

APPROVED

CITY OF GRACE
PLANNING & ZONING COMMISSION
ZONING MAP AMENDMENT CHANGE & REGULAR MEETING
HELD ON DECEMBER 14, 2023, AT 7:00 P. M.

PRESENT: Chairman Dave Pristupa
Commission Members: Scott Rasmussen, Mark Crabb, Ralph Spackman
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Laurie Thomas, Larry Thomas, Josh Hobbs, Andrew Simonson

Chairman Pristupa called the Zoning Map Amendment Change hearing held on December 14, 2023, to order at 7:12 p.m.

Chairman Pristupa asked those present to please state their name for the record: Scott Rasmussen Laurie Thomas, Larry Thomas, Josh Hobbs, Andrew Simonson, Mark Crabb, Ralph Spackman, Loy Raye Phillips, Dave Pristupa.

Chairman Pristupa stated the reason for the Zoning Map Amendment Change 2023-02: Grace School District # 148 applicant, and property owner, for approval of a Zoning Map Amendment Change on one parcel of property from R 1 (residential) Zone to C (commercial) Zone to allow the district to place a storage container on a parcel at 637 S. 4th W., Grace, ID.

Chairman Pristupa turned the time to Josh Hobbs from the School District.

Mr. Hobbs stated that the school was lacking on storage at this time, especially with the loss of the storage from the old elementary building. Mr. Hobbs stated that the school did not want to break any rules, but the use of the storage container is critical. Mr. Hobbs stated that the school would like to spend money somewhere else, maintenance wise than try to turn that storage unit into a shed with rafters and everything else. Mr. Hobbs stated that it gives the district the opportunity to move the container and when the school begins works on the athletic field where a concession stand the unit could be used and place another one on the top for an announcer stand and equipment. Mr. Hobbs stated that especially if the district would be able to put the baseball field over on the property by the Black Canyon Elementary there would need to be something there for concessions also. The district would cover the units up and make them presentable. Mr. Hobbs stated that at the present the district is breaking a storage container code with the City of Grace and the container has all the tools and materials from the building that was built.

Chairman Pristupa stated one citizen had comments and turned the time to Laurie Thomas.

Mrs. Thomas stated that the feeling is that the area should not be allowed to be made commercial property. The reason for that is a school is residential and that it should remain R 1 residential because of the neighborhood. It is possible that people in charge of the school right now have no thoughts to sell the commercial property, but if at any point the decision is made to sell as commercial property. Then anything could move in like: a car wash, Subway, parts store, nothing against these different businesses, but the fact that would make additional traffic, additional people, into the school area. Mrs. Thomas

stated that their property abuts the area that is in question. Mrs. Thomas stated it would be better to leave the property R 1 residential. A Conditional Use Permit to put in the storage containers or whatever on the property would be a better fit.

Chairman Pristupa stated that Mrs. Thomas wanted to asked Mr. Hobbs a question directly.

Mrs. Thomas asked where would the storage container be placed? Mr. Hobbs stated that presently the storage container is on the south side of the Black Canyon Elementary School along the fence line. Mr. Hobbs stated that the container was placed there in 2018 when work was started on the new school. Mr. Hobbs stated that the new location that the storage container would be moved weather permitting will be over next to the blue building by the Bus Compound. The storage container will match with the building there, where materials, tools etc., can be stored.

Chairman Pristupa asked for any other comments or questions at this time? There was no other comments or questions.

Chairman Pristupa made the motion to adjourn the hearing at 7:19 p.m.

Chairman Pristupa called the regular meeting of the Planning & Zoning Commission held on December 14, 2023, to order at 7:19 p.m.

PRESENT: Chairman Dave Pristupa
Commission Members: Mark Crabb, Ralph Spackman, Scott Rasmussen
Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Laurie Thomas, Larry Thomas, Josh Hobbs, Andrew Simonson

Invocation: Chairman Pristupa

Pledge of Allegiance: Clerk Phillips

Chairman Pristupa asked if the Commission had read the minutes of the November 9, 2023.

