

**CITY OF BLACKFOOT
PLANNING & ZONING MEETING
August 28, 2018**

PLEDGE OF ALLEGIANCE

Commissioner Jefferis welcomed attendees and led the Pledge of Allegiance.

CONSENT AGENDA – Action Item

Commissioner Jefferis called the meeting to order at 7:10 pm. Commissioner Ramirez motioned to approve the Consent Agenda, Commissioner Barlow seconded; all were in favor, motion carried.

Meeting Minutes – Action Item

Commissioner Ramirez made a motion to correct the minutes and finding of facts from 7/24/2018 as presented; Commissioner Barlow seconded; all were in favor, motion carried. Commissioner Ramirez made a motion to accept the minutes from 8/16/2018, Commissioner Barlow seconded; all were in favor, motion carried.

ROLL CALL

Commissioners present: Chairperson Marilyn Jefferis, JoAnne Thomas, Ron Ramirez, Charles Kotter, Deborah Barlow, and Vice Chairman Quinn Stufflebeam. Commissioner Ian Layton was not present.

OTHER ATTENDEES

Garrett Sandow, City Attorney
Kurt Hibbert, Planning & Zoning Administrator
Donna Parkinson, Planning & Zoning Assistant Administrator

CONFLICTS OF INTEREST/EX PARTE OF COMMUNICATION – Action Item

Commissioner Jefferis confirmed that there were none.

Conditional Use Permit - Child Care – Action Item

Lucky Duck Child Care – Tina Bangerter

Applicant Testimony

Tina Bangerter, Lucky Duck Child Care, 495 N Shilling Ave, gave a brief presentation on the renewal of the Conditional Use Permit (CUP) for the Lucky Duck Child Care. She informed the commissioner that they still have the same amount of children and the program is the same. Bangerter stated that they take pride in their child care facilities to stay within all state codes.

Commissioners informed Ms. Bangerter that the city code does require this permit to be reviewed & renewed every two years by the city's planning and zoning commission.

Staff Report

Kurt Hibbert, Planning & Zoning Administrator stated that a staff report was not needed and that the child care has been in business for several years. Mr. Hibbert, director of planning and zoning for Blackfoot complemented the program and reported that the Luck Duck Child Care complies with all city codes.

Commissioner Jefferis opened the public meeting:

Support: None

Neutral: None

Opposition: None

Commissioner Jefferis closed the public meeting:

Commissioner Ramirez motioned that the request for the Conditional Use Permit Use for the Lucky Duck Child Care is approved for the next two years as presented, Commissioner Thomas seconded; all were in favor, motion carried.

Attorney Garrett Sandow read the following:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 28, 2018

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 28, 2018, the Board held a public hearing on the request of Tina Bangerter, dba Lucky Duck Child Care for the renewal of a conditional use permit in a R-1 zone for a daycare to be located at 495 N. Shilling, Blackfoot, Idaho. A copy of the application is attached hereto and incorporated by reference. A Staff Report from the City of Blackfoot Planning and Zoning Administrator was presented and considered by the Board and is incorporated by reference. During the public hearing, testimony from the applicant and members of the public in favor was heard and evaluated by the Board. No testimony from the public was provided against or neutral to the proposal. Upon reviewing the matter and any testimony in the public hearing, the Board found and concluded as follows:

FINDINGS:

1. That the proposed child care facility appears to be or will be in compliance with all City Codes if all conditions of the permit are met.
2. The applicant has applied for a permit from the State of Idaho.
3. That the location of the proposed use is compatible with other uses in the general neighborhood and will not place an undue burden on existing transportation and service facilities in the vicinity.
4. That the site, or other off-site areas, are 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 will not adversely affect the public health, safety or welfare.
7. That the proposed use complies 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 about child care facilities, including all building and fire codes.

This conditional use permit shall be valid for two (2) years from this date and will require a desk review by the Planning Administrator for renewal unless conditions have not been met.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on the 28th day of August 2018.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Commissioner Ramirez made a motion to accept the finding of fact, conclusion and resolutions; Commissioner Barlow seconded; all were in favor, motion carried.

Action Item /Public Hearing

Application for a Planned Unit Development (PUD) Subdivision

Harris Estates PUD -311 Pendlebury Lane, Blackfoot

Commissioner Ramirez moved to table the planned unit development (PUD) application for the proposed subdivision. He stated that there was not a complete application; we do not have enough information to move forward with this development and we do need more information.

Commissioners discussed that it would be helpful to extend the mailing list for the next meeting beyond the 350 feet. It left out nearby residents who lived close by on streets like Horrocks Drive and Rodgers Avenue. Commissioner Barlow suggested that 350 feet is not very far in comparison with the size of the development.

Mr. Jared Harris, 266 W Bridge Street, stated that if the PUD was tabled there should not be any further discussion.

Commissioner Ramirez moved to table the Planned Unit Development application for the proposed subdivision until a complete application can be presented, Commissioner Thomas seconded; all were in favor, motion carried. The commission voted 6-0 to table the item.

Public Hearing

Blackfoot Charter Community Learning Center/Transition Plan

Planning & Zoning Administrator Kurt Hibbert informed the commissioners of the next item on the agenda, BCCLC will be presenting their Transition Plan for moving the school into the new facility they are building on East Airport Dr.

BCCLC Transition Plan

Mark Fisk – Bingham Academy

Mr. Fisk informed the City Commissioners that the transition plan would be taking place starting August of 2020. The facility they are building is located on East Airport Drive. Mr. Fisk explained that the land for the new school building was purchased and is being prepared for construction. They do have the managing contractor and architect selected for the building along with a committee that will be directing the construction.

See Attach Transition Plan:

Mr. Fisk explained that grades five through eight would be out of their current location and into the new building by August 2020 date. The transition plan then states that grades three and four will also move into the new building. The classes that will remain at Hunters Loop will be Kindergarden through second. The second phase will begin construction of the Bingham Academy share of the building which will be completed in 2023. Phase three will be the construction for the remaining grades K through second which does not have a date for completion. Commissioners were concerned about the length of time it was taking for Bingham Academy to be in their portion of the new building.

The Commissioners shared their concerns about the campus on 1300 Parkway Dr. being a closed campus. Mark Fisk explained that they had held classes teaching the children the importance of safety. He also stated that the middle school is a closed campus all day and the Bingham Academy is open only at lunchtime. When the middle school is in the new building they will be moving some of the high school classes down to the middle school’s facility.

The board discussed the issues of buses and parking. Mr. Kurt Hibbert was questioned if this was a planning and zoning issue or should it be the landlord’s problem? Mr. Hibbert replied that because this parking area impacts the other land used in the neighborhood or strip mall, then they become part of the issue.

The commissioners stated that they should not have granted a Conditional Use Permit to the BCCLC or Bingham Academy in the first place.

Commissioner Chairperson Jefferis reminded the school that this conditional use permit shall be valid for ten (10) months and may only be extended through future public hearing and consideration by the Board.

ADJOURNMENT

Commissioner Barlow motioned to adjourn the meeting; Commissioner Thomas seconded; all were in favor; the meeting was adjourned at 8:20 P.M.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho