

**CITY OF BLACKFOOT  
PLANNING & ZONING**

Meeting Minutes

157 N Broadway Street, Blackfoot

September 22nd, 2020

**Meeting called to order:**

The meeting of the Planning and Zoning Commission of the City of Blackfoot was called to order at 7:00 PM on September 22nd, 2020, at The City of Blackfoot council chambers by Chairperson Jefferis. This meeting was also made available to the public by way of the Zoom application.

**Pledge of Allegiance:**

**Commissioner Roll Call:**

Those present: Chairperson Marilyn Jefferis, Commissioners Deborah Barlow, JoAnne Thomas, Ron Ramirez, Merv Dolan, Rocky Moldenhauer, and Dine Smith.

**City of Blackfoot staff present:**

Kurt Hibbert, Planning & Zoning Administrator, Attorney Garrett Sandow, and Donna Parkinson, Planning & Zoning Clerk.

**Report on Conflicts of Interest/Ex parte of Communication:**

Commissioner Barlow reported on an instance involving the Gary Street zoning change. Ms. Barlow had been asked by a neighbor to clarify what the current zoning was and what was planned for the property with the proposed change. Attorney Sandow explained to the board that the Gary Street property that is under review for a zone change shows that he is the owner of the property. He stated that he has no financial ties to the property and that Jon Gregory and he are friends and have been involved in various business dealings.

**Approval of the September 8th meeting minutes:**

Commissioner Ramirez noted one change involving Blackfoot being the first city in Idaho to allow one hundred-foot signs to read, "Blackfoot was the only city in Idaho to allow one hundred-foot signs." Chairperson Jefferis asked for a motion to approve the minutes to which Commissioner Ramirez offered. Commissioner Dolan seconded; the motion carried unanimously.

**First Agenda item: Unfinished Business.**

**1. Zoning Code Amendments – Action Item:**

Commissioner Ramirez suggested to Chairperson Jefferis that the board spend more time in work meetings to finalize any changes that will be made to the code. A motion to postpone Zoning Code Amendments until the next work meeting was made. Commissioner Smith seconded; the motion passed.

**Second Agenda Item: Present Finding of Fact & Conclusions.**

**1. Collin Hunter, Honeybrook Development, proposed Planned Unit Development located on Lawrence Lane:**

The Finding of Fact and Conclusions regarding the decision made for the property of Collin Hunter, DBA Honeybrook Development, in the Planning & Zoning Meeting conducted on August 25th, 2020 was read by Attorney Sandow. A motion to approve them was made and seconded. The motion to accept the Finding of Fact & Conclusions was accepted by the Board with one-member voting no. The document is listed below:

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 22, 2020

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 25, 2020, the Board held a public hearing on the request of the Collin Hunter, Honeybrook Development, for a proposed Planned Unit Development located on Lawrence Lane, Blackfoot, Idaho. This request was for 56 units (14 units of 4 townhomes each) to be built on approximately 5 acres. The parcel is currently zoned as R-3. See the Application attached hereto as Exhibit "A," and made a part hereof by this reference. At the public hearing testimony in favor was provided by the Applicant, an associated realtor, and the applicant's engineer. No one else appeared in favor of or neutral to the proposal. Approximately 8 people provided in person testimony against the proposal, and 5 letters were presented against the proposal. Most testimony against the proposal focused on traffic, density of homes, parking availability, playground areas, an open canal, and other similar concerns.

