



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

March 1, 2021
6:00 PM

ESTABLISH A QUORUM

Chairperson Topher Wallaert noted there was a quorum present and called the March 1, 2021, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Topher Wallaert, Nancy Brletic, Mark Sauerwald, Deedee Devol, William Roeder and James Eskridge.

Commission Member Travis Eikeness was not in attendance.

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

MINUTES

*February 1, 2021

Commission Member Nancy Brletic made a motion to approve the minutes for the Regular Planning and Zoning Commission Meeting held on February 1, 2021. Commission Member Mark Sauerwald seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Devol; aye, Commission Member Sauerwald; aye, Commission Member Roeder; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

RECOGNIZING PERSONS NOT ON THE AGENDA - None

PUBLIC HEARING AND ACTION

*Action Item-Discussion/Decision and request to sign. A request to expand an existing Conditional Use Permit (PZ21-0002) by Richard McKenna Charter School to expand the elementary school located on East 8th North Street (RPA3S06E251230).

Community Development Director, Brock Cherry gave the Staff Report.

This is a request to expand the Richard McKenna Elementary School. The expansion will add 1540 sq. ft. to the south. The expansion is for the current classrooms. Per the Comprehensive Plan, they are in the residential district which schools are ancillary to residential neighborhoods. Staff directs P&Z to look at the CUP process, that it is harmonious with the surrounding neighborhood. Any change should not create any risk that would greatly influence the area. The reason we do CUP's is because sometimes the environment changes and we want to make sure we get everyone involved so things remain harmonious. Staff is not recommending any specific conditions at this time, but to listen to the input received tonight.

Jon Chatfield came forward to speak on behalf of the applicant.

The building to the left will remain unchanged. The building on the right will have approximately 1500 sq. ft. added, which will make that building around 5000 sq. ft.. The building is used for two kindergarten classrooms. No new class rooms. No new student counts. The mechanical units will be located up out of site, behind a parapet. There will be a gable roof to the sides. The architecture will match what is there already. A bathroom, fire riser room and an exterior bathroom has been added along with the classroom expansion. The fenced area around the playground for the kindergarten will be expanded.

There was clarification that the buildings are out of the floodplain. No elevation certificates are needed.

Public Hearing Opened

Jaki Claunch-1300 East 5th North. Had concerns regarding water pressure could be an impact. Public Works Director, Richard Urquidi did not feel it would be an issue.

Michael Freer-703 North 14th East Street. Mr. Freer had concerns regarding the fencing along his property boundary line with the school. His house abuts the playground area. Mr. Freer has a 4' rock wall along the boundary line. The issue is that during recess there is noise. They work from home and that is an inconvenience. The bigger concern is the children climbing over the 4' fence and the Freer's having hunting dogs. Mr. Freer believes the fence should be taller. The kids agitate the dogs and make the dogs aggressive. Mr. Freer would like to see a 7' solid fence along the border of his property to keep the kids from the dogs and climbing over the fence. Mr. Freer believes requiring the applicant to install the fence would alleviate those concerns.

Brock informed the Commission that Mr. Freer had provided the pictures of the current fencing and examples of fencing that could be installed.

There was clarification of which fence was the issue. It was determined that both fences were a problem that would need to be addressed. Mr. Freer was told the fence would be solid when the school was first going in. The school was aware that some of those issue have happened but not on a regular basis. Commission Member Mark Sauerwald asked, "The staff at the school said there have been some instances. Does the school feel that a solid fence would be a safer option as opposed to the short brick wall and the open link fencing?" Dennis Wilson stated, "Compared to the amount of time we have been out there compared to the number of incidences, it is not a major issue." Mr. Freer stated, "So far nothing has gone wrong, but it only takes one time for someone to get seriously hurt". Mrs. Claunch commented, "My property is directly behind the school. When the school was first built every time my dogs were outside the kids would run at my fence. We had to escort our dogs outside every day to avoid any issue. There is a double fence now. The kids do not have an understanding that the dogs are not happy to see them."