Motion to approve the minutes of the November 9, 2023, Conditional Use Permit # 2023-226 public hearing and the regular meeting of the Planning & Zoning Commission was made by Commission Member Spackman. Motion was seconded by Commission Member Rasmussen. Motion passed unanimously.

Report from City Council meeting:

Chairman Pristupa stated the city council did not have a lot of information for the Planning & Zoning Commission. Chairman Pristupa stated that the city council were given the change on the Setting Permit Application with the addition of state requirements on new homes for the electrical, plumbing and HVAC. A city council member was concerned that the items did not need to be added to the application. Chairman Pristupa stated that one citizen was out of compliance with the State of Idaho Permits required to build. Chairman Pristupa stated that he did not know if the individual knew the permits were require by the State of Idaho. If the individual was not sure where it was a setting permit to build were permits for electrical, plumbing or HVAC required.

Zoning Map Amendment Change:

Chairman Pristupa Stated that there were letters sent out to property owners that lived within 300' of the Zoning Map Amendment Change # 2023-02. There were 34 mailings sent out and 7 letters were returned:

Nancy Nichols
Yvette Weeks

Supports Applicant's request;
Comments Attached:

Why do you need to use containers? Why can't you have a building built? The shop class could use that as a project—If the container is allowed it needs to be maintained and kept in good repair, that is not my preference however!

Bart Simmons
Bruce Nelson

Support Applicant's request
Do not support applicant's request

Laura Hansen
Riley Crookston, City Superintendent

Neutral
Neutral

Chairman Pristupa stated that there were some points taken earlier from Mrs. Thomas why doesn't School Dist. #148 use a conditional use instead of changing to a C (commercial) Zone? This is one point that can be taken. A question was asked if Mayor Barthlome had suggested the change to C (commercial) from R 1 (residential) Zone. Mr. Hobbs stated that was correct. Chairman Pristupa stated that this was not done at an official meeting just in discussion with the school. Chairman Pristupa stated that there are houses on Center street going west in the C (commercial) Zone which the houses must follow the building codes for R-1 (residential) Zone and R-2 (multi-family residential) Zone. (Ordinance 3-1-5 Regulations for the C (commercial) Zone (A) the same as in the R-1 (residential) or R-2 (multi-family residential) Zone). Chairman Pristupa stated that there is some doubt that the school would sell any of the property because of the new elementary building. Chairman Pristupa stated that there are individuals working on getting grant monies to build a new junior high building and possibly a new vocational building which would improve the community to allow adults to have classrooms available.

CHECKLIST FOR FINDING OF FACTS – ZONING MAP AMENDMENT CHANGE
CASE NO. # 2023-02 GRACE SCHOOL DISTRICT # 148

- (1). The proposed Zoning Map Amendment is necessary for the public convenience at that location
More for the school District convenience use not for the public convenience.
- (2). The proposed Zoning Map Amendment is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:
Just doing a zoning change to allow the use of a container and in the future the container can be removed and an actual storage structure can be built.
- (3). The proposed Zoning Map Amendment use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
Commission Member Crabb stated that it would depend on the concerns of the property owners, If it becomes commercial there could be a definite change, it could devalue their personal property.

Commission Member Spackman stated his concern was what precedent is the Planning & Zoning Commission setting? An example what is the repair shops zone? Discussion was had that A Plus has two zones, one is commercial, and the other is residential. Is this going to allow the business to place a shipping container on the property? Discussion was had that shipping containers could be placed in a commercial zone and an industrial zone but not in an R-1 (residential) Zone or R-2 (multi-family residential) zone (City Ordinance 3-2-2 Storage/Cargo Containers: (A) 1, (B) 1,2, a. Pods, 3, (C) 1, (D) 1-6, (E), (F), (G)).

Commission Member Spackman stated that shipping containers are not banned from everywhere except in the R 1 (residential) Zone and the R 2(multi-family residential) zone. Chairman Pristupa stated that the school could have the storage container on the property while the school was being built because it was allowed under the ordinance. Once the building was done technically the storage container needs to be removed. There are not storage facilities available, and a discussion was had that there needed to be a change. That is why there is a Zoning Map Amendment Change being asked to go with a commercial zone.

