

Rigby Planning and Zoning Commission

Minutes of the Meeting

September 12, 2024

Chairman Stowell called the meeting to order at 7:03 p.m.

The chair asked for roll call:

Commissioner Stowell (Chair)- Present

Commissioner Sutherland- Absent

Commissioner Stone- Present

Commissioner Belk- Absent

Commissioner Kifer- Present

P&Z Administrator- Present

Public Works- Absent

Pledge- Commissioner Stowell

Commissioner Stone: Motion to approve the August 8, 2024, minute with corrections.

Commissioner Kifer: Seconded the motion.

Commissioner Stowell called for a voice call. All in favor motion carries.

Public Hearing:

Zone Change / Zone Map Amendment/ Josh Grover/ Grover Properties LLC / Approx address 299 S 5th W/ The property is currently zoned R-1 Single Family Dwelling/ Proposing 4.50 acres of R-3 Multifamily zone.

Ryan Loftus with Aspen Engineering: Present for Grover Properties. We are asking for a rezone. The property is zoned R-1, and we are asking for R-3 to build four plexuses on the 4.5 acres. It is adjacent to the south R-1 county zoning, to the north is R-2 which allowed four plex in the past. The east property is zone R-1, to the west it is zoned commercial. This property is next to Mr. Billman that applied for a Plan Unit Development with four plexuses a few years ago. It has not ever been constructed. Is that correct lone

Planning and Zoning Administrator lone Hansen: That is true but to my knowledge there was not plat recorded. You have one year to record the plat or it non void and you haft to start over.

The property is still zoned R-2 which allows side by side home. The City Code has changed and in the past R-2 zoning allowed four plexuses.

Ryan Loftus with Aspen Engineering: So, the plan Unit Development is off, but the zoning is still R-2. There would be R-2 to the north, the Grover property as R-3. Then to the south across from the canal is County R-1 and commercial across 5th West. I would guess that 5th West would continue to go through to the Henrey Property (Fieldstone Meadows) in the future. There is a nineteen-acre R-1 parcel that is in the way and there would need to be a bridge over the canal. The Burgess canal would be a great nature barrier between this R-3 and the single-family R-1 zoning.

Commissioner Stone: Questions about the boundary of the property to the south.

Ryan Loftus with Aspen Engineering: The south boundary is the Burgess canal. It falls within the canal. There is a ditch that runs through the property that will or is being abandoned. We will need to follow up with the canal company. I will have the surveyor come and speak if you have any questions.

Commissioner Kifer: The question is, has there been a survey?

Ryan Loftus with Aspen Engineering: I will have the surveyor speak.

Tanner Loftus I'm an intern for Aspen Engineering and Ellsworth and Associates: From what I can tell there should be some survey mark along the north bank of the canal. We have not successfully located them. The survey was done by Thompson Engineering. The plan is to survey this parcel to make sure everything is in order. There is junk on the west side and believe they have encroached on property. At some point this will be addressed.

Know one signed up to speak: In favor, Neutral or Opposed:

Rebuttal: No rebuttal

Closed Hearing:

Commissioners: There are two issues with this parcel being rezoned to R-3 is next to R-1 on the North and East sides. R-1 is not allowed next to R-1 there needs to be a buffer of R-2. If it was R-2 to the south I would be more comfortable with the R-3 going in on this parcel. The way it is right now with the R-1 Park and Fieldstone meadows R-1, I can't see where we could or should approve the R-3 right now without a buffer of R-2. Even though the Canal is a good buffer but it's not what is needed or allowed. We need to follow the rule the city code states that there needs to be a buffer of R-2 next to R-1. They will need to reapply with an R-2 buffer next to the R-1 zone. Yes, they were aware that this would be a gamble when they applied. They are welcome to appeal against the Planning and Zoning decision to the city council, but they need to be aware that if council denied their request. They will not be allowed to reapply for one year.

Commissioner Stone: Motion to deny the Zone Change / Zone Map Amendment/ Josh Grover/ Grover Properties LLC / Approx address 299 S 5th W/ The property is currently zoned R-1 Single Family Dwelling/ Proposing 4.50 acres of R-3 Multifamily zone.

Reason for denying:

10-4-5: ZONING CLASSIFICATION:

D. R-3 Residential Zone: The R-3 zone is established to protect stable neighborhoods of detached single-family dwellings on smaller lots, duplexes, twin homes and multi-family housing. Restoration or rehabilitation of older homes in this district shall be encouraged. Uses shall be compatible with an atmosphere of low building heights, low traffic volumes, ample off-street parking, and low nuisance potentials at a higher density than R-1 and R-2 zones. R-3 Zoning is not allowed adjacent to R-1 zoning. A buffer of R-2 zoning is required between R-1 and R-3 zoning.

Commissioner Kifer: Second the motion.

Roll Call:

Commissioner Stone- Deny

Commissioner Stowell- Deny

Commissioner Kifer: Deny

Motion: Carries to deny the application from Grover Properties LLC.

Commissioner Kifer: Motion to adjourn.

Commissioner Stone: Second the motion.

All in favor: Motion Carries.

The meeting was adjourned at 7.40 p.m.

Dan Stowell

ATTEST:

Ione Hansen, Planning Zoning

Passed on a voice poll: 4 in favor none opposed the regular meeting of November 14, 2024.