



Planning & Development Services

◆ ECONOMIC DEVELOPMENT ◆ NEIGHBORHOOD & COMMUNITY SERVICES
◆ PLANNING & ZONING ◆ POCATELLO REGIONAL AIRPORT

911 NORTH 7TH AVENUE | P.O. BOX 4169 POCATELLO, IDAHO 83205-4169 WEB: WWW.POCATELLO.US/PDS/INDEX.HTM

Wednesday, May 11, 2016
City Council Chambers, Municipal Building
911 N. Seventh Avenue
6:30 p.m.

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Dave Hunt at dhunt@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

PLANNING & ZONING COMMISSION (P&Z)

The Planning & Zoning Commission is a citizen advisory group to the City Council. They are charged with making recommendations concerning land use plans, planning processes and/or on matters of plan implementation. All regular meetings of the P&Z are quasi-judicial in nature and are recorded for record retention and minute transcription.

AGENDA CLARIFICATION MEETING: A meeting will be held at 6:00 p.m. in the Iwamizawa Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

The following is the official agenda of the Planning & Zoning Commission. Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. A three (3) minute time limitation is requested for presentations to the Commission.

AGENDA ITEM #1: DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.
Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

AGENDA ITEM #2: APPROVAL OF MINUTES
The Commission many wish to approve the minutes from their regular meetings held on April 13 and April 27, 2016.

AGENDA ITEM #3: PRELIMINARY PLAT – EASTPOINTE HILLS DIVISION #7
Scott Briscoe of Hallmark Development, LLC and Rocky Mountain Engineering and Surveying, has submitted an application to subdivide approximately 3.67 acres into 14 residential lots located north of Daybreak Drive, an extension of Hallmark Drive.

AGENDA ITEM #4: PUBLIC HEARING – ZONING MAP AMENDMENT
This time has been set aside for the Commission to hear comments from the public regarding a request for a zoning map amendment. The request is by RNR Development, represented by Dioptra, LLC, and is to rezone the lot at Hawthorne Road and Snowbird Avenue (approximately 4175 Hawthorne Road) from Residential Medium Density Single Family (RMS) to Residential Commercial Professional. The Comprehensive Plan Map designation for this area is Commercial.

AGENDA ITEM #5: CONTINUED PUBLIC HEARING – SUBDIVISION ORDINANCE
The Commission may wish to continue the public hearing on the proposed changes to the Subdivision Ordinance.

Economic
Development
Phone: 208-234-6184
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Neighborhood &
Community Services
Phone: 208-234-6185
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Planning &
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Regional Airport
Phone: 208-234-6154
Fax: 208-233-8418
<http://iflypocatello.com/>

Planning & Zoning Commission Meeting
Minutes for April 13, 2016 - 6:30 p.m.
City Hall Council Chambers, 911 N Seventh Avenue, Pocatello ID 83201

PLANNING & ZONING COMMISSON (PZC)

The meeting began at 6:31PM.

Present: Jack Brennan, Steve Long, Ryan Loveland, Ryan Satterfield, Matthew Tovey, and Kathleen Lewis.

Excused: Bill Hancock.

Staff: Lon Crowell, Dave Foster, Matthew Lewis, Aceline McCulla, and Merrill Quayle.

AGENDA CLARIFICATION MEETING: A meeting was held at 6:00 p.m. in the Iwamizawa Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

The following is the official minutes of the Planning & Zoning Commission (PZC). Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. A three (3) minute time limitation was requested for presentations to the Commission.

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Brennan visited the site on item 3 and had nothing to report, **Long** visited the site on item 3 and had nothing to report, **Loveland** visited the site on item 3 and had nothing to report, **Satterfield** had nothing to report, **Tovey** had nothing to report, and **Chair Lewis** had nothing to report.

AGENDA ITEM #2: APPROVAL OF MINUTES

The Commission may wish to approve the minutes from the regular meetings from February 24, 2016 and the work session from March 23, 2016.

A motion was made by **Satterfield** and seconded by **Loveland** to approve the February 24 and March 23 Minutes. Upon roll call, those voting in favor were Brennan, Loveland, Satterfield, Tovey, and Lewis. Abstained: Long. Motion passed.

AGENDA ITEM #3: SHORT PLAT – CHEYENNE GATE

Intermountain Gas Company and David Klatt, surveyor, has submitted an application to subdivide approximately 2.0 acres into 3 lots located on Cheyenne Street at the Portneuf River.

J.J. Murphy with Intermountain Gas Company (IGC), 12584 W Tyhee Road, Chubbuck, Pocatello, stated the request was to divide the property for a new gate station with Williams Pipeline to provide back-feed service into Pocatello, and to provide emergency services to Blackfoot and Idaho Falls areas.

Brennan asked **Murphy** about the proposed lot where the substation would be built. **Murphy** stated the purpose for the subdividing the property was to give lot 3 to Williams Pipeline. Williams Pipeline would have their line

coming into lot 3 from their main pipeline, and they will have a meter station there that includes above ground piping and a meter. The pipeline would continue to lot 2, where IGC will take custody of the pipe using regulation equipment and back into IGC's 10-inch pipeline down Cheyenne Avenue.

Matthew Lewis, Planning Manager with the City of Pocatello, summarized the staff report and commented the lot sizes were larger than standard subdivisions. M. Lewis mentioned IGC would have a small telecommunication antenna associated with the meter station, and City code is silent on an antenna. All the infrastructure is permitted outright with the exception of the antenna. The antenna would require a Conditional Use Permit through a public hearing before a hearing examiner. He stated that staff recommended approval with the three conditions listed in the staff report Exhibit 1.

A motion was made by **Long** and seconded by **Brennan** to recommend approval to City Council for the Cheyenne Gate Short Plat to subdivide approximately 2.0 acres into 3 lots located on Cheyenne Street at the Portneuf River, per staff recommendation with three conditions. Upon roll call, those voting in favor were Brennan, Long, Loveland, Satterfield, Tovey and Lewis. Motion passed.

AGENDA ITEM #4: PUBLIC HEARING – SUBDIVISION ORDINANCE

This time has been set aside for the Commission to hear comments from the public regarding a revision to Municipal Code Title 16, Subdivision Ordinance.

Lon Crowell, Planning and Development Director with the City of Pocatello, stated that in our continuing efforts to update and improve municipal codes, department staff from Public Works, Legal and Planning and Development Services have been working on a comprehensive re-write of the City's Subdivision Ordinance. The proposed amendments to the Subdivision Ordinance have been prepared in order to provide a more efficient, clear and consistent document and to bring the existing ordinance into compliance with current zoning provisions, Idaho codes and development standards and practices.

The updating, re-organization and editing of the current Subdivision Ordinance was extensive and resulted in the necessity to completely re-write and re-format the ordinance. Therefore, a simple "delete and insert" approach to the existing ordinance was not possible. The proposed re-write of the Subdivision Ordinance is intended to replace the existing ordinance.

Crowell discussed some of the background. The principal governing Idaho Statutes include Title 50 Municipal Corporations, Chapter 13 Plats and Vacations and Title 55 Property in General, Chapter 19 Recording of Surveys and Title 67 State Government and State Affairs, Chapter 65 Local Land Use Planning.

The provisions in the existing subdivision ordinance were analyzed for consistency with applicable state statutes, the current City Zoning Ordinance, and current City development standards. Revisions to the existing subdivision ordinance were drafted and reviewed by City staff from Planning and Development Services, Public Works (Development Engineering and Survey) and the Legal Department.

The proposed amendment of the ordinance was presented for review at a City Council work session on March 10 and staff participated in a general information meeting for surveyors, developers, engineers, and other interested parties on March 30 in order to obtain input prior to initiating the formal review process. Some of the comments resulting from the work session and information meeting have been incorporated into the proposed amendment of the ordinance.

Dave Foster, Associate Planner with the City of Pocatello, discussed that the objectives included eliminating outdated and conflicting provisions, re-organize and clarify processing requirements, and expand opportunities to subdivide infill and redevelopment property. The key components include:

1. Expansion of definitions to improve understanding of applicable terminology.
2. Clarify and simplify "Short Plat" subdivision options for creating 4 or fewer lots.
3. Re-organize and clarify the "Preliminary Plat" application procedures.
4. Re-organize and clarify the "Final Plat" application procedures.
5. Update provisions for pre-development recording of a final plat and post-development recording procedures in order to relieve development capital for other development opportunities.
6. Enact "Subdivision Surety" requirements for ensuring completion of development when a subdivision plat is recorded prior to development.
7. Enact "Warranty Period" requirements for all subdivisions.
8. Clarify and enact procedures for "Property Line Adjustments" in order to ensure compliance with applicable zoning and subdivision code provisions and Idaho survey and subdivision code provisions.
9. Simplify the subdivision application and development process where possible.