Chairman Pristupa stated that technically the school is a commercial entity, there are wages being paid, selling things through the school they may not be selling hamburgers but there is sales being done at the school. This is an opinion.

Mrs. Thomas stated that if they went commercial it is a concern that it would affect our property value.

Chairman Pristupa stated that a shop would not necessarily decrease the value of the property depending on how the structure is built, it could increase the value of the property. Commission Member Crabb stated that it would not necessarily lower the value of the property.

Commission Member Rasmussen stated as far as the rezoning. Does the school want to rezone everything that the school owns or are they just looking at a sub partial? Mr. Hobbs stated that the parcel where the old elementary school was located will remain R 1 (residential) zone. Mr. Hobbs stated that the homes of the Thomas, Peterson, and Turner would be left as R1 (residential) Zone. Commission Member Rasmussen stated that a better question would a conditional use permit affect what the school would like to do one way or the other, would it pacify what the school district wants to do? Mr. Hobbs stated that he did not know what a conditional use permit is. Chairman Pristupa stated that a conditional use permit would allow the school to put something that is not under code on the school property. It would be identified as to the location where the item would be placed. It would not allow the school to move the container. Mr. Hobbs stated that like the white building next to the shop that the school is using as a classroom. Mr. Hobbs stated that there was a permit issued to place the building. Chairman Pristupa stated that if the school were to sell the property the conditional use would only be used for the school. Commission Member Rasmussen stated that the conditional use would be allowed as long as it remained school property. Discussion was had on rezoning the area from the canal down 4th west to the fence on the bus compound. A conditional use could be used to place the container in the area by the blue building. Discussion was had on setting a precedence in an R 1 (residential) zone only. The conditional use would have to list the container as an R 1 (residential) zone only, that way a citizen could not put a container in an R 1 (residential) zone because it would have to in a designated school zone in the City of Grace. Mr. Hobbs stated that this was the suggestion to the school to do a zoning change.

Mr. Hobbs explained the map for the Zoning Map Amendment Change, stating that where the church is and the old elementary will remain R 1 (residential) zone and the homes on the west side of the old elementary would remain as R 1 (residential).

Commission Member Spackman asked if the container would sit next to the bus shop? Mr. Hobbs stated that the container would go on the north side of the blue shed. Mr. Hobbs stated that the problem is there is a lot going on and the container would possibly not be moved until spring. Chairman Pristupa stated that this could be readdress with a conditional use in the spring. Discussion was had if the Planning & Zoning could allow the container to be moved with a conditional use permit in an R 1 (residential) Zone.

If the conditional use is allowed it would have to be declared as a conditional use in a school zone only location, even though it is R 1 (residential) zone, a school zone district only. The precedence stating in a school zone only, clarifying the conditions. Chairman Pristupa stated that Attorney Wood would need to give the correct information to be described as a conditional use.

Commission Member Rasmussen stated that if the school decides to sell the property at some point it would pacify the concerns of the citizens, because it would be removed.

Discussion was had on the concession stand and having a container stacked one on top of the other.

Mr. Hobbs stated that the school district has plans presently to change the concession building, which is in the wrong location, it needs to be moved so that when the sun is setting the patrons can see the football field. Mr. Hobbs stated that the commercial zone would allow the school to change the area without getting another permit, also to move all the bleachers, and the things need to be moved around and then have the concessions so that the elementary school parking lot would be the prime parking lot for the football field, then moving the restrooms closer to the cross walk. Mr. Hobbs stated that the citizens are really upset at the jaunt to the restrooms. Mr. Hobbs stated that there is not any handicap access, and this is a problem. Mr. Hobbs stated that there is a code for handicap distance between the facilities.

