

## EMMETT CITY ZONING COMMISSION

July 1, 2024

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho.

**Chairman Earls called the meeting to order at 6:00 p.m.**

Chairman Earls led the **Pledge of Allegiance**.

**Commissioners Present:** Gwen Earls, Brian Gregory, Tracy Howard, Larry Jenkins, Austin Lindstrom

**Commissioners Online:** none

**Commissioners Absent:** Kim Butler

**Staff Present:** Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten; Recording Clerk, Shannon Ferraro

**Staff Online:** none

### **Public Present:**

Barb Beasley 621 E 4<sup>th</sup> St

Mike Beasley 621 E 4<sup>th</sup> St

Betty Baker 4565 W Black Canyon

Lynn Baker 3004 Gala Trail

Jessica Marlow 630 E 4<sup>th</sup> St

Virginia Morrison 1741 Rome

Sharon and Jack Lee 1771 Rome

Pam DuBoise 2522 Monarch St

Patrick Colwell 332 Broadmore Way

Shelley Tilton 1115 Royalty

Chet Cole 1571 Rome Ave

Jayne Ward 1100 Palace

Gary Frankle 619 E 4<sup>th</sup>

Rick and Kim Weeks 630 E 4<sup>th</sup>

**Approval of Minutes:** Chairman Earls calls for review of June 3, 2024 minutes. Commissioner Gregory moves to approve June 3, 2024 minutes. Commissioner Howard seconds. All in favor, none opposed.

**Review of Agenda:** Chairman Earls calls for review of agenda.

**HEARING:** RZ24-001 at 607 E 4<sup>th</sup> St. Emmett Id, 83617. Chairman Earls asks if there has been any exparte` communication in regard to the rezone.

Brian Sullivan is called forward. Tonight's public hearing is a continuance from last month's public hearing. There were some issues that the commission requested from the applicant. Brian describes the application from the last hearing. We have a rezone application of .40 acres From R1 single-family residential, to R3 multi-family residential. Application number is RZ24-001. The first hearing date was June 3, 2024, tonight is the continuance from last months meeting. The applicant is Betty Baker 4565 W Black Canyon Hwy Emmett ID 83617. Betty is also the owner of the property. The property is 607 E 4<sup>th</sup> St, located at township 6N range 1W Section 8, Davis addition, subdivision lots 1, 2, 3, 4, and 5 of block 1. Parcel number is RPE3160001001A. Application summary and background, the applicant Betty Baker is requesting approval of a rezone application on a parcel of bare land approximately .40 acres from an R1 to an R3 zone. The applicant states that they are not sure if they will build on the property or sell if rezoned. The property is located on the SE corner of South Johns Ave and E. 4<sup>th</sup> Street. Property is bordered on all sides by residential uses. The Comprehensive Plan and future land uses, this parcel falls within the mixed residential neighborhood, which is MR designated on the land use map of the "Elevate Emmett" Comprehensive Plan. Official Sullivan than goes through some sections of the Comprehensive Plan, which explains what the city' s vision for housing and land use within city limits. Staff comments and the above section in the Comprehensive Plan support the rezone from an R1 single family zone to an R3 multifamily zone.

Mr. Sullivan then brings forth the concerns that were brought to attention at the last meeting. One of the biggest concerns was the alley way, and it's use. The applicant is proposing using the alley. Clint Seamons was asked to be here tonight. He could not be here. Justin Walker, an engineer from Keller

and Associates wrote a letter in regards to the access to the Baker property. The letter states: The driver access recommendations for S. Johns between 4<sup>th</sup> and 5<sup>th</sup> street were as follows: For the city of Emmett access guidelines 4.2.1 on page 11 states that no driver access should be allowed into a major collector (which is the designation of S Johns Ave) within 150 ft of the nearest intersection street, nor should it be allowed for residential lot access on to a major collector or arterial. Furthermore, in this case, because there is a mini roundabout at 4<sup>th</sup> and Johns, we would further discourage driver access off or onto S Johns due to complications and conflicts that would present to the pedestrian and the vehicle movements on the approach into the roundabout. Consequently, it is recommended that access be the alleyway off of S Johns, between 4<sup>th</sup> and 5<sup>th</sup>, in accordance with the city's access management guidelines. This would provide the safest and least disruptive access for both vehicles and pedestrians. Commissioner Gregory asks for clarification on access to the property from 4<sup>th</sup> St. Brian then clarifies that the recommendation is no access off of 4<sup>th</sup> nor off of 5<sup>th</sup> St. Brian then reminds Mr. Gregory what Mixed Residential use means. Gregory suggests a development agreement may be beneficial in this case.