Brennan asked if the sections of property would require additional applications. **Foster** clarified that a property line adjustment application would clarify new land transfers to the different owners and they would be recorded at the County with a survey. **Brennan** asked if the City was trying to consolidate the miscellaneous parcels currently in the system. **Foster** stated for pre-1981 parcels the City would recognize these parcels, but from this point forward, the property adjustment application and process would need to be completed to record the transfer of property. **Crowell** commented that the real harm is to the property owner, now you have a nonconforming property, which actually makes your property worth less. It is harder to insure and harder to obtain financial funding, that is the real harm. **Loveland** asked if there was an additional cost for this new process. **Foster** commented that costs would vary on each property and how much work needed to be done to complete the survey, estimated costs would be approximately, \$2,000.00, it takes a lot of time to review and verify the property line adjustments between land transfers.

Loveland asked **Foster** to clarify the surety bond **Foster** stated that at the end of any subdivision process a warranty bond would be required for all subdivisions. **Brennan** asked if other cities require warranty bonds. **Foster** stated it was split in the State, developers are not generally licensed or bonded in Idaho, and this proposal requires the same level of insurance for developer, as for contractors, to be responsible to correct any issues during the warranty period. A bond makes it easier to repair an issue if the developer defaults, and if the developer defaults their bond rates could increase on future bond requests, similar for auto insurance (if you get into a few accidents your rates increases). **Satterfield** commented the current development agreement does not require a bond, but if the developer fails, this surety bond would protect the City and owners of the property, and the bond would bind the developer to fix the issue(s). The City would go through the process to get the repairs completed. Public infrastructure would require a surety bond; private systems on private property would not require a surety bond.

Foster stated that in addition to these changes, specific development standards for zoning designations that were eliminated by the 2008 Zoning Ordinance update have been deleted because they are no longer applicable. Also, the general construction and development requirements have been deleted from the subdivision ordinance because all construction and development standards are being codified by Public Works under Municipal Code, Title 14.

Foster mentioned that he received written comments on Wednesday, April 13, 2016, from Mitch Greer and copies were provided to the Commission during the pre-agenda meeting.

Foster stated the staff recommendation includes expediting the review of a "Short Plat Subdivision" (Chapter 16.16) by allowing staff level review of the Short Plat Subdivision application and subject to a determination of compliance forward the Short Plat Subdivision directly to the City Council for review and final action. The Short Plat Subdivision option is limited to creating four or fewer lots and does not involve any public dedications (see Section 16.16.010). The proposed changes are noted in "red text" in Chapter 16.16.

Chair Lewis opened up the public hearing at 7:29 PM

Mitch Greer, 2580 Owyhee, Pocatello, stated he felt this was important and it takes a lot of time to re-write an ordinance. Greer mentioned he would be significantly impacted. He wanted specific language in the ordinance removed, such as "at staff discretion or when staff determines" and similar language. The preferred language should state, "When it is required by the ordinance." It creates challenges when different staff members allow one way and another staff member does not, there is no consistency. He felt it was important to clarify and correct language so it is in the ordinance to eliminate future issues. Greer had concerns with the preliminary plats section, and thought we were losing sight of what a preliminary plat should be. The subdivision surety bond section was significant, and he did not see the requirement in other communities. He felt \$25,000.00 for each project was a lot of money. In Pocatello, we are economically and population challenged and at times politically challenged, which he addressed in the public comment letter he wrote and submitted to Foster today, which was passed out to the Commission in the pre-agenda meeting. Greer commented that the property line adjustment needed to be done, but was a significant cost for the new owner of the property.

Mike Siebert, 1665 Pocatello Creek Road, Pocatello, stated he agreed with Greer.

With no other comments from the public, **Chair Lewis** closed the public hearing at 7:48 PM.

Discussion ensued between the Commission. **Tovey** stated there was a lot of technical language in the ordinance and he felt more time was needed to read through the ordinance and discuss it in a work session. **Satterfield** commented that some language changes were necessary. **Long** stated he would look into surety bond costs for developers. **Chair Lewis** wanted to have a work session to go through the ordinance thoroughly within 30 days.

Brennan moved and **Tovey** seconded to table consideration of the amended Subdivision Ordinance until the Commission was able to discuss the Ordinance in a work session that would be scheduled during the next meeting or within 30 days. Upon roll call, those voting in favor were Brennan, Long, Loveland, Satterfield, Tovey and Lewis. Motion passed.

With no other items to discuss, **Chair Lewis** adjourned the meeting at 7:54 PM.

Submitted by:

Date Approved: _____

Aceline McCulla, Secretary

McCulla, Aceline

From: Foster, David
Sent: Thursday, April 14, 2016 1:44 PM
To: McCulla, Aceline
Subject: FW: Subdivision Ordinance Comments
Attachments: Subdivision ordinance review.pdf

From: Mitch Greer [mailto:mitch@rmes.biz]
Sent: Wednesday, April 13, 2016 10:41 AM
To: Foster, David; Lewis, Matthew; Quayle, Merrill
Subject: Subdivision Ordinance Comments

Dave,

Please find my comments to the new ordinance attached. I plan on attending the hearing tonight as well.

Mitch



J Mitchell Greer, P.E., P.L.S. | 208-234-0110 | mitch@rmes.biz |   rmes.biz

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TO: City Of Pocatello Planning and Development Services

FROM: J. Mitchell Greer

RE: Comments to Title 16, Draft Amendments

DATE: 4-11-16

Thank you for the opportunity to provide comments on the proposed amendments to the ordinance. I apologize if some of the comments may have already been addressed as I have heard a new revision to the ordinance has been issued which I do not have a copy of. I understand the effort it takes to revise ordinances and appreciate the efforts that the staff has made on this project. I have reviewed the new proposed ordinance and I understand and appreciate many of the changes, but, as I will be one of the main users of the ordinance, I have concerns on some of the proposed changes and offer comment as follows.....

16.12.010- Pre Application Review. Normally we review projects through site plan review. How is the pre-application review different from site plan review? I have concerns about how this pre-application review will affect the schedule of projects. There is no mention of review times or even what the requirements are for the submission of a pre-application review. Can this be a hand sketch or is more detail required? Is a pre-application required for all projects such as continuing subdivisions that have been under development for many years, or are there some project that do not require this review? I would like more direction as to the requirements of the pre-application review.

16.12.030.B.4- I appreciate the detail outlining where plats are required; however, I get concerned when it is left up to interpretation where a plat may be necessary. I believe that the criteria should be completely established in the ordinance and as much of language “City Staff determines that the recording of a plat is necessary” be removed. Judgement calls lead to issues where one developer perceives they are not fairly treated with respect to another developer, and although not intended, biases can surface.

16.16.010 Short Plat Subdivision- Similar comment as above. I believe that “If the City staff determines” should be re-phrased to “if required by the ordinance”

16.20.030 Preliminary Plat Submittal- I believe that a significant portion of the preliminary plat should be prepared by a licensed engineer. Utilities, road designs, grading, drainage, etc.... are all functions of engineering that really should not be sealed by the surveyor. The boundary, or preliminary boundary and the mapping is what would

be certified by a surveyor. It seems, if the document should be sealed, then both professions would have to seal the document.

F.1.A.- In several locations, the word basic “plans” is used. Conceptual might be a better word in this instance. I think that the word preliminary plat should be added to the definitions and I believe it is important to remember the definition of “preliminary plat” as it pertains to the process. It is not intended to be a final design. The reason why we have a preliminary plat is to allow applicants to complete the preliminary application while performing the minimum amount engineering required to facilitate approval of a project. It is not intended to full project designs finalized for the preliminary submittal. I am concerned that the preliminary plat is becoming more and more involved, leaning toward final designs and requires too much risk and initial investment for developers.

F.5.A Typo in Review”ed”

G.- I question whether the City Internal process should be in the ordinance. I don’t think, that if the department raised an issue after 14 days an applicant would be allowed to proceed without adequately addressing the issues they raised. I do think a statement on the time that the City has to review the accepted application is appropriate.

H.- There is no mention as to how site plan review works into the development process. Is this intended to be the pre-development application? I understand that no record is made of the site plan proceedings, but it would be beneficial to have as many comments prior to the submission to incorporate into the preliminary plat.

16.20.050. E.- The criteria for when a traffic study is required should be in the ordinance and defined rather than leaving it up the judgement of City staff.

H.- I believe it is appropriate to define an “appropriate sized easement”, or at least establish a minimum.

16.24.040.G.1- Although we do set fence posts on a lot of our projects, I do not understand why this is a requirement. There is a lot of added cost to set fence posts on the corners. Idaho Code defines the requirement for a boundary marker and that should be adequate. Why do we place more importance on the subdivision boundary monuments than we do other monuments in the subdivision?

16.24.060 Final Plat Application Review- In general, the preliminary plat is not fully designed. The hydraulic calculations associated with the water, sewer and storm systems have not been finalized. Typically preliminary calculations are done to substantiate the proposal, but they are not finalized and a lot of time, they change through the final design process. It seems like utility sizing, etc... would not be something you would want to re-review at a preliminary plat level for as that is not normally even a major consideration of approval. If there were a substantial changes in the overall disposal system, that might have an impact, then another look might be

appropriate. I don't think if we change a pipe size from 12" to 24" you would want to review that project through planning and zoning again.

