

Present: Kerry Moser, Ninette Galbraith, Paul Lusk, Ray Barney, Vaun Waddell,
Stephanie Blackham

Before the public hearings convened, in accordance with Title 9-14-2, Vaun Waddell was elected to chair the public hearings. Kerry made the motion, Ninette seconded and it was passed unanimously.

Public Hearing
Business Park Zone Change
February 7, 2008

A zone change was requested by Forsgren Associates for the business park property from R-1 to B-P.

No applicant representative was present.
There was no comment by city staff.
There was no written comment.
There was no public testimony for, neutral or against.

The public hearing was closed.

Public Hearing
Title 9-13-4-C
February 7, 2008

A change in wording of this section of the ordinance was initiated by the planning & zoning commission. If approved by city council, the ordinance will read:

C. Changes Require Further Notice and Hearing: Following the public hearing, if the Planning and Zoning Commission materially changes the proposed amendment, another public hearing shall be conducted in accordance with IC 67-6509.

There was no comment by city staff.
There was no written comment.
There was no public testimony for, neutral or against.

The public hearing was closed.

Public Hearing
Title 10 Subdivision and Platting
February 7, 2008

A revision of the present Title 10 which contains 10 chapters. The proposed revision contains 5 chapters.

There was not comment from city staff.
There was no written comment.
There was no public testimony.

The public hearing was closed.

Public Hearing
Proposed Impact Area Map
February 8, 2008

Areas proposed for inclusion in the impact area of Sugar City are the Calaway property on the north and the Harris property on the south.

In the motion to take these properties to public hearing, the piece of Toscano that wasn't included in the impact area before it was annexed was also included. City Attorney, Josh Garner, commented that the Toscano piece was a non-issue as it had already been annexed.

Written comment was received from Kate Palmer in opposition to the inclusion.

Public testimony for the inclusion was given by Terry Mortensen who read a letter from the property owners, the Calaways and the developer, Thomas Garlock.

Public testimony from a neutral position was given by Joe Milligan from Basic American Foods which owns the property immediately to the north of the Calaway property. He said the company's desire was to be a good neighbor, but their property is used for disposal of waste water from their plant and the smell is bad at times.

There was no public testimony against.

The public hearing was closed.

Sugar City Planning & Zoning Commission
Regular Meeting February 7, 2008
Minutes

Present: Paul Lusk; Ray Barney; Kerry Moser; Ninette Galbraith; Vaun Waddell, acting chairman, and Stephanie Blackham

The minutes from January 17, 2008 were read. Ninette moved to accept and Ray seconded the motion. It was passed unanimously.

Paul reported on the January 30 meeting with the Development Company. A management team will be hired to manage the Business Park through the sale and development of the Park. The Development Company is interested in moving forward quickly with the development of the business park. Yellowstone Hotels will have lot 5 with an option on lot 4. They may want to start their building before the infrastructure is completed.

The street corners have been widened to accommodate large trucks. Sidewalks are discouraged. Clair Boyle commented business owners shy away from properties that require them to put in and maintain the sidewalks.

Ted Hendricks would be willing to write the CC&R's but would like input from the city council and the planning & zoning.

Paul and Stephanie reported on the joint meeting held January 31 at Rexburg City Hall. After reports from those cities attending, Chairman Dyer led the group in an exercise to determine some common areas of concern. The top three areas were: 1) Transportation 2) Preservation of Areas/Scenic Use and 3) Road Width/Traffic Calming/Design. The next meeting will be held May 29 and the county will host.

Vaun and Kerry reported on the meeting with Laura Hanson held on January 31 at City Hall in Sugar City. Areas of discussion were:

- 1) Impact area boundaries should follow clear lines such as property lines and natural boundaries.
- 2) Protection of and provision of services to adjacent areas in annexation issues by adding them to impact areas.
- 3) Raising county standards to match city standards.
- 4) Recognizing annexation projection and buffering to protect against incompatible uses.
- 5) Provision for density bonuses in developments that locate closer to cities.
- 6) Standardization of terminology.
- 7) A draft of the county comprehensive plan will be ready in about 30 days.
- 8) The county plans to write an ordinance on gravel pits with reclamation provisions.