Chairman Earls then asks Betty Baker to come forward. Betty comes forward and states her name and address. She then goes into how the Comprehensive Plan supports her rezone application. She states that she knows the alley is a major concern, and understands the neighbors' concerns. But reminds the commission that it is a public alleyway.

Chairman Earls states expectations and guidelines for the public to speak. Jessica Marlow comes forward. She is against the rezoning to commercial, and she wants to bring attention to the many emails and letters from other neighbors that are against this rezone. She is against it for many reasons, strain on utilities, children and traffic. A few other members of the public come forward with reasons why they are opposed to this rezone. The amount of parking spaces is brought up. Betty Baker comes back up, and expresses her concerns for the city of Emmett as well. She states some of the concerns of the public, and empathizes with them.

Chairman Earls then opens up for discussion among the commissioners. Discussion on building height and parking take place. Attorney Sweeten reminds the commission that this is just a recommendation to the city council. Mr. Sullivan then explains the benefits of it being zoned an R3, Estetics, etc. He also points out that S Johns is a corridor for our community, and appearance may be a factor that the commission may want to take into consideration. Alleyway width, and parking sign compliance in the alley is discussed. The number of units are discussed 6 verses 8.

Attorney Sweeten is then asked to help out with this recommendation. There is a proposed motion to recommend the rezone from R1 to R3 because it conforms with the basic intent of the comprehensive plan. But also recommending that the rezone be conditioned on the applicant entering into a development agreement with the city and that some of the basic terms of the development agreement for the development of the property need to include a height restriction of 35 ft, that no parking signs be placed on the alley side for some sort of mitigation, and that the property be limited to 4-6 units with no more than 9 parking spaces. Betty Baker then steps back up, reminds the commission that there is no R3 in the are because the comprehensive plan was written in 2023. She would voluntarily do a development agreement if one was requested. Betty then reminds the commission that R3 would require a paved parking lot landscaping etc. Sweeten then recommends to leave this hearing open. Where at time Mrs. Baker would work with Mr. Sullivan to submit a DA application, which would then be considered concurrently with the rezone. Gregory then motions to recommend staff that they begin a DA with the applicant, and that the DA would include the height at 35 feet max, no parking signs, and limit the number of units to 4-6 units. Commissioner Jenkins seconds that. All in favor signify by say aye, all agree with the exception of Lindstrom.

**HEARING: PP204-001** Chairman Earls asks if there has been any exparte` communication in regard to this hearing. She then calls Brian Sullivan up to the podium. We have a preliminary plat application, for the proposed Legacy Heights #2 subdivision. File number is PP24-001. Owner is Kevin Rowley 11896 Lincoln Rd, Caldwell ID 83605. He is also the applicant. Subject property is 2525 E 12<sup>th</sup> St. Application Summary and back ground, the applicant Kevin Rowley is requesting city approval of a preliminary plat application for Legacy Heights #2 subdivision. The proposed single family detached residential development contains 14 building lots and 1 common lot for a total of .58 Acres of open space on approximately 5.4 acres. The gross density for this site is 2.59 residential lots per acre. Lot size range from 8,079 Sq ft, to approximately 13,997 sq ft. There is an existing house on the property located on a 29,437 sq ft. lot which will remain as lot 11. The property is currently zoned R1 as a single family residential, which has a 6,000 sq ft minimum lot size. This parcel was annexed in March 2004, by Bridgeland Development, James Smith, who originally planned this parcel as part of phase 3 and 4 of Regency Heights subdivision. The subdevelopments findings of the preliminary plat, before recommending approval or approving any subdivision, Emmett city code 10-2-3H requires the commission and city council to consider the objectives of a subdivision elements and at least the following findings. 1. The conformance of a subdivision with the Comprehensive Plan. Staff comment. Staff generally finds that the plat to comply with the Comprehensive Plan, as in section 5 above. The availability of public services to accommodate the proposed development. This finding expands upon the preliminary plat findings above, that require all public services to be evaluated before approval of the PP application. This includes among other services EMS, firefighters, schools, law enforcement, libraries, streets and irrigation. Written Comments have been received from the following service providers. Keller and Associates, Emmet Public Works Department, Shelly Tilton, Jen Nelson, and Ryan Van Leuven. Public Works has no comment at this time. 2. The continuity of the proposed development plan with the Capital Improvement Program. 3. The public financial capabilities of supporting services for the proposed development. 4. The other health, safety, or environmental problems that may be brought to the Commission's attention.