Throughout this section, words like "significant" based on staff review are used. I believe that the deviations should be defined as to what would require a new review.

16.24.110 Subdivision Surety Bond- As a general consideration, I believe that requiring a bond for projects will have a detrimental effect on development in Pocatello and will make it much more difficult to develop in our City than many of our surrounding communities. Requiring a bond will be difficult for most of the developers in our community. Since most of my clients do not like to have their information out, I will use a hypothetical project example to illustrate my point. We are seeing per lot development prices and costs of around 30,000.00 per lot. Most subdivisions in our area are in the range of 18 lots. **The bond has to remain in effect for 2 years....** and I would like to present a basic cost breakdown of what the bond would mean on these projects based on rough conceptual numbers (LOWEST BONDING COSTS APPLIED)....

Lets assume Subdivision 1 was Completed In the Fall of 2014, Final Acceptance would be around November

Cost +/- (18 x 30) \$ 540,000

Bond Amount 1.25 x \$ 540,000= \$ 675,000.00

Estimated Cost of Bond (2-5%) Possibly up to 10%= \$16,000.00

Total Bonding Capacity Held for 2 years= \$ 101,000.00

In Spring of 2015 Subdivision 2 is Developed

Cost +/- \$540,000.00

Bond Amount +/- \$ 675,000.00

Estimated Cost of Bond 0.03 x 675,000= \$ 16,000.00

Bonding Capacity Held for 2 years \$101,000.00

In Fall of 2016 Subdivision 3 is Developed

Cost +/- \$540,000.00

Bond Amount +/- \$ 675,000.00

Estimated Cost of Bond 0.03 x 675,000= \$ 16,000.00

Bonding Capacity Held for 2 years \$ 101,000.00

So in 2016, this subdivision developer would be required to have a 1.5 million dollar bonding capacity. The full price of Subdivision 3 and 4, plus a reduced portion of Subdivision 1 carryover from the previous year. That would be extremely difficult for any developer to secure as most bonding companies require significant security for bonds. **In this scenario, I can't help but believe** many developers in our area would have to wait for the bonding to catch up before proceeding with additional projects and they may not be able to develop as much as desired or needed to meet the market. The overall costs, to a normal developer, would likely be \$ 50,000.00- \$100,000.00, just for the bonding insurance.

I think before a decision this impactful is made, we should fully understand the costs that the City has incurred "fixing" problems during the warranty period. I would ask that these costs be provided. If full project bonding is required, that is what the developer will provide just for insurance on projects over the range of 1.5 years. The developer is responsible to fix problems within the warranty period and the bond is only insuring that both the developer and contractor will do what they are contractually obligated to do. I hope that we are trying to correct a real problem that actually exists within our development community, rather than proposing something that sounds good and some other community does. I would be extraordinary concerned if evidence of the need for this change is not available from the City.

If full project bonding is not required or intended, then the language should be reworded to make that section clear as it is difficult for me to interpret. If 15% of the project costs is required, the total expenditure for this situation would still be in excess of \$10,000-\$15,000.00. I am not aware of any significant expenditures the City has made for warranty work on most of the significant subdivisions in the past 20 years. In the past five years, I am not aware of any work that the City has had to perform in these projects during the 2 year warranty period and, we have had some contractors go out of business during the required warranty period with no issue.

In addition, I would like to see some avenue by which building permits could be issued within a development that has been bonded and has adequate infrastructure for life, health and safety. The City's interest is protected through the bond and control over occupancy permits.

Chapter 16.28- Property line adjustments

My concern with this section centers on the time and expense that will be required to comply. I should be happy for the additional work, but I believe a lot of the parcels that are being transferred under this section are worth less than what the cost will be to provide the documentation to the City to complete all of the requirements required.

A site plan is required to be submitted to planning for review, a record of survey is required to be submitted to the City surveyor for review. I believe to prepare this application for most transfers will be several thousand dollars and will likely take a month or 2 to fully complete, for a transaction that I believe the City should not be involved in until a building permit is required.

Summary

All in all, I am in support of ordinance changes. I philosophically believe all changes should be reviewed and compared to other Cities in our region and we should insure that Pocatello's ordinances are "slightly" more development friendly than our neighbors to insure a robust development economy in our City.

Thank you again for the opportunity to comment.

Michael Gunn

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Civil ♦ Environmental ♦ Transportation ♦ Planning ♦ Land Development ♦ Municipal ♦ Surveying

Planning & Zoning Commission (PZC) Meeting
Minutes for April 27, 2016 - 6:30 p.m.
City Hall Council Chambers, 911 N Seventh Avenue, Pocatello ID 83201

The meeting began at 6:32 PM.

Present: Jack Brennan, Bill Hancock, Ryan Loveland, Ryan Satterfield, Matthew Tovey, and Kathleen Lewis.

Excused: Steve Long.

Staff: Dave Foster, Matthew Lewis, Aceline McCulla, and Merrill Quayle.

AGENDA CLARIFICATION MEETING: A meeting was held at 6:00 p.m. in the Iwamizawa Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

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Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

Brennan visited the site for item 3 and had nothing to report, **Hancock** had nothing to report, **Loveland** had nothing to report, **Satterfield** visited the site for item 3 and had nothing to report, **Tovey** had a conflict with item 3 and would be excused from discussion and had nothing else to report, and **Chair Lewis** had nothing to report.

AGENDA ITEM #2: SUBDIVISION ORDINANCE

The Commission may wish to remove the Subdivision Ordinance from being tabled and set a date for continued consideration.

A motion was made by **Hancock** and seconded by **Satterfield** to continue the review of the Subdivision Ordinance Rewrite discussion on May 11. Upon roll call, those voting in favor were Brennan, Hancock, Loveland, Satterfield, Tovey, and Lewis. Motion passed.

Chair Lewis excused Tovey for item #3 discussion at 6:37 PM.

AGENDA ITEM #3: PRELIMINARY PLAT – JUNIPER RESERVE

Juniper Land Development and Rocky Mountain Engineering and Surveying, has submitted an application to subdivide approximately 9.3 acres into 16 residential lots located on an extension of Shadowpines Way and south of Stoneridge Drive.

Mitchell Greer with Rocky Mountain Engineering and Surveying, 600 East Oak Street, Pocatello, stated he was representing Juniper Land Development's request to subdivide 9.3 acres into 14 residential lots and two (2) stormwater lots for the Juniper Reserve Subdivision. He went over the overview on the PowerPoint presentation. Greer believes most of the conditions had been met at this time. The slope analysis had been done and was not included in the staff report, but the subdivision complied with the ordinance.

Brennan asked if the waterline currently crossed the draw. **Greer** stated it stopped short just before Shadowpines ties into Stoneridge. **Loveland** asked to clarify the total acreage in the staff report for the Slope Chart, the 15.0-24.9 slope class percentage shows .55 total acreage with the disturbed acreage of .325 acres, which is over 50%, however, the map, showed .65 acres for this slope class. **Greer** clarified it should be .65 total acres in the 15.0-24.9 slope class percentage. **Brennan** stated he recalled the last time this subdivision was approved the storm water retention pond ownership needed to be resolved or this subdivision would not be approved. The ownership of the retention pond has not been addressed and the homeowner association has not been established, which shows ownership and responsibility of the retention pond and its maintenance. **Greer** stated he would bypass the area if the homeowners did not want to create a homeowners association and take responsibility of the water retention area. **Hancock** mentioned if the homeowners do not create a homeowner's association the property needs to be owned by someone. **Greer** stated he would like to rectify the issue, but would bypass this area if necessary. The owners were not receptive for a homeowners association. The owners do not want the responsibility of the storm water pond.

Matthew Lewis, Planning Manager with the City of Pocatello, summarized the staff report and went through the four conditions listed. He stated that staff recommends approval with the four conditions listed. This subdivision fell under the slope subdivision standards and required more information as part of the preliminary plat. A correction in the staff report in the 15.0 to 24.9 percent slope class should be corrected to .65 total acres from the .55 total acres listed in the table.

Merril Quayle, Public Works Development Engineer with the City of Pocatello clarified the City's preference of the water line location due to pressure zones. This would eliminate the crossing and installing the line across the damn or in the fill area. He noted it would need to be approved by City Council. **Satterfield** commented on the drainage into the pond. **Greer** mentioned rerouting the water into Lot 7 and asked if there the City would have a problem with this route. **Quayle** clarified that final plat would need to identify ownership of the retention area property and if that could not work, to put it into the natural drainage on the current developer's property in Lot 7, owned by Juniper Land. **Brennan** asked Greer how long he anticipated it would take to resolve the ownership of the property for the retention pond. Greer felt it would be this year; the discussions would be initiated and would need to be addressed by the time the final plat is submitted for approval. **Satterfield** asked if an attempt was to create a homeowner association. **Greer** stated the homeowners were against an association.

Discussion ensued between Commission members.

