



**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING
CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO**

February 22, 2022
6:00 PM

ESTABLISH A QUORUM

Chairperson Kristopher Wallaert noted a quorum present and called the February 22, 2022, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Mark Sauerwald, Members Nancy Brletic, Kristopher Wallaert, William Roeder, and Travis Eikeness.

Staff members attending were Community Development Director Brock Cherry, Administrative Assistant, Brenda Ellis, and Public Works Director, Richard Urquidi.

MINUTES

* None

RECOGNIZING PERSONS NOT ON THE AGENDA - None

PUBLIC HEARING AND ACTION

*Action Item – Conditional Use Permit - Daycare

Applicant – Ambre English and Daryl Hinton

A request for a Conditional Use Permit to operate a daycare to be located at 575 East 2nd South Street. (RPA0042002013A)

Application: PZ-22-03

Community Development Director Brock Cherry gave the Staff Report. The property is zoned R-4 residential and does allow for certain neighborhood commercial uses. This use requires a Conditional Use Permit and must meet certain development standards. A child care license from the State of Idaho is required, once they have received approval for the CUP the next step is to acquire that license and the license will need to be provided to the City before they begin operation. This location with the use change will be billed commercial water and sewer rates and will work with the Public Works Director regarding those fees. There are additional parking requirements for on-site parking for a commercial use. The site will need to be screened for child safety and to maintain the neighborhood feel. This meeting is to satisfy the zoning process so the applicant can go forward. Code requires a paved and designated drop off/pick up area and employee parking. The applicant is aware more parking is required and has agreed to provide those two extra off street parking spaces within one year and is asking for the extension as part of the Conditional Use Permit. The location is on a collector roadway. The future land use map shows this area as commercial uses.

Ambre English came forward to speak. Ms. English is a longtime resident and educator. An early childhood center is her expertise, with a masters in early childhood and Montessori. Childcare centers are a need in Mountain Home, and most have waiting lists. The property is located on two nice wide streets and in a great location. She has reached out to neighbors in the area with positive feedback. The location is already fenced. There is plenty of on-street parking and realizes Code requires off-street parking. The current approach is wider and would easily allow for the extra spaces needed with little curb work. She feels it will be great for the community. She should not exceed twenty-five children ages 0-6. She expects to have additional attendants.

Public Hearing Opened.

Public Hearing Closed.

Commission Member Mark Sauerwald agreed it is a good location and needed. It was determined the loading/unloading space must be off-street. There is a State requirement ratio for the amount of providers to number of children. Currently, there was two off-street spaces, one can satisfy the off-street designated space loading/unloading space, with one for an employee. The extra off-street parking will be in front of the house, there is adequate space to satisfy the off-street parking requirements. There was concern regarding the drop off area and additional discussion. The applicant felt the issue with 0-6 and having the drop off zone would create a line of parents waiting to utilize the drop-off location as most children are escorted in and there would be wait times and traffic would stack up. The current request is to have a space or two off-street spaces for users to pull into. The reality will be the parents will probably park on the street. The applicant does not feel the drop off lane works well in practice and does not feel that the street parking will be a harm as the parents will only be there briefly and eliminates the backup of the drop off line. The hours of operation are 7:00 a.m. to 6:00 p.m. There was concern that additional traffic signage and lighting as the winter will have less daylight. Regarding lighting, as a commercial building it will have to meet all commercial safety standards. It was determined this is already a route to school and no additional measures should be required. ADA requirements were discussed. It was suggested that if the Commission feels the drive-thru drop off needed, that there may be an option on the interior lot line to pass through to the alley. It was also suggested that if the proposed parking request creates a problem and receive complaints the City could work with the land owner to figure something else out. Staff felt the addition of the two off street space is acceptable. Staff reminded the Commission that if safety issue repeatedly brought to the applicant's attention is not remedied the Conditional Use Permit can be revoked. Commission felt the two additional spots on site would meet the general requirements for parking.