Based on the testimony, documents, relevant ordinances, and evidence presented, the Board finds as follows:

**Findings and Conclusions:**

1. The Applicant has applied for a Planned Unit Development and has provided all necessary information to the City of Blackfoot as required.
2. From the information provided it appears that the development will average about 12.5 residential units per acre. The R-3 zoning allows up to 30 residential units per acre, and so the proposal fits within the required zoning.
3. From the information presented, it appears from the plat dimensions that there is sufficient private open space as required by our city code.
4. Much of the testimony against the proposal focused on issues with the infrastructure, such as roads, water and sewer systems, and traffic. The Board determines if certain conditions are met, as set forth below, these issues will be appropriately addressed.
5. Other testimony against the proposal focused on the open canal, lack of playground space, and similar issues. The Board determines if certain conditions are met, as set forth below, these issues will be appropriately address.
6. It appears all other aspects required in City Code have been met.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

Based upon the above findings, the Board voted to approve the request for the Planned Unit Development proposed with the following requirements to be met:

1. Lawrence Lane (the City right of way) shall be brought up to City standards.
2. A water study shall be completed indicating the necessary domestic water is available and will not

adversely affect surrounding areas.

3. A sewer study shall be completed indicating the necessary sewer availability is present and will not adversely affect surrounding areas.
4. Either a fence be installed to keep children from the canal areas, or the canal to be put into conduits and covered.
5. A playground area for neighborhood children shall be added.

All conditions set forth above shall be reviewed by, and approved by the appropriate City staff members.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on the 22nd day of September, 2020.

*Donna Parkinson*

Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

**2. Wes Potter, Property at 415 W. Bridge, request for a Conditional Use Permit to allow for use as a residential dwelling:**

The Finding of Fact and Conclusions regarding the decision made for the property at 415 W. Bridge Street in the Planning & Zoning Meeting conducted on August 25th, 2020 was read by Attorney Sandow. A motion to approve them was made and seconded. The motion to accept the Finding of Fact & Conclusions was accepted by the Board. Administrator Hibbert explained to the board that based on the current Land Use Table, a CUP would not be required to allow a commercial property to be used as residential. The document is listed below:

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
August 25, 2020

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 25, 2020, the Board held a public hearing on the request of Wes Potter for a home located in a commercial zone to be used again as a residential home, which requires a conditional use permit in a C-1 zone at 415 W. Bridge, Blackfoot, Idaho. A Staff Report from the City of Blackfoot Planning and Zoning Administrator was presented and considered by the Board. During the public hearing testimony in favor of the proposal provided by the applicant was heard and evaluated by the Board. No testimony against or neutral to the proposal was presented. Upon reviewing the matter as submitted and any testimony in the public hearing, the Board found and concluded as follows:

**FINDINGS:**

1. That the proposed business appears to be or will be in compliance with all City Codes.
2. The applicant has complied with requirements from the State of Idaho, if any.
3. That the location of the proposed use is compatible to 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 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 effect 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 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.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 22nd day of September, 2020.

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

### Third Agenda Item: New Business - Public Hearing- Actions Items.

#### 1. Sign Code Amendment: New Interchange Sign Height Regulations for Business District.

Administrator Hibbert started out by going over the current map layout of where the up to one hundred-foot signs would be allowed. He also explained the map area shading and the distance relationship from the centerline. He summarized that the amended proposal would allow signs to be:

- a. A maximum height, which is currently sixty feet, up to one hundred feet.
- b. Placed in the map area if it was on the owner's property.
- c. Setbacks within one foot from the owner's property line.
- d. Single pole mounting if engineering standards are met.

Administrator Hibbert reminded the Commissioners to review the document from Kimley-Horn if they had any further questions. The Board discussed some other items related to the proposed changes.

Chairperson Jefferis opened the meeting to the public for comment. Frank Nuding, Pocatello, ID, addressed a question regarding the description in the sign code allowing only thirty-five square feet on signs below sixty feet in height. He was assured that was not correct. He also explained what some of their intentions were with the Stinker Station sign upgrade. Brandon McDougald, representing McDonalds Corp., took the floor and went over the proposed sign specifics covering illumination, (it being internal), and total square footage, (it being three hundred and twenty). He offered to answer any questions at this time, there were none.

