated cottage courts from that zone. The applicant has applied for a rezone to allow the construction of a cottage court. There are more approval needed for him to do a cottage court. He would be required to go through the subdivision process and at that stage we would see detailed plans and drawings. Additionally, the cottage court would have to go through a site

plan review and comply with the design guidelines. The rezone application complies with the comprehensive plan and is consistent with the zoning in the rest of town as medium density residential.

Chair Cisco wanted clarification as to which RS-7 parcel it was and if the land was vacant or not.

Lynn wanted clarification as to the intent of City Council to remove cottage court from the RS-7 zone. He doesn't see the logic in rezoning the parcels to allow cottage courts when City Council didn't want to see Cottage Courts in that zone.

Josh Wilson made staff comment, that the logic for removing the cottage court from the RS-7 was based on the large parcels on the outskirts of town and that being problematic of seeing a lot of cottage courts out there. Those large parcels could have been taken advantage of, to provide hundreds of cottage court units. This is a small infill site in a mixed use neighborhood, that is close to the downtown core and would be appropriate for that building density.

Applicant Peter Braun gave presentation about the history of the property and his intent when originally purchasing the land. He bought the land in 2016 and worked with planner and engineers to develop a cottage court. He missed the construction season for 2018 and then the Cottage Court was pulled from the zone. His intention is to build a very high-quality product with features like solar and be net zero housing. In both cases cottage court or subdivision there will be under scrutiny, but they believe the product they are proposing will hold up to that.

Chair Cisco opened the public hearing.

Shawn Hill, Valley Advocates, support the re zone request. Shawn also had a comment about the cottage court model as being attractive, tool for infill, and affordable housing product. He wants to propose an affordable housing density. Shawn is confident that one and two are met but unsure about number three. If the market is left to its own devices, it doesn't allow for cottage courts to be affordable.

Peter Braun made a comment that the intention of this product is for it to be affordable. He couldn't give exact price points, but affordability is a goal. Net Zero and the utilization of solar would lower the operating cost of a home making it more affordable.

Discussion followed

Lynn struggles with this application because if we rezone this application it will set precedent for more people to want rezones to do cottage courts. The City Council took it out because they don't to see the Cottage Court in that zone. Why would we change the zone to allow the cottage court?

Jen made a comment that he will be under held to higher standards if we give him the zone change than if we didn't and he can get the roughly the same amount either way. If we give him the zone change we would have more say as to what goes in there.

Brady made a comment that most of the RS7 is around the core, these properties are in the core where we want to see density. that as a city, we need to figure out to what we need to do with cottage court. We took it out of zones as an emergency and then added guidelines. At this point, we have added more

standards and guidelines, do we want to see cottage courts or not and re-evaluate what's appropriate or not.

Kristi believes that this is the best place for a well-designed cottage court. Its an infill situation and we want to see infill.

Brady thinks its infill and appropriate. It is tough to offer affordable housing and we need to use all the tools to bring more affordable housing. He believes that the original intent of bringing the cottage court building types was to bring the price point down and create some affordable projects.

Lynn made comment about if we have the tools in place to keep control of this and so that it doesn't look like the other cottage courts on the west side of town.

Jen believes that this would be an appropriate zone change. The dimensional standards that we put in place make sure that the cottage court on the west side of town couldn't happen again.

A motion was made by Brady Barkdull and seconded by Jen Fisher, Having concluded that the Criteria for Approval of a Rezone found in Title 10, Article 14.7.11.B have been met, I move to forward a recommendation for approval of ZX2018-02 as described in the application materials submitted on July 9, 2018, and subject to the Findings of Fact and Conditions of Approval in the staff report for the hearing date of August 21, 2018.

Vote all in favor, motion carries

**Willows Real Estate Development, LLC has requested a Rezone of approximately 4 acres located at 7895 S Highway 33. The property is currently zoned Commercial Corridor (CC) and Residential Multi-Family (RM-1). The proposal would rezone the property to Commercial Mixed Use (CX) to accommodate the construction of a 28-unit Rental Cabin development. The request includes parcels: RPB3N45E028441, RPB3N45E028435, and RPB3N45E028420.**

Josh Wilson confirmed that proper notice has been given and that supporting materials are complete. No commission members declared a conflict of interest. Josh Wilson made staff comment regarding the purpose of the item, description of the property. The intent of the rezone would be to construct a 28 unit rental cabin development. The proposal has substantial drawings with it and shows that they would take access of highway 33 with a drive that snakes through the property and accesses the cabins. They would utilize the existing structure that fronts highway 33 as a rental office. The roadway would connect to aspen through an existing access easement. The comprehensive plan deems this future land use as a mixture of commercial and high density residential. Staff has major concerns about the elimination of viable commercial properties along the highway. There are concerns about certain aspect of the comprehensive plan in relation to this development. There are concerns about devoting to much land to a use that already exists. Staff has recommended denial of this proposal. If it were to be considered by the commission there would be a few conditions that would need to be in place. One being a lot line adjustment to reconfigure those parcels to match the proposed zoning. Two, that the CX be restricted to only that rental cabin use.