Commission Member Mark Sauerwald made a motion that the Planning and Zoning Commission hereby recommends to the City Council to approval of the conditional use permit Daycare Application by Ambre English and Darryl Hinton, to be located at 575 East 2nd South Street, with the following conditions of approval:

1. Subject to site plan amendments or improvements as required by Building, Public Works, Fire, and Zoning Officials to comply with applicable City Codes and standards.
2. The applicant, Ambre English, to pave two (2) additional off-street parking spots within one (1) year.
3. If the applicant is unable to pave the required area or would like to propose alternatives to the required paving, they will be required to address the Planning & Zoning Commission for approval no later than March 1, 2023.
4. The proposed daycare center shall be considered a commercial use. The applicant shall be required to pay any additional sewer, water, and trash charges or fees.
5. Prior to daycare operations, the applicant shall obtain all required approvals from the State of Idaho and the Idaho Central Health District.

Commission Member William Roeder seconded the motion. The vote is as follows: Commission Member Brletic; aye, Commission Member Eikeness; aye, Commission Member Sauerwald; aye, and Commission Member Roeder; aye. Motion passed by a majority vote. Chairperson Wallaert did not vote.

*Action Item – Annex and Zone I-2 (Heavy Industrial)

Applicant – Ambrose Property Group

A request to Annex & Zone to I-2 (Heavy Industrial) a parcel of land approximately 46.638 acres located South of Northeast Foothills Avenue, East of Highway 20 and North of Interstate 84. (RP03S07E300200)

Application: PZ-22-05

Community Development Director Brock Cherry gave the Staff Report. This annex and zone is to determine if the zoning designation compliant with the Comprehensive Plan. There is information regarding the intended use, but that information is secondary. They are requesting to annex 46 acres and zone I-2 Heavy Industrial. The applicant intends for a future mixed use development of commercial and light industrial uses to be developed in two phases. The light industrial first and the commercial phase second. Historically this property has been unused. Upon annexation this property will have access to infrastructure. The access points are located off of Highway 20 and Foothills Avenue and will need to be approved by Idaho Transportation Department. The Traffic Impact Study is being reviewed by ITD and has not currently made their determination, but prior to operation they will need the plan approved by ITD. The site according to the Future Land Use Map is designated commercial. The core reason for the Heavy Industrial Use was due to the uses they intend to have are outright permitted uses. If it were annexed as Light Industrial there would need to be a Conditional Use Permit for the use they have proposed. Everything north of this parcel is I-1 Light Industrial. There is some C-4 by the Pilot. South of the parcel is C-3 designation. The Traffic Impact Study has been completed and is within the Staff Report and gives an idea of the potential traffic volumes of traffic of the proposed use. Included for review is a proposed site plan of the intended development. The first phase would be mostly Semi type traffic, with the secondary travel center would be a mix of semi and auto traffic.

Dan Kmiciek came forward to speak on behalf of Ambrose Property Group. They are seeking the I-2 Heavy Industrial Zone because it fits the use of light industrial and the travel stop component with the drive-thru restaurant. According to the applicant all three uses would be permitted uses in the I-2 Zone. The first phase consists of a 200,000 sq. ft. class A warehouse facility for a tire retreading operation. Hoping to start construction in 2022. There is no pollution, smoke stacks or anything that would fit the heavy industrial use and is light industrial by nature. The travel stop component will have fueling stations and quick serve retail and constructed about a year after the light industrial development. The potential job creation for the distribution center is 65, plus the travel center employment.

Staff commented that we know what Love's is proposing. The heavy industrial zone may allow for non-intended uses should Love's not come. An annexation agreement could limit the type of industrial use to type A facilities.

Public Hearing Opened.

Laura Johnson came forward to speak. She spoke on behalf of Johnson Brothers Hospitality. A letter was submitted by her. Most of their concerns deal with ITD. They do not feel that Foothills Avenue is set up for heavy truck traffic. Safety is a concern. The Semi noise, exhaust and fumes are not a good mix of use with the hotel.