Chairperson Jefferis asked anyone in the meeting to come forward in favor of the proposed sign amendments; there were none. Also, no one came forward neutral to the proposal, as well as any opposed. At this time Chairperson

Jefferis closed the meeting to the public and offered time for the Board to discuss. One question that was brought up was how much lighting was going to be allowed. Another question was whether signs would be allowed near residential areas. Administrator Hibbert assured the Board that the code would only allow them to be installed in a commercial zone. Commissioner Ramirez did state reasons why he was still opposed to changing the existing code.

The Board continued to discuss both sides of the sign code issue.

At the conclusion of the discussion, Commissioner Ramirez motioned to limit sign height to eighty feet and limit the area to modifications made on the placement map. Commissioner Moldenhauer seconded, and then revoked it. At this time Commissioner Barlow offered to second the motion. After some back and forth discussion among the Board and Administrator Hibbert, Ms. Barlow revoked her second to the motion on the floor. At this time Chairperson

Jefferis dissolved the motion due to a lack of a second. Commissioner Barlow presented a motion with the provisions listed below:

- a. Allowed maximum height, which is currently sixty feet, up to one hundred feet.
- b. Signs be allowed on the owner's property and to be placed in the map area with a modification to end at the intersection of Bergener and Parkway.
- c. Setbacks to be allowed within five feet of the property line.
- d. Single pole mounting allowed if engineering standards are met

Commissioner Dolan seconded; a roll call vote was taken:

Commissioner Thomas, not in favor.

Commissioner Ramirez, not in favor.

Commissioner Smith, not in favor.

Commissioner Moldenhauer, in favor of.

Commissioner Dolan, in favor of.

Commissioner Barlow, in favor of.

Chairperson Jefferis, in favor of.

The motion passed by a majority vote, four to three.

## **2. Proposed Zone Change at Gary Street, Sunset Cove Subdivision.**

Jon Gregory, Blackfoot, ID, took the floor at this time requesting to change the described property from a light industrial (M-1) to a multi-family zone (R-3). Mr. Gregory presented a drawn plan to the group with an explanation as to why this would be a good fit for this area. Administrator Hibbert pointed out some particulars of the proposal as well as some of consequences of building based on the R-3 zone density allowances.

Chairperson Jefferis opened the meeting to the public for comment. There was no one that came forward in favor of or neutral to. Listed below are those who were opposed:

Jackie Byington, Blackfoot, ID, spoke out not in favor of.

Margaret Atkinson, Blackfoot, ID, spoke out not in favor of.

Attorney Sandow then read a couple of letters that were sent in:

Galen & Linda Gianchetta, Blackfoot, ID, are not in favor of.

Mike and Esmerelda Oborn, address not given, are not in favor of.

Chairperson Jefferis asked if any others were opposed to please come forward, there were none. Mr. Jon Gregory was then asked to take the floor to rebut and comment. Administrator Hibbert explained also that a second access road

into the proposed development is being considered. He also mentioned that a condition could be added to the zone change to specify the density allowed. A question was brought up by Commissioner Moldenhauer about the comparison of traffic with the existing zone versus the proposed zone. Mr. Gregory estimated that building to the existing zone may cause more of an increase.

Chairperson Jefferis closed the meeting to the public and turned the discussion back to the Board. The Commissioners then talked about the property, acknowledging the concerns brought up by the residents. The question of what density to allow was examined by the group. At this time Commissioner Ramirez presented a motion to recommend to City Council a zone changes for the property at the end of Gary Street, Blackfoot, ID, Sunset Cove, from an M-1 to an R-3. The following conditions would also be required; no more than 10 units per acre, and that Jenny Street be connected to the proposed development. Commissioner Barlow added a second; a vote was taken, and the motion passed unanimously.

**Adjournment:**

A motion to adjourn was made and seconded. The meeting was adjourned at 9:12 PM.

*Donna Parkinson*  
\_\_\_\_\_  
City of Blackfoot, Planning & Zoning Clerk  
Donna Parkinson