Motioned by **Hancock** and seconded by **Brennan** to recommend approval to City Council for the Juniper Reserve preliminary plat to subdivide approximately 9.3 acres into 16 residential lots located on an extension of Shadowpines Way and south of Stoneridge Drive, per staff recommendation and four conditions. Upon roll call, those voting in favor were Brennan, Hancock, Loveland, Satterfield, and Lewis. Those who abstained were Tovey. Motion passed.

Chair Lewis adjourned the meeting at 7:09 PM.

A motion was made by Brennan and seconded by Loveland to move into the work session at 7:09 PM.

ADJOURN TO WORK SESSION

The Commission may wish to adjourn to a work session to review the proposed changes to the Subdivision Ordinance.

Matthew Tovey joined the work session at 7:09 PM.

The Commission ensued in discussion as they reviewed the Subdivision Ordinance Rewrite.

Bill Hancock was excused at 7:55 PM.

Chair Lewis scheduled the next work session to review the Subdivision Ordinance Rewrite for May 3, 2016.

Chair Lewis adjourned the work session at 9:01 PM.

Submitted by:

_____ Date Approved: _____
Aceline McCulla, Secretary

**SUBDIVISION APPLICATION
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT**

SUBDIVISION: Eastpointe Hills, Division #7
TYPE:

MGP

Preliminary:XXXXXX	Final:	Short:
--------------------	--------	--------

DATE: Planning & Zoning Commission Meeting May 11, 2016
 APPLICANT: Hallmark Development, LLC. (Scott Briscoe)
 TITLE REPORT: Title report was submitted and reviewed by the City Surveyor
 LOTS/UNITS: 14-lots

STAFF RECOMMENDATION

Hold Over:	Deny:	Approve:	Approve w/Conditions:XXX
------------	-------	----------	-----------------------------

CONDITIONS

1. **Public Works:** All conditions submitted by Public Works Department representatives as noted in (**EXHIBIT 1**) shall be adhered to.
2. All corrections noted by City representatives on the preliminary plat shall be made prior to submittal of the final plat.
All other standards or conditions Municipal Code not herein stated but applicable to residential development shall apply

GENERAL BACKGROUND

- a. **Applicant and Request:** Scott Briscoe representing Hallmark Development LLC (mailing address 558 W. 75 S., Blackfoot, ID 83221), represented by Rocky Mountain Engineering & Surveying (RMES), has submitted an application and preliminary plat to subdivide the subject property into 14 residential lots with the subdivision to be known as **Eastpointe Hills Division 7**.
- b. **Site Detail:** The proposed subdivision consists of an extension of Hallmark Drive. It consists of approximately 3.67-acres and is zoned Residential Medium Density Single Family (RMS). This designation requires a minimum lot size of 5,000 square feet. The smallest lot in the subdivision measures 8,845 square-feet in size.
- c. **Right-Of-Way Improvements:** Hallmark Drive, will be extended 600-feet (+/-) eastward to a temporary hammerhead, thus completing the road between Spaulding on the west and Marinus Lane on the east. Hallmark Drive includes a 50-foot right-of-way with a 37-foot wide street section and 7-foot wide planter on both sides. The 4-foot sidewalk will be located in a 15-foot wide utility easement.
- d. **Storm Water:** All storm water associated with Eastpointe Hills Division 7 will be detained in the storm water pond installed in Eastpointe Division 6. The pond was constructed Maintenance of the lot will be the responsibility of the homeowners association.



Exhibit 1

Memorandum

To: Matt Lewis, Planning Division Manager
From: Merrill Quayle PE, Public Works Engineer *MQ*
Date: May 4, 2016
Re: Eastpointe Hills Division 7 - P&Z Preliminary Plat 5-11-2016

The Public Works Department has reviewed the preliminary plat application for the above mentioned project and submits that the following changes and items shall be addressed prior to final plat application.

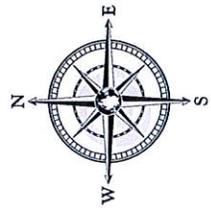
1. Plat

- a. Coordinate all plat correction through Mark Jensen, City of Pocatello City Surveyor.
- b. Subdivision plat shall conform to all state and local laws and ordinances.
- c. Notes on the plat shall be approved by the City of Pocatello City Surveyor and Legal Department prior to recording.
- d. Add not to existing 18" water transition line easement as found in Eastpointe Hills Division 6 Plat "a 10 foot wide water line easement is granted to the City of Pocatello to cover an existing City of Pocatello water line, which lies outside of a 15 foot easement described in instrument no. 563580, lying within section 11 and adjoining the section line. The placement of permanent structures or planting of trees within the easement is prohibited."
- e. The boundary of the subdivision shall be marked with 5/8" rebar and stamped 2" aluminum cap.
- f. Clarify if there is any CCR's associated with this plat. CCR's shall be submitted to the City for review and approval prior to recording.
- g. Provide adjoining property owners recorded deeds, a copy of all recorded easements and document(s) which grants the signatory to sign the plat on the behalf of the owner(s) to the City Surveyor for final review.
- h. The plat shall be black opaque ink, no gray scale or color.
- i. The plat shall be reproducible on an 8.5x11 sheet of paper per Bannock County instructions.

2. Construction Plans/Infrastructure

- a. The 1997 uniform building code appendix chapter 33 section 3309 "excavation and grading" shall be followed. For example if grading is in excess of 5,000 cubic yards then a soils engineering report and engineering geology report shall be required at the time of final application.
- b. Filing of a notice of intent (NOI) and a formal Storm Water Pollution Prevention Plan (SWPPP) in accordance with the Environmental Protection Agency (EPA) Construction General Permit (CGP) shall be submitted if the project requires, if required then a copy shall be submitted to the City.

- c. At the time of final plat application a sediment and erosion control plan shall be submitted for approval. Submittal shall meet the requirements of the City of Pocatello Ordinance and the CGP.
- d. At the time of the final plat submittal to city a qualified engineer shall submit a written analysis of the stormwater plan currently constructed for the area. The analysis should include confirmation and documentation that the existing system has not changed and meets the core elements of the Portneuf Valley Stormwater Manual (Ordinance 2944 May 7, 2015).
- e. Install a 1 inch injection and a 3 inch blow off port at opposite ends of the waterline reach for flushing and disinfection purposes.
- f. Provide a copy of the bid schedule of the infrastructure for the City's year end reporting.
- g. A "will serve" letter from each serving utilities is required to be submitted to the City.
- h. Utility and street light approval is required by the City.
- i. US Mail box units required and location approved by the Post Master and the City of Pocatello.
- j. At the time of final plat application please provide a disk with PDF of the documents submitted.



5/5/2016

City of Pocatello Web Map

563008.787 451570.010
100ft 60m
Scale 1:1,528



The City of Pocatello does not
Guarantee the information contained
In this map to be an accurate
Representation of actual existing
Conditions



PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 NORTH 7 AVENUE
POCATELLO, IDAHO 83205
PHONE (208)234-6184; FAX (208)234-6586

PRELIMINARY PLAT APPLICATION

Submittal Received: 04.06.16
Staff Contact: ML
PZC Meeting Date: 05.11.16

Permit No.: 16-691
Receipt #: 97402
Receipt Date: 04.08.16

Filing Fee: \$350.00

Applicant:

Hallmark Development LLC - Scott Briscoe
Name
558 West 75 South, Blackfoot ID 83221
Address
208.243.0544
Mailing address
Phone (work/cellular/home)

Engineer:

Rocky Mountain Engineering & Surveying
Firm & Contact
600 East Oak Street, Pocatello ID 83201
Address
208.234.0110
Mailing address
Phone (work/cellular/home)

Project Information:

Subdivision Name: Eastpointe Hills Division No. 7 Is this a replat? Yes* No
Zoning: Residential Medium Density (RMS) Comprehensive Plan Land Use Designation: Residential
Location (Section, Township, Range): N 1/2 NE 1/4 Sec. 14, Township 6 South, Range 34 East, B.M.
General Location: North of Daybreak Drive / Connection of Hallmark Drive

Total Acreage: 3.67 Acres Total Number of Lots: 14 Residential Lots

TERMS AND CONDITIONS

* Replats require submittal, with this application, of the original plat and any associated homeowner covenants.

The approval of this application does not permit the violation of any section of the Building Code or other Municipal Codes.

I hereby acknowledge that I have read this application and state that the above information is correct. **THIS APPLICATION SHALL NOT BE CONSIDERED COMPLETE (NOR WILL A HEARING DATE BE SCHEDULED) UNTIL ALL REQUIRED INFORMATION HAS BEEN SUBMITTED AND VERIFIED.**

I am also aware the applicant or a representative must be present at the Planning & Zoning Commission and/or City Council meeting.

I HAVE READ THE FOREGOING AND AGREE TO THE ABOVE TERMS AND CONDITIONS.

