



CITY OF BLACKFOOT
PLANNING & ZONING MEETING
Nuart Theater
195 N Broadway Street
July 23, 2019

ROLL CALL

Commissioners present were Chairperson Marilyn Jefferis, Commissioners JoAnne Thomas, Deborah Barlow, Merv Dolan, Rocky Moldenhauer, and Vice-Chairman Quinn Stufflebeam. Commissioner Ron Ramirez was absent.

OTHER ATTENDEES

Garrett Sandow, City of Blackfoot Attorney
Kurt Hibbert, Planning & Zoning Administrator
Donna Parkinson, Planning & Zoning Clerk

APPROVE MEETING MINUTES

Commissioner Moldenhauer motioned to approve the minutes from June 25, 2019, and July 9, 2019 meeting as written; Commissioner Barlow seconded; all were in favor, motion carried.

CONFLICTS OF INTEREST/EX PARTE OF COMMUNICATION

Deborah Barlow, and Joanne Thomas stated that upon the advice of the City Attorney, they would recuse themselves from taking part in the Blackfoot Charter Community Learning School's decisions on the grounds of a possible conflict of interest since they work for other schools.

Commissioner Stufflebeam presided as the chairman and moved to open the meeting:

Action Item/Public Hearing

Zone Change R-1 to R-2 – 1100 East Airport Road, Blackfoot

Administrator Hibbert informed the Commissioners that **Jeff and Julie Steadman's** zoning change of a parcel property at 1100 E Airport Road from R-1 (single-family dwellings) to R-2 (combined residence) needs to be tabled because the property is located at a different location and they will need to re-advertise the zone change. The new zoning on this property does require a recommendation for a zone change from the Planning and Zoning Commission which will be sent to the City Council for final approval.

Commissioner Barlow moved to table the item for 1100 Airport Road, Blackfoot, until August 27, 2019, Planning and Zoning Meeting. Commissioner Dolan seconded; roll call vote was taken, and all were in favor, motion carried.

Commissioner Stufflebeam moved to the next item on the agenda:

Conditional Use Permit for Blackfoot Charter Community Learning Center (Middle School & Elementary)

Action Item

**Conditional Use Permit – Blackfoot Charter School Middle School, 1350 #30 Parkway, Blackfoot
Kurt Hibbert Planning & Zoning Administrator**

Administrator Hibbert stated that the purpose of the BCCLC was to provide a transition plan to the City. This will help to identify if this Conditional Use Permit is required and if it should be renewed. Mr. Hibbert stated that Conditional Use Permits are required for all schools according to the City code. He presented the City’s evaluation of the BCCLC plan and said that it looked good. The project was well presented, and Mr. Hibbert would highly recommend it to the Commissioners for their approval.

Attorney Garrett Sandow recommended that the Conditional Use Permit for the BCCLC Middle School located at the Riverside Plaza and BCCLC elementary school at 2081 Hunters Loop be issued through December 31, 2023. He stated that this would need to be contingent on periodic communication between the City and the charter schools. He noted that this would also be important; that there would be no substantial changes in their current school facilities. This would also mean the City would have periodical communication concerning their new building.

Commissioner Moldenhauer moved to approve the Conditional Use Permit for the Blackfoot Charter Community Learning Center Middle School will be issued until December 31, 2023, making sure they follow the items set forth by the City. Commissioner Dolan seconded, motion passed on a roll call vote, all were in favor.

Action Item

Conditional Use Permit – Blackfoot Charter Community Learning Center Elementary School, 2108 & 2867 Hunters Loop, Blackfoot, Idaho

Mr. Hibbert informed the Commissioners that the elementary school would be included with a Conditional Use Permit. He told them that the consultant Zac Fillmore prepared the transition plan for the schools to meet the City’s requirements. Mr. Fillmore’s firm most recently provided a construction management plan, including fire code, land-use code, and building code. These will be three of the building procedures.

Attorney Sandow specified that the motion would need to be contingent on the communication between School & City, with no substantial new construction, and following through with the transition plan as it has been submitted.

Commissioner Stufflebeam confirmed with Ms. Debbie Steele, chief administrator for the school that the actions stated above will take place with both schools in the Blackfoot Charter Community Learning Center’s group. Ms. Steele confirmed that they are doing their best to make the schools an excellent place to be proud of, and yes, they are working towards all the items as stated above.

After much discussion between the Commissioners, they decided to approve the Conditional Use Permit. Commissioner Moldenhauer spoke and felt as if significant steps had been taken, that the transition plan looks good. Commissioner Merv Dolan shared that he still had some concerns for the Bingham Academy, but this plan seems acceptable. Commissioners want the school to work together with the City in making sure all codes are correct.