Mr. Hobbs stated that in discussion with the Superintendent commercial would allow the school to make the changes, but if it is left as R 1 (residential) it wouldn't allow the school to make the necessary improvements. Discussion was had on doing the conditional use permit and adding the concessions and the storage container on the same conditional use permit, two different items on the same property, both being containers. Mr. Hobbs stated that the school was planning on putting siding and a roof on the container making it look like a structure. Commission Member Spackman stated that it would be an improvement to build a storage shed if the money was going to be spent on siding and a roof.

Question was asked if a pre-built shed could be brought in and used in place of the container would the school want to go that way? Chairman Pristupa stated that old Hickory can build any size and shape of shed that would be needed. Mr. Hobbs stated that the shed could be built in house instead of paying someone else to build the structure. Mrs. Thomas stated that the shop class could build the structure. Chairman Pristupa stated that if the instructor was available all the time the structure could be built.

Mrs. Thomas asked about a parcel of commercial property and taxes. Discussion was had on the school not being taxed. Chairman Pristupa stated that the school and the church are not taxed, which is a good amount of property in the city that is not being taxed.

Chairman Pristupa discussed the need to table Zoning Map Amendment Change # 2023-02, so that the questions being asked can be discussed with Attorney Wood, to make sure what can be properly done and finish this after the first of the year.

Motion to table the Zoning Map Amendment Change (ZMAC) permit # 2023-02, for clarification purposes was made by Commission Member Rasmussen. Motion was seconded by Commission Member Crabb. Motion passed unanimously.

Chairman Pristupa stated that the Planning & Zoning Commission would check on the Conditional Use verses the Zoning Map Amendment Change (ZMAC) to zone commercial. Chairman Pristupa stated that the Zoning Map Amendment Change (ZMAC) would be tabled until the January 11, 2024, meeting, the district is working on some other items that need to be restructured and redesigned. Discussion was had that the administrator is willing to work on grants to help the district improve. Discussion was had on several tax breaks given by the State of Idaho for schools.

Other Business:

Chairman Pristupa opened the meeting for the election of officers. Chairman Pristupa stated that there were three Planning & Zoning Commission Members that will be leaving the Commission in 2024. Commission Member Rasmussen stated that being on the Planning & Zoning Commission is a good way to get information on the community.

Chairman Pristupa stated that his term on the Commission is up in 2026, Commission Member Spackman's term is up 2025, Commission Member Bingham's term is up in 2024, Commission Member Crabb's term is up in 2024, Commission Member Rasmussen's term is up in 2024.

Chairman Pristupa entertained a motion to elect officers. Commission Member Spackman asked if Commission Bingham would be asked to remain on the Planning & Zoning? Chairman Pristupa stated that if Commission Member Bingham were asked to remain, he would accept another term.

Commission Member Rasmussen made the motion to retain Chairman Pristupa and Vice Chairman Bingham as officers of the Planning & Zoning Commission. Motion was seconded by Commission Member Spackman. Motion passed unanimously.

Chairman Pristupa stated that there has been updated information from the Association of Idaho Cities (AIC) given to the Planning & Zoning Commission, have the members of the Commission look at the video that was emailed. Chairman Pristupa stated that it was an introductory video to the AIC information. Chairman Pristupa asked if the Commission Members had gone through the new AIC manual that was handed out when Attorney Wood was at the meeting. Chairman Pristupa stated that the Commission Members need to read the manual and keep it in the zoning notebook for reference.

Chairman Pristupa stated the Commission Members need to decide what meetings would work for them to make a new schedule for the city council meetings in 2024. The Commission Members will do the calendar at the meeting on January 11, 2024.

Chairman Pristupa stated that the next meeting of the Planning & Zoning Commission would be held on January 11, 2024, there will be a Conditional Use Permit # 2024-227 hearing with the regular meeting.

Chairman Pristupa asked if there was any more discussion? There was none.

Motion to adjourn the regular meeting of the Planning & Zoning Commission was made by Commission Member Crabb. Motion was seconded by Commission Member Rasmussen. Motion Passed unanimously.

Meeting Adjourned at 8:57 p.m.

ZONING CLERK

APPROVED: _____
CHAIRMAN/CO CHAIRMAN

DATE: _____