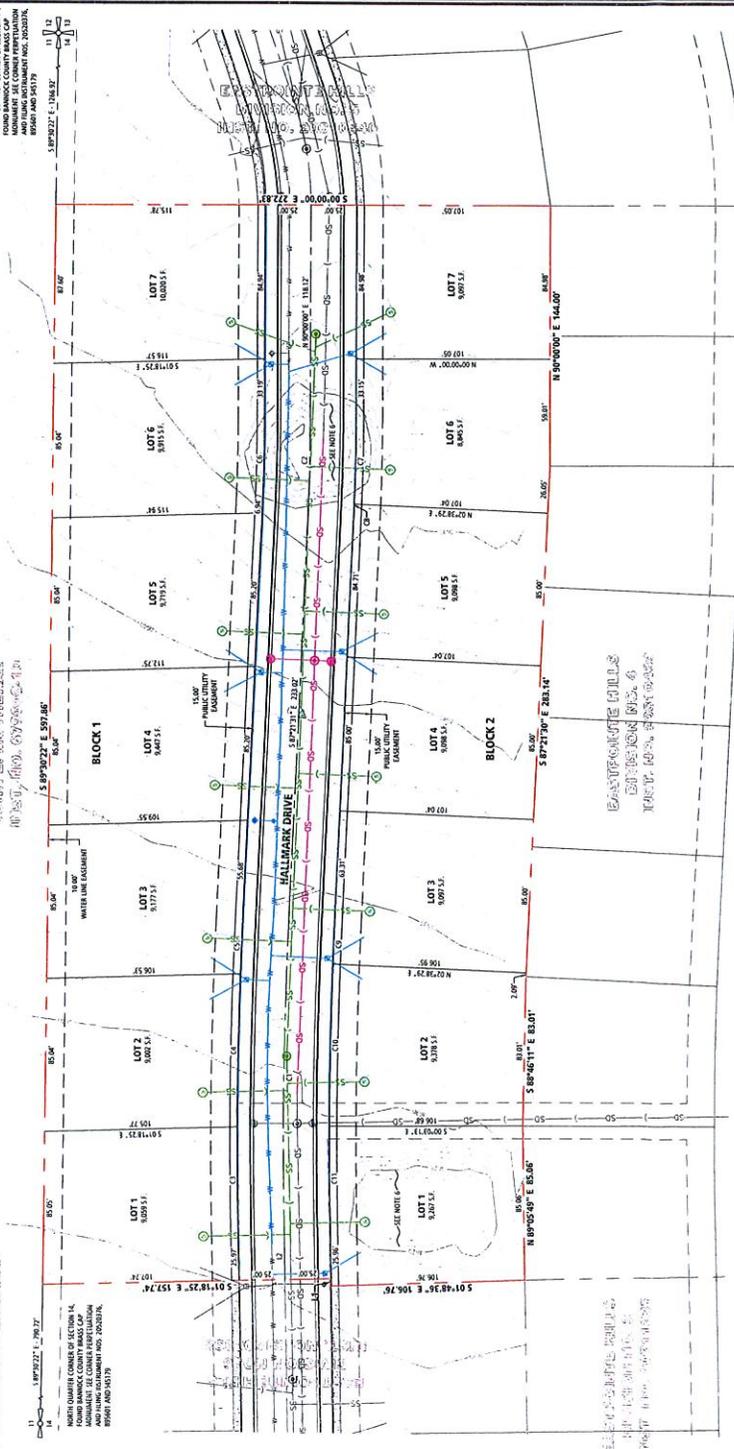
Signature of Applicant: Scott Briscoe Date: 4-6-16
Signature of Representative: Becky Smith Date: 4/6/16

* A sign (giving public notice) will be posted at the proposed site during the course of these proceedings.

PRELIMINARY PLAT FOR: EASTPOINTE HILLS DIVISION NO. 7

LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 6 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

- NOTES:**
1. EXISTING UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS.
 2. LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.
 3. UTILITIES (GAS, POWER, TELEPHONE, CABLE TV & ETC.) TO BE PROVIDED BY THE APPLICANT AND SHALL BE INSTALLED IN ACCORDANCE WITH THE IDAHO UTILITY CODE AND LOCAL ORDINANCES.
 4. SURVEYOR'S NOTES: A. IN ACCORDANCE WITH THE IDAHO SURVEYING ACT AND LOCAL ORDINANCES, THE SURVEYOR'S NOTES SHALL BE CLEARLY SHOWN ON THE PLAT AND SHALL BE LEGIBLY WRITTEN IN INK.
 5. THE PLAT SHALL BE CLEARLY SHOWN ON THE PLAT AND SHALL BE LEGIBLY WRITTEN IN INK.
 6. THE PLAT SHALL BE CLEARLY SHOWN ON THE PLAT AND SHALL BE LEGIBLY WRITTEN IN INK.
 7. THE PLAT SHALL BE CLEARLY SHOWN ON THE PLAT AND SHALL BE LEGIBLY WRITTEN IN INK.
 8. THE PLAT SHALL BE CLEARLY SHOWN ON THE PLAT AND SHALL BE LEGIBLY WRITTEN IN INK.



CURVE TABLE

NUMBER	CURVE DESCRIPTION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	CHORD BEARING
C1	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'
C2	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'
C3	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'
C4	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'
C5	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'

CURVE TABLE

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C3	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'
C4	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'
C5	S 89°45'09" E 84.08'	S 89°45'09" E 84.08'	171.87'	171.87'	S 89°45'09" E 84.08'

LINE TABLE

NUMBER	LINE CODE	BEARING	DISTANCE
1	1	S 89°45'09" E	84.08'
2	2	S 89°45'09" E	84.08'
3	3	S 89°45'09" E	84.08'

REL. CURVE DATA BASED ON THE CURVE MEDIUM OF EAST DUNE OF BANNOCK STREET PLANE COORDINATE SYSTEM.

DEVELOPER INFORMATION

NAME: EASTPOINTE HILLS
 PROJECT: EASTPOINTE HILLS
 ADDRESS: 14000 N. HALLMARK DRIVE, BANNOCK COUNTY, IDAHO 83201

SHEET INFORMATION

DRAWN BY: [Name]
 DATE CREATED: [Date]
 PROJECT: [Project Name]
 SHEET: [Sheet Number]

**PRELIMINARY PLAT FOR:
EASTPOINTE HILLS DIVISION NO. 7**

LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 6 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

LEGEND & NOTES

- PROPOSED BOUNDARY LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED LOT LINE
- PROPOSED CENTER LINE
- PROPOSED EASEMENT LINE
- EXISTING BOUNDARY LINE
- EXISTING RIGHT OF WAY / LOT LINE
- EXISTING CENTER LINE
- EXISTING EASEMENT LINE
- PROPOSED CURB AND GUTTER
- PROPOSED SIDEWALK
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED STORM LINE
- PROPOSED FIRE HYDRANT / WATER VALVE
- PROPOSED SINGLE / DOUBLE WATER MAIN
- PROPOSED SINGLE / DOUBLE SEWER MAIN
- PROPOSED SINGLE / DOUBLE STORM MAIN
- EXISTING MARKER CONTOUR
- EXISTING CURB AND GUTTER
- EXISTING SIDEWALK
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING STORM LINE
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- EXISTING SINGLE / DOUBLE STORM MAIN

DEVELOPER INFORMATION

NAME: EASTPOINTE HILLS
 PROJECT: EASTPOINTE HILLS
 ADDRESS: 14000 N. HALLMARK DRIVE, BANNOCK COUNTY, IDAHO 83201

SHEET INFORMATION

DRAWN BY: [Name]
 DATE CREATED: [Date]
 PROJECT: [Project Name]
 SHEET: [Sheet Number]

GRAPHIC SCALE

1" = 100'

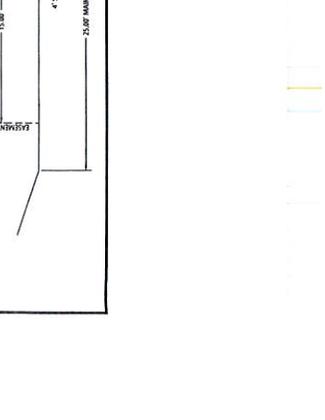
LEGEND & NOTES

- PROPOSED BOUNDARY LINE
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- EXISTING SINGLE / DOUBLE WATER MAIN
- EXISTING SINGLE / DOUBLE SEWER MAIN
- EXISTING SINGLE / DOUBLE STORM MAIN

RECEIVED

APR 06 2016

By: [Signature]



**STAFF REPORT
PLANNING & ZONING COMMISSION
HEARING DATE: May 11, 2016**

Applicant: RNR Properties, represented by Dioptra, LLC
Subject: Rezoning property from Residential Medium Density Single-Family (RMS) to Residential-Commercial-Professional Zoning District
Location: 4175 Hawthorne Road (corner of Hawthorne Road and Snowbird Avenue)
Legal Description: Lot 1, Block 7, Ward Park Subdivision, 1st Addition
Staff: Terri Neu, Assistant Planner 
Request:

RNR Properties (mailing address: 435 Mayse Lane, Inkom, ID 83245), represented by Dioptra, LLC (mailing address: 4737 S. Afton Place, Suite B, Chubbuck, ID 83202), has submitted an application for a Zoning Map Amendment from Residential Medium Density Single Family (RMS) to Residential Commercial Professional (RCP).