Staff sees no health, safety, or environmental problems with the proposed development. P&Z staff offers the following recommended conditions of approval for the PP application. Other departments/agencies have recommended conditions of approval separate from this report. Some of these are comments and information requests while others are topics for the Commission to consider. We request the applicant address each of these issues with the Commission and provide a response, if possible, prior to the hearing. **(Applicant has agreed to all comments outlined below).**

### **Preliminary Plat Application**

1. Comply with all conditions of approval, as approved by City Council, from impact agencies and utility providers.
2. All proposed street names must meet the approval of the Gem County Street Naming Committee before Final Plat is recorded and must comply with ECC 10-3-5.
3. Per ECC 10-4-2. E, all utilities within the development must be constructed underground.
4. Supply CC & R's to the Zoning Department prior to final plat.
5. Updated landscape plan needs to be submittal prior to installation and final plat.
6. All lots must have pressure irrigation system capable of supplying the 14 lots proposed. Any addition to the existing irrigation system for Legacy Heights must be evaluated by a qualified licensed Idaho Engineer, and documentation must be

submitted to the City of Emmett Public Works and Zoning Department showing the system has the water capacity and pump size to supply the pressure irrigation system for both developments. The system must not compromise water deliver downstream for other users.

7. Frontage on East 12<sup>th</sup> street will need to be dedicated to the City of Emmett in compliance with the adopted street roadway width for E. 12<sup>th</sup> St.
8. Per ECC 9-20, all lighting within Legacy Heights Subdivision shall conform to the City of Emmett's dark sky lighting standards. Applicant shall add this requirement to the CC&R's.
9. The sub divider shall install a 6-foot solid, perimeter fence around the subdivision as a screen for the impacted neighboring properties to the west and south.
10. Developer must install a gang style mailbox system for the 14 residential lots.
11. The applicant shall comply with the specifications outlined in agency letters or emails from the following:
  - a. Keller Associates, dated June 26, 2024. **ADDRESSED**
12. Applicant shall comply with ECC 10-2-3 regarding plat approval period standards and shall submit a Final Plat application for Phase 1 within 18 months after approval of the preliminary plat. Failure to file a Final Plat within this time frame shall cause the preliminary plat to become null and void unless an extension of time is applied for by the sub divider and granted by the City Council. Said application for time extension shall be submitted in writing to the administrator prior to the expiration date and shall state the reasons for failure to file the final plat application. The application shall also include a proposed length of extension, not to exceed twelve (12) months. More than one extension may be granted upon showing of good cause. for Phase 2 within one (1) year of Final Plat approval of Phase 1.

## **10. STAFF RECOMMENDATION**

Staff recommends the preliminary plat for Legacy Heights #2 be approved with Site Specific Conditions of Approval being part of the recommended motion as submitted or amended.

Commissioner Gregory asks a few questions about where access to the subdivision will be. Brian Sullivan answers his questions. Earls also asks a few questions about the streets, and where access will be as well. Pat Calwell from Ventura Group steps forward, he is representing Kevin Rowley. He asks for a recommendation for approval of this preliminary plat. He addresses the concern that Regency Heights may lose water due to this subdivision being built. It will not. No questions from the Commission. Earls calls for at this time the public to come forward with comments, and /or concerns. Virginia Morrison comes forth, her concerns are her view if two story homes are being built, and the dust and dirt in the air. She would like a direct number to call. She is also concerned about the windmill that exists. Will it stay? A few other members of the community come forward with similar concerns as well. Irrigation water also seems to be a hot topic of concern amongst the public.

Earls then calls back Mr. Calwell to respond. Mr. Calwell then responds on the dust issues, the windmill, irrigation, and location questions. Tracy Howard mentions the height of the homes, and landscaping. Sweeten then reminds council of the process of which this can be recommended or not recommended. Gregory recommends Application PP24-001 to council for approval, with the site-specific conditions presented by staff. Lindstrom seconds, all in favor, non-opposed. PP24-001 will be recommended.

**New Business:** ADU's

**Unfinished Business:** PUD's: Attorney Sweeten recommends that there be a zoning amendment. Talks of a practice run are brought up.

**Items from the Commission:** Linstrom states as of September 2024 he will no longer be an Idaho resident. **Next meeting Monday August 5, 2024**

**Items from the Building Official/ Zoning Administrator:** none

Motion to adjourn from Commissioner Gregory. Linstrom seconds. All in Favor. Meeting adjourned.  
**Meeting adjourned at 7:45pm**

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Chairman Gwen Earls

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Acting Secretary