Bret Deering came forward to speak. Mr. Deering is with the Mountain Home News. His question was how heavy is the heavy industrial on emission and its impact?

Public Hearing Closed.

Commission questioned why not I-1 and the applicant wanted the quick serve drive-thru component outright permitted which is why the I-2 Zone was sought. A drive-in is allowed outright in the I-2 Zone and Conditional Use in the I-1. Drive-up window requires a Conditional Use permit in both the I-1 and I-2 Zone. There was concern of zoning as I-2 that may later on become an issue in that area as smokestacks are permitted in an I-2 Zone. The applicant's review of the Land Use Chart shows Restaurant/Fast Food Drive-In as permitted in an I-2 Zone. There was discussion between defining drive-up window and drive-in, as drive-in is more like a Sonic and the Code is ambiguous regarding it. The applicant was willing to consider an I-1 Zone if the drive-up window was permissible without a conditional use permit. The applicant has a deadline to meet within the next couple of weeks and they are not granting any extensions on the land deal. If there is a conditional use process it does not fit within that window, which the I-2 zoning is the path of least resistance. In an annexation agreement it can state that a certain use regardless of the zone, will not be undertaken. The Commission spoke with Legal Counsel, Geoff Schroeder by phone regarding the potential to outright allow a deviation from use standards with an annexation agreement, which would allow for a drive-thru window without doing a conditional use permit. Counsel's opinion was it would not be suitable to do unless it was done under a modified version of a Planned Unit Development. Uses must follow the zoning code for the zone it is placed. The applicant wants all zoning entitlements completed when they sign documents, which is why the conditional use permit concerns the client, as they want a guarantee to be able to do what they want at time of purchase. There was further discussion regarding zoning to I-2 with the stipulation only type A buildings were allowed.

Commission Member Sauerwald was finding it difficult to make a determination without considering the traffic and the ITD determinations, if the findings are too burdensome for Love's and they abandon the project and the zone is in as I-2 designation. Staff suggested that the Commission could recommend to City Council that the zoning designation be I-1 and request within the agreement if possible be allowed to have the drive-thru window use be outright permitted. If it is not possible, then it is just not possible, but it does continue the application and gives the City Council the opportunity to look at the issue more in depth. City Council is the only governing body which would have any authority to go against Code and consult with legal counsel.

The Commission reviewed the definition of Drive-In Establishment and associated Code. Drive-thru does not have a definition, but the use classification shows them as two separate things. It could be argued that could be a drive-up window. Staff believes the applicant favoring the I-2 definition solely for this is valid. It was agreed that Council could deem the drive-in establishment, such as a Sonic, and that definition does not apply to a drive-up window, then it is fine. The Code is a bit contradictory.

Commission Member Nancy Brletic made a motion that the Planning and Zoning Commission hereby recommends to the City Council that the application to annex and zone of the single parcel approximately 46.638 acres located south of NE Foothills Avenue, east of Highway 20 and north of I-84 to I-2 Heavy Industrial with the condition that all warehouse industrial and like development only take place in type A industrial buildings be approved by the City council subject to the following conditions.

1. Subject to site plan amendments as required by Building, Public Works, Fire, and Zoning Officials to comply with applicable City Codes and standards.
 2. All future development will comply with the bulk and coverage controls of the I-2 (Heavy Industrial) Zoning District.
 3. Idaho Transportation Department (ITD) approval is required regarding all future development.
- Commission Member William Roeder seconded the motion. The vote is as follows: Commission Member Brletic; aye, Commission Member Eikeness; aye, Commission Member Sauerwald; aye, Commission Member Roeder; aye, and Commission Member Wallaert, aye. Motion passed by a unanimous vote.

NEW BUSINESS

*None

OLD BUSINESS

*None

DEPARTMENT HEAD ITEMS

*None

ITEMS REQUESTED BY COMMISSION/STAFF - None

ADJOURN

Chairperson Wallaert adjourned the meeting at 7:29 p.m.

Chair

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.