Attendance at the IAC meeting on March 8 was discussed. Vaun, Paul, Ray and Stephanie will attend for sure. An Impact Fee Committee is being formed with Councilman Brad Orme chairing. Paul Lusk agreed to represent the P&Z.

The business park zone change was discussed. The definition of the B-P zone was read for clarification purposes. Ray moved to recommend a zone change for the business park from R-1 to B-P. Kerry seconded the motion and it passed unanimously. A letter was drafted to city council and delivered to their special meeting.

The proposed impact area map and Mr. Milligan's testimony was discussed. Concern was expressed that the people buying lots on any future development on the Calaway property be advised of the smell from the wastewater that is disposed of on Basic American's property directly to the north. The city attorney was of the opinion that it will be the developer's, not the city's, responsibility to advise buyers of any potential problems. The commission recognizes that this proposed impact area expansion is not complete, but the commission is waiting for the joint commission's final draft of the impact area ordinance. The commission noted the letter from Mrs. Palmer in opposition to the proposal and would have liked for her to have stated her reason(s). A consideration that the commission feels is important is whether land will be developed under county standards or city impact area standards. The commission also recognizes that approval of the impact area of a city rests with the city council and the county commission. Kerry moved to recommend to city council approval of the expanded impact area map as noticed 1/22/08. Stephanie seconded the motion and it passed unanimously.

Ninette moved to accept the change of wording on Title9-13-4-C and recommend it to city council. Ray seconded the motion and it passed unanimously.

Randy Johnson from Forsgren Associates presented information on the preliminary plat application that has been turned in to the city clerk. He commented that timing is critical to the business park. Items from the January 17, 2008 P&Z meeting were discussed.

- 1) It was determined in accordance with city ordinances that grid streets are recommended not required. The commission felt that adequate cause for the proposed street layout had been given and met with the commission's approval.
- 2) The delay of access to 3rd N is of concern. Randy indicated that completion of access is dependent on the sale of lots in the business park. The commission felt that a condition of approval would be that access would be completed when 75% of the lots were sold.
- 3) The turning radius has been enlarged and is adequate for the largest trucks.
- 4) Access from the off-ramp is OK with ITD.
- 5) As the loop street and block length are out of compliance with current ordinances, variances will be requested. The variance process was reviewed and it was determined that no public hearings are necessary. An application for each variance must be completed and a hearing held. The P&Z grants or denies a variance.

- 6) Street names are still up in the air. Kerry feels that marketing people could be put on the job to come up with some names that would reflect well on the city. It was determined that street names would be finalized by negotiation.
- 7) Access on and off the pedestrian walkway will be provided on the west end of the development.
- 8) No park or additional open space will be required.
- 9) A variance may be requested to use ribbon curb as rolled curb is required by city ordinance. It was noted that money is not a reason to grant a variance.
- 10) A variance may be requested to eliminate sidewalks or they will be required to be put in by business owners as part of the development's CC&R's. It was mentioned that the city council does not feel sidewalks are necessary in the business park.
- 11) Centralized mail will be provided.
- 12) An irrigation system will be provided by sleeves under the roads to meet future needs.
- 13) The design review process applies and will need to be completed before the final plat is approved.
- 14) Ditch easements were discussed.
- 15) The commission would like to see any information that has or will come in from agencies that will review the preliminary plat. A letter from the city engineer was inaccessible at the time of this meeting, but will be forwarded to commission
The commission would like to be prepared to make a recommendation to city council following the next regular meeting of the P&Z.

Documents regarding Title 10 Subdivision and Platting, submitted by Jan Gallup, were determined, on advice of legal counsel, to be illegal to discuss because they were not submitted in a timely manner. Ray moved to recommend Title 10, Chapters 1-5, Subdivision and Platting to city council as presented at public hearing. Paul seconded the motion and it passed unanimously.

The meeting was adjourned.

Brian D. Hawkes
2/21/2008