Background:

The rezone application has been initiated by RNR Development, represented by Dioptra, LLC, pursuant to Municipal Code Section 17.02.180(B)(1). The rezoning request encompasses one lot but is situated between two lots that were rezoned in 2015 from RMS to RCP. The City's Comprehensive Plan Map has all properties designated as "Commercial" therefore a change to the map is not needed as part of this request.

Planning & Zoning Commission Action:

The Planning & Zoning Commission shall hold a public hearing on this matter and render a recommendation. The Commission shall submit findings of fact and recommendations to the City Council within forty-five (45) days following closure of the public hearing.

Municipal Code Provisions:

Based on staff review of the property, surrounding properties and corridor and the fact that the Comprehensive Plan Map has the area designated "Commercial", it was determined that a straight rezoning from RMS to RCP at this location would be appropriate.

Zoning Ordinance 17.02.180(B)(1) – Private Property Owner Initiation: An owner of private property within the municipal boundary of the City of Pocatello or their duly authorized representative, may initiate a request to amend the text of this ordinance or to amend the zoning district map by submitting an application to Planning and Development Services.

Zoning Ordinance 17.02.180(E) – Criteria for Map Amendment: The Planning & Zoning Commission and City Council shall review the facts and circumstances of each proposal in terms of the following standards:

1. How the requested zoning at the location in question would be in the community’s best interest.

Applicant’s Response: “The proposed zone change from Residential Medium Density Single Family (RMS) to Residential Commercial Professional (RCP) would serve to match the property to the surrounding properties in both permitted and conditionally permitted uses.”

Staff Analysis: The Hawthorne corridor, specifically in Chubbuck, consists of a mix of land uses including but not limited to an assisted living center; new high density residential (150-units total); an entrance is provided from Hawthorne Road to the Pine Ridge Mall as well as Home Depot. Allstate Call Center is in the general vicinity as well. The community is in need of additional lands which can accommodate the type of uses that are permitted and conditionally permitted in the RCP zone. The properties are of various square-footages to allow professional office, mixed use development, and limited commercial.

2. How the list of uses permitted by the zoning ordinance would blend with surrounding uses.

Applicant’s Response: “The proposed zone change from Residential Medium Density Single Family (RMS) to Residential Commercial Professional (RCP) would serve to match the surrounding properties in both permitted and conditionally permitted uses.”

Staff Analysis: The Hawthorne corridor, specifically in Chubbuck, consists of a mix of land uses including but not limited to an assisted living center; new high density residential (150-units total); an entrance is provided from Hawthorne Road to the Pine Ridge Mall as well as Home Depot. Allstate Call Center is in the general vicinity as well.

The land uses that are listed under Table 17.03.330 are not out of character with those in the general area. Properties to the west of the lot in question are zoned RMS. If development occurs in the RCP area Municipal Code Section 17.05.270 would require transitional landscape buffers. The width would be dependent upon the type of land use proposed.

Municipal Code Section 17.03.320(C):Residential/Commercial/Professional District (RCP): The RCP zoning district is intended to accommodate a mix of residential, professional office, and neighborhood commercial uses including business/professional services, convenience retail, personal services, and restaurants, in close proximity to residential areas and major transportation facilities. Residential uses are permitted consistent with the density and requirements of the RH zoning district. Heliports, medical centers, and some utilities are

conditionally permitted. Developments in the RCP zoning district may be used to serve as a buffer between residential areas and commercial and/or industrial areas.

The list of uses Permitted, Restricted, Conditionally permitted, and Nonpermitted in the district are outlined under Table 17.03.330 below:

COMMERCIAL AND MIXED USE ZONING DISTRICTS USE TABLE

P = Permitted		R = Restricted		C = Conditional		N = Nonpermitted	
Use Category		NC	CG	RCP	CC		
Residential:							
	Group living, supervised	R ² /C	R/C	R ² /C	R ² /C		
	Group living, unsupervised	R ^{1,3}	R ^{1,3}	R ^{1,3}	R ^{1,3}		
	Home occupation	R ⁴	R ⁴	P ⁴	R ⁴		
	Household living	R ¹	R ¹	P	R ¹		
	Residential daycare	R ⁵	R ⁵	P ⁵	R ⁵		
	Shelter housing	P	P	P	P		
	Transitional housing	N	C	N	C		
Housing types:							
	Accessory dwelling units	C ⁶	C ⁶	C ⁶	C ⁶		
	Boarding house	R ⁷	R ⁷	R ⁷	R ⁷		
	Manufactured home units	N	N	P	N		
	Manufactured/mobile home parks	N	N	N	N		
	Multi-family dwelling units	R ¹	R ¹	P	R ¹		
	Residential condominium	N	N	P	N		
	Single dwelling units, attached (townhouses)	N	N	P	N		
	Single dwelling units, detached	N	N	P	N		
	Two-family units	N	N	P	N		
	Zero lot line dwelling units	N	N	P	N		
Civic (institutional):							

	Basic utilities	P ⁸ /C	P ⁸ /C	P ⁸ /C	P ⁸ /C
	Colleges	C	C	C	C
	Community recreation	P	P	P	P
	Cultural institutions	P	P	P	P
	Emergency services	P	P	P	P
	Medical centers	C	C	C	C
	Public/social support facilities	P	P	P	P
	Religious institutions	C	C	P	C
	Schools	C	C	P	C
	Social/fraternal clubs/lodges	C	P	P	P
Commercial:					
	Commercial lodging	R ⁹	P	R ⁹	P
	Eating and drinking establishments	P/C ¹⁰	P	P/C ¹⁰	P/C ¹⁵
Entertainment oriented:					
	Adult entertainment	N	R ¹¹	N	R ¹¹
	Indoor entertainment	P/C ¹⁰	P	C ¹⁰	P
	Major event entertainment	N	C	N	C
	Outdoor entertainment	N	P	C ¹⁰	C
General retail:					
	Animal related	N	P	N	P
	Consumer services	P/C ¹⁰	P	P	P
	Outdoor sales	N	P	N	N
	Repair oriented	P	P	P	P
	Sales oriented	R ¹²	P	R ¹² /C	P
Motor vehicle related:					
	Motor vehicle sales/rental	N	P	N	C
	Motor vehicle servicing/repair	C	P	C	C

	Vehicle fuel sales	C	P	C	C
	Nonaccessory parking	C	P	P	P
	Office	R ¹³ /C	P	P	P
	RV parks	N	C	N	N
	Self-service storage	N	C	N	N
	U.S. postal service	P	P	P	P
Industrial:					
	Industrial services	N	N	N	N
	Manufacturing and production:				
	Heavy industrial	N	N	N	N
	Light industrial	N	C	N	N
	Railroad yards	N	N	N	N
	Research and development	N	C	C	C
	Warehouse/freight movement	N	N	N	N
	Waste related	N	N	N	N
	Wholesale sales	N	C	N	N
Other:					
	Accessory structures	P	P	P	P
	Cemeteries	N	N	N	N
	Detention facilities	N	C	N	N
	Heliports	C	C	C	C
	Mining	N	N	N	N
	WECS	C	C	C	C
	Wireless communication facilities	R ¹⁴	R ¹⁴	R ¹⁴	R ¹⁴

Notes:

1. Residential uses are permitted outright in upper stories, provided that ground floor commercial use is also provided on the property.
2. Group living is allowed as a residential use in existing residential structures and consistent with Idaho state code; in all other cases it is a conditional use.
3. Permitted only in existing residential structures and after meeting all standards for and obtaining a boarding

house permit and license.

4. Permitted only in existing residential structures and subject to the requirements of section [17.06.400](#), "Home Occupations", of this title.

5. Permitted only in existing residential structures and subject to the requirements contained in [title 5, chapter 5.28](#) of this code and elsewhere in this title.

6. Permitted subject to the requirements of section [17.06.100](#), "Accessory Dwelling Units", of this title.

7. Permitted only in existing residential structures and after meeting all standards for and obtaining a boarding house permit and license.

8. The following are permitted outright: water lines, storm sewer lines, retention/detention areas, sanitary sewer lines, and local electrical, gas, cable, or telephone lines or conduit. Specifically excluded are uses such as, but not limited to, substations, satellite facilities, and utility operation centers; all others shall be by conditional use permit.

9. Bed and breakfast facilities with 5 or less guestrooms are permitted. Other types of commercial lodging are nonpermitted.

10. Uses operating before 6:00 A.M. and after 10:00 P.M. and drive-up windows are permitted by conditional use, as governed in section [17.02.130](#), "Conditional Use Permits (CUP)", of this title.

11. Subject further to provisions of [title 5, chapter 5.60](#) of this code governing adult entertainment.

12. Limited to 10,000 gross square feet in size, except retail grocery outlets, which are limited to 40,000 gross square feet; all others shall be by conditional use permit.