Kristi wanted clarification as to if it was the same owner that owned all the parcels.

Josh made staff comment clarifying that they own all the parcels in the proposal but not all the CC parcels along the highway.

Sarah Johnston representative of the applicant made a presentation. She wants to go over the reasons for denial to provide a rebuttal. Staff's first position is that the rezone doesn't comply with the future land use map. The proposal does generally comply with the comp plan but maybe not the comprehensive plan's future land use map. The map indicates either high density residential, commercial or low density residential. The application is for a rezone to mixed use commercial zoning that allows for you to do both commercial and residential. The comprehensive plan states on page one chapter one that the plan is not precise and does not show the exact outline of zoning districts. Staff's second point is that this request would eliminate much of the land in the area with highway access from being developed in a similar pattern. Because of the boundary line adjustment that is required it provides access to the eastern parcel that otherwise wouldn't have had access to the highway and because of the access down at Aspen it provides connectivity throughout the site. Staff's final point is this proposal would devote an unproportionate amount of land to one use and that is a pretty subjective point.

Chair Cisco wanted disclosure to confirm that this is the same applicant as the meadows.

The applicant is a different entity with some of the same people involved. There are different investors behind it.

Josh made staff comment that he was not involved that designated that NX parcel along Aspen. I don't have an understanding of the reasoning behind that decision. When we get into the comprehensive plan, a savvy person can make an argument either way with it and that is kind of the nature of the beast. They have policies that can be loosely interpreted and that generally guide development in town. It is staff's feeling that the bulk of those findings were against this proposal. The development in a similar pattern would be a developing of several commercial parcels with residential use to the east not a large park recreation type use. There would be a much finer mix of uses with a mixture of houses.

Sarah made a comment say that the property in question borders the zoning that they are requesting, so it isn't spot zoning.

Kristi wanted to know if there needed to be a traffic study be conducted to gain access onto the highway?

Sarah has reached out to ITD and they haven't gotten back to her but that would be ironed out at Site plan Review stages of the process.

Chair Cisco opened the public hearing.

Cindy Regal, county commissioner, commenting as a community member. When thinking about changing zones you have to think about compatibility with neighborhood and will this benefit the community. Lastly you have to think about how it will impact the city services. She is against the proposal and the zone change. She doesn't see the benefit to the city of Victor

Shaun Hill, Valley Advocates, you set a pretty high standard for a rezone on the north of town when you recommended denial for the Broulim's rezone application. It is pretty safe to say that this current rezone application doesn't conform to the comp plan. It's important to ask what can this do for the community.

It would benefit the community if there was offsite enhancement. Shawn proposal that they enhance the landscaping and screening along the Meadows. The developer was not amenable to the request. Up until now there doesn't seem to be a desire to contribute to the community and the basis for denial is strong.

Public comment is closed

Sarah, one of the goals of the comprehensive plan is to incentive development on vacant land within the downtown core. This land in question is in the downtown core and is vacant. There are mixed messages to what we really want developments to look like. There needs to be dense buffering along south and east property lines but also street walls.

Discussion followed regarding

Brady is struggling with the compatible use. This is super important area and we need to keep our standards high for a rezone. The application tonight looks like a great product but there are major concerns about the location. Is there significant and tangible benefit to the community. Brady doesn't support the rezone

Jen does like what Sarah has put together as far as the product but not the location, and as a result cant support the rezone.

Kristi has concerns about the traffic coming off and on the highway and aspen. She doesn't think it is an appropriate use of that zone in that place.

Lynn agrees with everyone. The traffic can be a huge concern. He would like to see something different in that highway and is opposed to the rezone.

Chair Cisco believes that the access isn't good. We are getting saturated in camping opportunities and less in the long term housing. We need more long term housing not camping.

A motion was made by Kristi Aslin and seconded by Jen Fisher, Having concluded that the Criteria for Approval of a Rezone found in Title 10, Article 14.7.11.B have not been met, I move to forward a recommendation of denial for ZX2018-03 as described in the application materials submitted on July 10, 2018, and subject to the Findings of Fact in the staff report for the hearing date of August 21, 2018.

Vote all in favor, motion carries

**Scheduling.** The next meeting will be on September 18, 2018.

**Adjourn.** Chair Cisco adjourned the meeting at 8:32

---

Josh Wilson,  
Planning and Zoning Administrator

---

Christian Cisco,  
Planning & Zoning Chairman

Minutes: TS