Public Hearing closed.

Chairperson Wallaert agreed with the concerns of safety, but leaned toward the school putting up the fence. Commission Member Sauerwald also agreed with the concerns for safety reasons and leaned toward the school putting up the fence. Community Development Director, Brock Cherry, reminded the Commission that they had discretion to recommend conditions for denial and approval of this item, and to be specific when forming their condition. Commission Member Nancy Brletic thought this may set precedence and create others in the community that live by other schools and insist that the district build fences. Brock Cherry informed the commission member that what makes this situation unique is the CUP request. We have no tools to mandate this elsewhere. Chairperson Wallaert addressed the fence type issue, cedar or vinyl, but did not want to hinder the build due to costs to Richard McKenna, but felt safety

was important. Community Development Director, Brock Cherry recommended any solid type matter and let the applicant choose. Commission Member Nancy Brletic wanted clarification if this would include the entire property. Community Development Director Brock Cherry stated, "This body has the discretion for that, but we want to make sure there is a nexus between what they are doing and what this body is doing. I would not recommend to you to have them reference the entire thing because the expansion they are asking for is only for a portion of that property and the nexus is they have already said, yes that is where kindergartners play." Public Works Director, Rich Urquidi questioned how much the location was the rock wall and how much was chain-link and determined the rock wall to be about 90' and perhaps there could be a compromise. Mr. Freer commented that most of the homes have a wood fence and the chain-link. Commission Member Sauerwald wanted to know if there was an existing ordinance for fencing for schools against residential areas. Community Development Director, Brock Cherry pointed out that there is a screening ordinance, but is primarily between residential districts and commercial uses. Chairperson Wallaert was in favor of the motion conditioning some form of solid fence around Mr. Freers' property, to sooth any issues and remove potential danger for the students. Jon Chatfield stated, "With the length of the fence and the existing chain-link fence already in place, would adding slats work as visual barrier between the dogs and the children? I know it is not solid, but it becomes more solid. This would help to reduce cost in the L-shaped section. Along the rock wall we could build a new fence along the 90' section. Cost wise so we don't have to tear out a new fence and should help solve the issue at hand." Mr. Freer was asked his opinion and he stated, "With that space the dogs and the kids see each other and they will continue to aggravate the dogs. The concern is they could get over the fence and they get up against the fence and rattling it, therefore if there is no line of sight I think we would be a lot better off." Commission Member Sauerwald stated, "I'm struggling with the lack of a requirement to even have a fence and the safety concern. They already have a fence up. The school has satisfied a barrier already. At what point does it become the homeowner's responsibility to keep the kids safe from their dogs? I believe a solid fence should be there." Community Development Director, Brock Cherry pointed out that the Code requires a 6' solid wood fencing for Child care/Day care type uses. There was discussion regarding the type of fencing and that the applicant should choose the most cost efficient way. They discussed the importance of defining solid and determined that solid means cannot be seen through. Commission Member Roeder mentioned the possibility of shared cost between the homeowner and the school to make it equal, rather than just put the burden on the developer.

Commission Member Nancy Brletic made a motion that the Planning and Zoning Commission hereby recommends to the City Council that the application by Richard McKenna for the conditional use permit (PZ21-0002) be approved with the following conditions: That a fence be constructed between Mr. Freers property and the schools property that is solid, cannot be seen through and is six feet in height. Commission Member Mark Sauerwald seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Devol; aye, Commission Member Sauerwald; aye, Commission Member Roeder; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

NEW BUSINESS

*None

OLD BUSINESS

*None

DEPARTMENT HEAD ITEMS

- * Monthly Building Permit Report-January 2021
- * Monthly Code Enforcement Report-January 2021

ITEMS REQUESTED BY COMMISSION/STAFF

*None

ADJOURN

Chairman Topher Wallaert adjourned the meeting at 6:45 p.m.

Chair 