13. To a maximum of 10,000 square feet; all others shall be by conditional use permit.

14. See [title 15, chapter 15.42](#), "Wireless Telecommunications Towers And Facilities", of this code for requirements for permitted and restricted facilities.

15. Drive-through operations are allowed through the conditional use permit process.

The zoning and uses surrounding the subject property are described below.

North: Mix of RCP and RMS – developed with a mix of single family dwellings and a pet boarding facility

South: RCP – developed with single family dwellings

West: RMS – developed with a mix of single family dwellings (townhouses and unattached units) and assisted living facilities

East: Chubbuck – Commercial & Residential High density.

3. If the subject site is physically suitable for the type and intensity of land uses permitted under the proposed zoning district.

Applicant's Response: "The stability of existing neighborhoods would be unaffected by the proposed zone change."

Staff Analysis: The lot is undeveloped but is 37,190 square feet and is sufficient to allow development as outlined in the RCP district.

4. If the uses permitted in the proposed zoning district would be adequately served by public facilities and services such as thoroughfares, police and fire protection, drainage, refuse disposal, water, sewer, and schools, to ensure the public health, safety and general welfare.

Applicant's Response: "All public utilities (water, sewer, power, gas, communications) are available to the property and no excessive burden would be placed as a result of the proposed change. Additionally, no change in the delivery of services by any political or public district is anticipated."

Staff Analysis: Primary access to the property would be via Hawthorne Road. According to Bannock Transportation Planning Organization (BTPO) Hawthorne Road is designated as a Principal Arterial (PA) from Quinn Road north into Chubbuck extending past Tyhee Road. Hawthorne is designated as a Minor Arterial (MA) south of Quinn Road to W. Alameda Road.

According to the Functional classification update report from BTPO dated April 1, 2013 the PA system carries the major portion of trip's entering & leaving the urban area as well as the majority of through movements desiring to by-pass the Central City. In addition, significant intra-area travel, such as between central business districts and outlined areas. Hawthorne Road is one (1) of two (2) designated north/south Principal Arterials. The other is Yellowstone Avenue.

From Quinn Road north Hawthorne consist of two (2) lanes on the east side a center turn-lane and single lane on the west side adjacent the subject properties. The corridor is capable of handling the traffic that would be generated from development associated with the RCP zoning request. A note was placed on the Ward Park Subdivision, 1st Addition plat that states, "A 15 foot (15') wide roadway and public utility easement adjoining the west side of the existing Hawthorne Road right-of-way line. The land inside the boundary of said easement shall be deeded fee simple to the City of Pocatello for roadway and public utilities upon payment of the appraised fair market value." This would only help to increase the public's health, safety, and general welfare.

The City of Pocatello is also planning significant improvements to the intersection of Hawthorne and Quinn Roads. This will include widening, turn lanes and signalization with curb, gutter and sidewalk. This project will help decrease delays associated with the current 4-way stop increasing the public health and safety of motorists as well as pedestrians. Any development along the corridor will be required to meet all City standards including placement of curb, gutter & sidewalk. This project is planned for construction on 2018.

All infrastructure including water, sewer and utilities are adequate and readily available.

5. If the uses permitted in the proposed zoning district would be compatible in terms of their scale, mass, coverage, density, and intensity with adjacent land uses.

Applicant's Response: "The scale, mass, coverage, density and intensity will match the surrounding properties given the change to the same zoning."

Staff Analysis: As noted earlier in this report the property in question abuts residential properties to the West. The maximum height for a residential home in RMS is 35-feet; the maximum height for a structure in RCP is 45-feet. Setbacks in RCP are generally 10-feet however greater setbacks are required where two districts transition. The uses permitted under

the RCP designation are more appropriate in this area compared to a Commercial General zoning designation due to the proximity of the Ward Park Subdivision to the west.

6. Whether the proposed zoning designation is consistent with Comprehensive Plan Land Use Map Designation.

Applicant's Response: "The underlying Comprehensive Plan Map designates the property and surrounding properties as Commercial; the proposed zone change will not affect this designation."

Staff Analysis: The Comprehensive Plan Land Use Map Designation for the subject property is "Commercial". The proposed RCP would fall into the designation of "Mixed Use". The mixed use designation is intended to support zoning districts that allow a mixture of compatible residential, commercial and office uses. Staff finds that the zoning of RCP better fits in this corridor considering the nearby residential uses and mix of uses east in Chubbuck.

The following Comprehensive Land Use Goals and Objectives are applicable to this request:

Economic Development Goal 2: Promote employment and income growth and diversification of the City and regional economy.

Economic Development Goal 3: Strengthen the City's accessibility, convenience, desirability and image as a regional shopping center and place to do business.

Objective 3.2: Allow for and encourage the development of a variety of retail and service businesses that are pleasant places for people to shop, work, walk, and congregate.

Objective 3.4: Provide an attractive business environment with new and expanded development of high-quality design that is compatible with existing development.

Land Use Goal 6: Coordinate land use planning with Bannock Transportation Planning Organization and the Idaho Transportation Department plans and programs relating to the existing and developing transportation network in order to provide for the safe and efficient transport of people and goods.

Staff Recommendation:

The Comprehensive Plan Map has all properties designated as "Commercial". The applicant is requesting to rezone the subject properties to RCP which would fall into a designation of "Mixed Use". The mixed use designation on the Comprehensive Plan Map is intended to support zoning districts that allow a mixture of compatible residential, commercial, and office uses. Staff finds that the zoning of RCP better fits in this corridor considering the adjacent Ward Park neighborhood and mix of commercial and office and high density residential uses east in the City of Chubbuck. Staff also finds that the change is in conformance with numerous Goals, Objectives and Policies of the Comprehensive Plan. Based on these findings Staff recommends

RNR Development
REZ 16-758
May 11, 2016 – P&Z Hearing

APPROVAL of the rezoning request from Residential Medium Density Single Family to Residential Commercial Professional.

Public Notice:

Proper notice was provided to property owners within 300' of the subject property, signage was posted on the property and notice was published in the Idaho State Journal as required per Municipal Code Section 17.02.300.

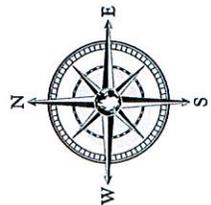
Public Comments:

No public comments either for or against have been received.

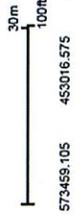
Attachments: A – 2012 Aerial Photo with property owner location
B – Comprehensive Plan Map
C – Application packet