Commissioner Moldenhauer moved to approve the Conditional Use Permit for the Blackfoot Community Charter Learning Center Elementary, making sure they follow the items set forth by the City. The permit will be issued until December 31, 2023; Commissioner Dolan seconded, motion passed on a roll call vote,

all were in favor, motion carried.

Attorney Sandow read the following finding of facts, conclusions, and resolutions at a later date:

**FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
July 23, 2019**

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 23, 2019, the Board held a continuation of the public hearing on the request of the Blackfoot Charter Community Learning Center for a conditional use permit for a charter school permit to be renewed at 2801 Hunter's Loop and 30 Riverside Plaza #1, Blackfoot, Idaho. During the meeting, the Staff Report was presented verbally by the Planning and Zoning Administrator, indicating that the transition plan requested on June 25, 2019, the meeting had been completed and was appropriate. During the public hearing on June 25, 2019, testimony and written information from the applicant and anyone in favor were heard and evaluated by the Board. One member of the public had testified at the June 25, 2019 meeting against the proposal, primarily regarding ADA compliance, the safety of children, and the effect on neighboring businesses. Upon reviewing the matter and any testimony in the public hearing, the Board found and concluded as follows:

FINDINGS:

1. That the proposed charter school appears to be or will be in compliance with all City Codes.
2. The applicant has applied for a permit from the State of Idaho.
3. That the location of the proposed use is still not compatible with other uses in the general neighborhood, but will not place an undue burden on existing transportation and service facilities in the vicinity. To mitigate this consideration, a transition plan has been completed and accepted by the Commission.
4. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by Blackfoot City Code.
5. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property in the vicinity.
6. That the proposed use, if it complies with all conditions imposed, will not adversely affect the public health, safety, or welfare.
7. That the proposed use is in compliance with and supports the goals and objectives of the Blackfoot Comprehensive Plan.
8. That the request can demonstrate adequate public facilities including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use

- at the time such facilities are needed.
9. That the request has minimized, to the degree possible, adverse affects on the natural environment.
 10. That any conditional use permit granted by the Board does not address any restrictive covenants that may apply to the property at issue.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

That the conditional use application shall be granted with the following conditions:

That the applicant shall comply with all applicable City and State regulations pertaining to charter schools, including all building, mechanical, ADA, and fire code requirements, as determined by the appropriate inspecting officials.

The charter school administration shall take steps to ensure the operations of the school will not adversely affect the safety of the children or the operations of the neighboring businesses.

This conditional use permit shall be valid for approximately four and one half (4 1/2) years, and may only be extended through future public hearing and consideration by the Board. This conditional use permit shall expire on December 31, 2023.

Reasonable communication shall be given by the charter school to the Planning and Zoning Administrator regarding the progress of a new location as compared to the transition plan. Communication to be made when certain milestones are met, or if unanticipated delays are experienced.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 13th day of August 2019.

Donna Parkinson
Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Commissioner Moldenhauer made a motion to accept the finding of fact and conclusions and resolution; Commissioner Dolan seconded; all were in favor, motion carried.

Deborah Barlow and Joanne Thomas were welcomed back into the Planning and Zoning meeting.

Commissioner Stufflebeam opened the meeting to the next items on the agenda:

New Business District Zoning proposals:

- ❖ **General Business District (GBD) – Action Item**
- ❖ **Highway Business District (HBD) – Action Item**

- ❖ **Neighborhood Business District (NBD) – Action Item**
- ❖ **Downtown Business District (DBD) – Action Item**

Commissioner Barlow moved to table the new business district zoning proposals until August 13, 2019, P & Z Work meeting. Commissioner Moldenhauer seconded, all were in favor, motion carried.

The Commissioners scheduled a report on Harborside’s Loop Amended Plat to be added to the agenda on July 23, 2019, (HLE / Attorney Garrett Sandow / Kurt Hibbert P & Z Administrator).

Commissioner Stufflebeam moved to change the report on Harborside Loop’s amended plat until **August 13, 2019**. Commissioner Moldenhauer seconded, all were in favor, motion carried.

Commissioner Stufflebeam closed the Planning and Zoning meeting:

Adjournment:

Commissioner Barlow motioned to adjourn the meeting; Commissioner Thomas seconded; all were in favor; the meeting was adjourned at 7:50 P.M.

Donna Parkinson

City of Blackfoot, Planning & Zoning Clerk
Donna K. Parkinson