City of Pocatello Web Map



4/15/2016

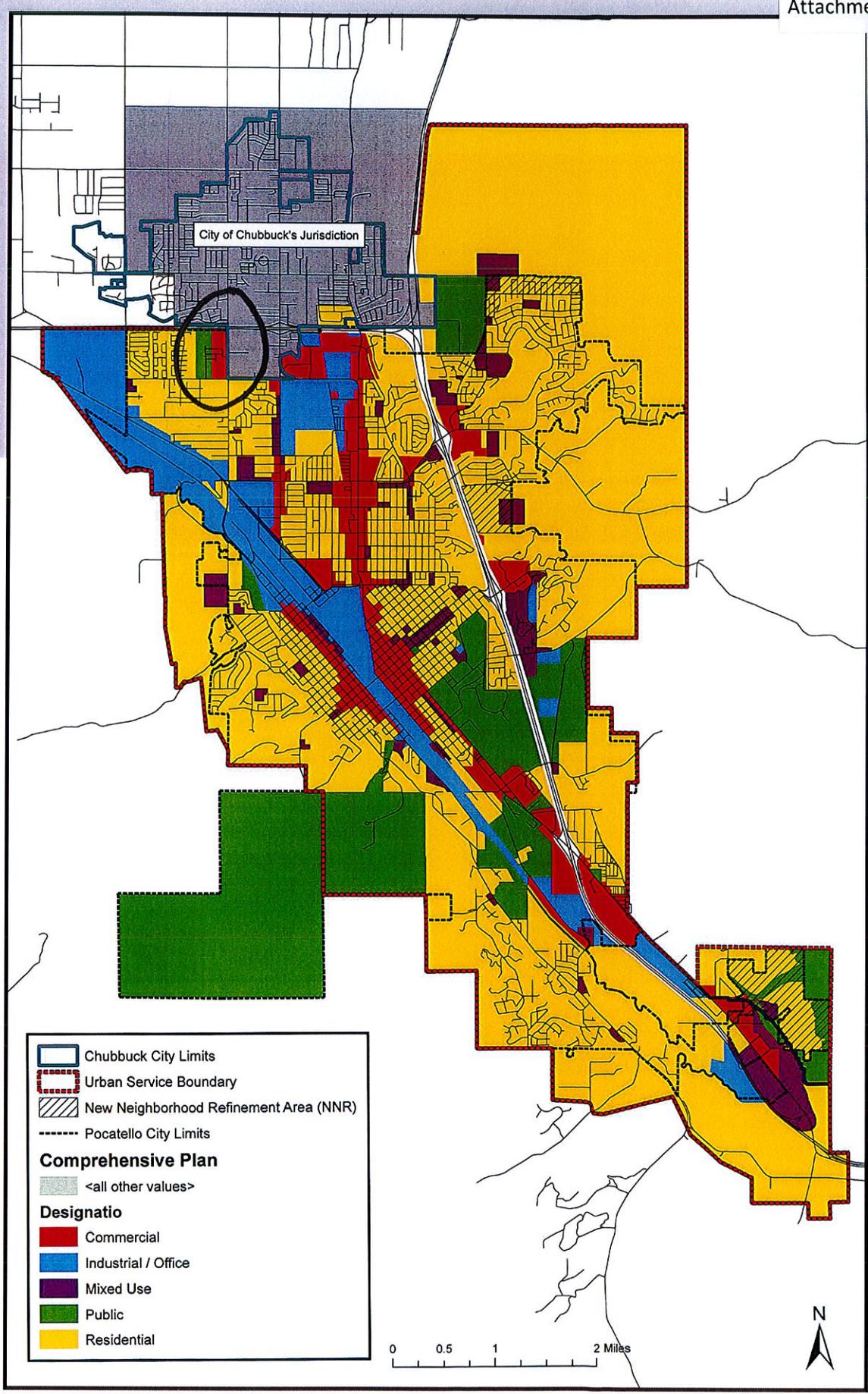


Attachment A



The City of Pocatello does not
Guarantee the information contained
in this map to be an accurate
Representation of actual existing
Conditions

Map 1: 2010 Comprehensive Plan Map





PLANNING & DEVELOPMENT SERVICES
 PO Box 4169, 911 North Seventh Avenue
 Pocatello, Idaho 83205
 (208)234-6184 FAX (208)234-6586

Submittal Received 4-15-16 am
 Hearing Date: 5-11-16
 Staff Contact: TN

Permit No.: 16-758
 Receipt #: 100614
 Receipt date: 4-15-16

Dates for public hearing or Council consideration will not be scheduled until the application is deemed complete.

ZONE MAP AMENDMENT APPLICATION

Filing Fee: \$726.00 + 30 addresses x \$3.00 = \$ 90 . Total Due \$ 816

Applicant

RNR Properties LLC
 Name/Firm
435 Mayse Ln, Inkom, ID 83245
 Mailing address
208-681-4440
 Phone (work/cell/home)

Representative:

Dioptra LLC
 Name/Firm
4737 S. Afton Pl, Ste. B, Chubbuck, ID 83202
 Mailing address
208-237-7373
 Phone (work/cell/home)

Project Information:

Existing Zoning: RMS

Comp. Plan Land Use Designation: Commercial

Proposed Zoning: RCP

Street Address: 4175 Hawthorne Rd, Pocatello ID 83202 TO BE DETERMINED

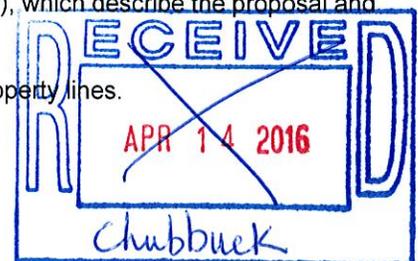
Legal Description: Lot 1 Block 7 Ward Park Subdivision 1st Addition

Does the proposed zone change require a concurrent Comprehensive Plan Land Use Map amendment? Yes No

If yes, what designation is requested? _____ Please provide the information requested in # 8 & 9 below.

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO BE COMPLETE

- A. All required filing fees must be paid and all required information must be submitted with your application.
- B. **Two sets of typed**, gummed mailing labels with all of the names and addresses of the property owners within a 300 foot radius of the subject property. A charge of \$3.00 per property owner is required (2 notices will be sent). A signed Affidavit of Mailing List must also be submitted (attached).
- C. Two (2) area plans, one (1) measuring 8-1/2" x 11" and one (1) 18" x 24" (or larger), which describe the proposal and contain the following information:
 - 1. Location of adjoining streets (including public improvements), alleys, and property lines.
 - 2. Identification of surrounding zoning designations.





DIOPTRA

A Company of Geomatics Professionals

April 13, 2016

Planning & Development Services
PO Box 4169
911 North Seventh Avenue
Pocatello, Idaho 83205

RE: Zone Map Amendment – Jay Roche

To Whom it may concern:

The property in question is currently vacant and undeveloped. The proposed zone change from Residential Medium Density Single Family (RMS) to Residential Commercial Professional (RCP) would serve to match the property to the surrounding properties in both permitted and conditionally permitted uses. The stability of existing neighborhoods would be unaffected by the proposed zone change. The scale, mass, coverage, density and intensity will match the surrounding properties given the change to the same zoning. The underlying Comprehensive Plan Map designates the property and surrounding properties as Commercial; the proposed zone change will not affect this designation. All public utilities (water, sewer, power, gas, communications) are available to the property and no excessive burden would be placed as a result of the proposed change. Additionally, no change in the delivery of services by any political or public district is anticipated.

Thanks,

Stewart Ward, PLS

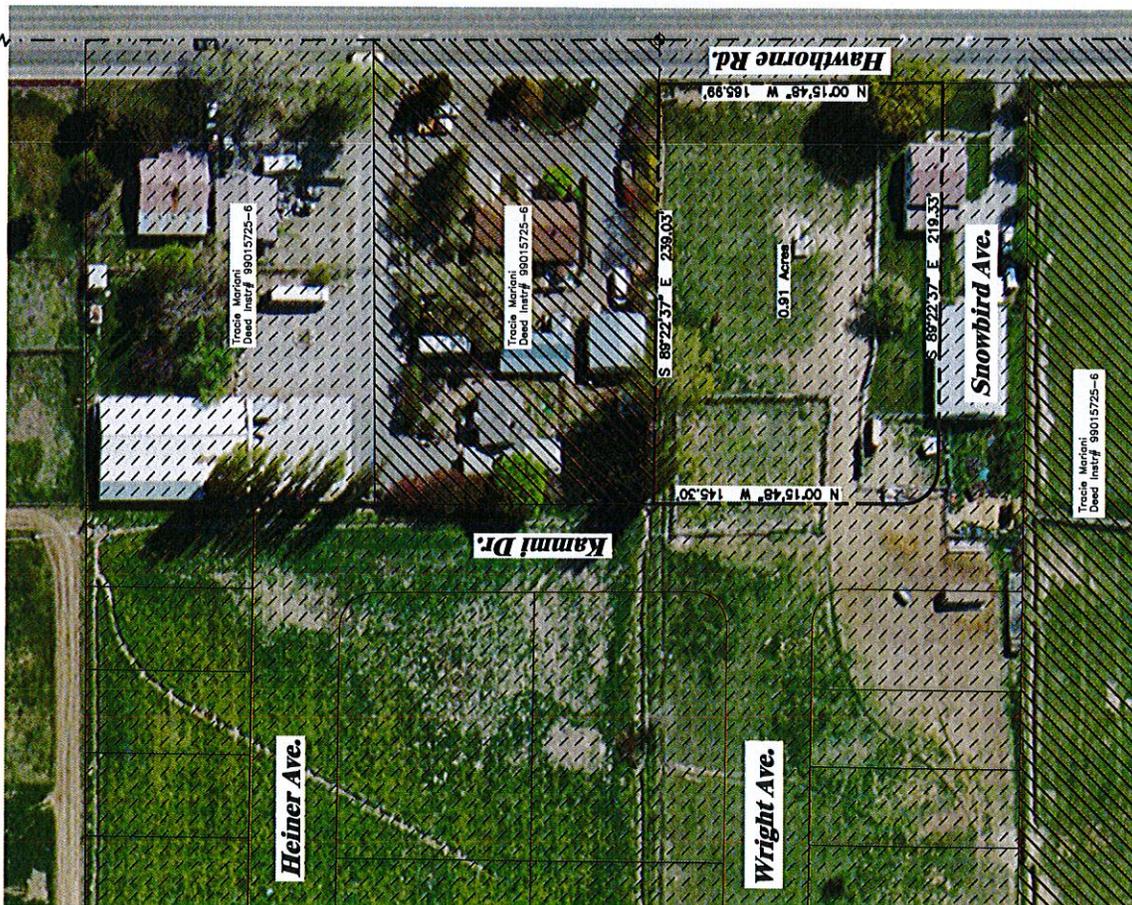
JAY ROCHE

LOCATED IN SE 1/4 SECTION 9,
TOWNSHIP 6 SOUTH, RANGE 34 EAST OF THE
BOISE MERIDIAN IN THE COUNTY OF BANNOCK.



LEGEND

- Parcel Boundary
- Adjoining Parcels
- Deed Ties
- Section Line
- Zoned - Residential Medium Density Single Family (RMS)
- Zoned - Residential Commercial Professional (RCP)




DIOPTRA
 A Company of Geomatics Professionals
 4737 Alton Place, Suite B, Chubbuck, ID 83202 Ph: 208-237-7973
 www.dioptrageomatics.com

JAY ROCHE
 Drawn By: SMB
 Date: 4-13-16
 Scale: 1"=50'
 Project: 16018

