

PLANNING & ZONING COMMISSION PROCEEDINGS

April 22, 2021

VICTOR, IDAHO

The Victor City Planning and Zoning Commission met in regular session remotely via ZOOM Webinar and at the City Council chambers at 32 Elm Street at 6:59 P.M. Upon roll call the following were found to be present:

PLANNING & ZONING COMMISSION: Christian Cisco, Ben Winship, Carl Kohut. Matt Thackray joined at 7:05pm. Kristi Aslin Joined at 7:13pm.

STAFF: Kim Kolner, Olivia Goodale, Herb Heimerl and Carl Osterberg.

Approval of Minutes from March 18, 2021 Special Meeting. A motion was made by Carl Kohut and seconded by Ben Winship to approve the March 18, 2021 regular meeting minutes as presented. Christian Cisco called for the vote. The vote showed all in favor. The motion carried.

Kim Kolner, planning director, gave a scheduling update and an update on the potential lifting of the mask mandate and the potential return to in person meetings in the future.

Continued Public Hearing – LU2021-01 Rezone application for 43 E Center St – Broulim's

Kim Kolner, planning director, gave staff comment regarding contents of the updated staff report, updates from the applicant, emails between her and the applicant, contents of a phone conversation between her and the applicant, neighbor cooperation in alley developments, and other ex-parte communication disclosures.

Mark Oswald, the applicant, gave comment on his responses to the proposed conditions, his understanding of Victor's community character, willingness to answer questions, possible development of the rear alley, amenability to open the store on Sundays, parking for the required housing, and the size of each housing unit.

Marian Ruzicka gave public comment on the Sunday opening requirement and proximity to the LDS church.

Penny Basquez gave public comment on the religious aspect of requiring Sunday openings, and inequality of conditions compared to other stores.

Herb Heimerl, city attorney, gave staff comment regarding the legality of requiring a store to open on Sundays.

Niki Richards gave public comment regarding negative public comment and disagreement with some of the applicant's statements.

Barbara Oronowitz gave public comment regarding Reenvision Victor contrast.

Kevin Hering gave public comment about the order of items on the agenda.

Beverly Koller gave public comment regarding not needing a grocery store, and economic draws to the area.

Discussion followed regarding relevant design standards, acceptability of the proposed conditions, required space and legality of the alleyway to the North, requiring the reuse of stone, parking requirements, and requiring off-site improvements.

A motion was made by Matt Thackray and seconded by Kristi Aslin to recommend approval of the rezone and map amendment application with the following conditions:

1. The Owner shall be solely responsible for compliance with these conditions of approval, all applicable development requirements, and all previous and future land use decisions rendered for the Project.
2. The Owner shall submit completed applications for a Site Plan Review (the "Project") within 6 months of the date of this Agreement. Failure to submit applications in this time frame and gain approval of these permits in the time permitted under the Victor land development regulations for the processing and approval of these permits, will cause the zoning for this parcel to remain as Civic, unless a new rezone application is later submitted and approved. No new building permits nor land use permits shall be approved for this site until this permit has been acquired.
3. The rezone ordinance will be adopted and published once the Project permit is obtained.
4. A Development Agreement shall be submitted per Sec. 67-6511A, Idaho Code, to review and include provisions to address the following:
 - a. That the developer install required infrastructure improvements, including but not limited to, street trees, sidewalks, utilities.
 - b. A traffic study to be performed to determine the needs for turn lanes into the site and also if a right turn lane is needed at the intersection of E. Center Street for northbound traffic onto Main Street/HWY 33, Evaluate developing the alley running east-west from Main Street to Agate Street; and that the developer assist in the payment of any needed improvements.
 - c. That development occurs in substantial conformance with the proposed site plan presented.
 - d. That the proposed use be limited to a retail establishment and no less than 6 residential units.
 - e. That development of the structure is not to exceed the normal permitting allowances of 2 years with a one time 6-month extension.
 - f. The Applicant shall host a neighborhood outreach and coordination process prior to the site plan application.
 - g. Limit vehicular access on Center street to no more than two total curb cuts.
 - h. Tree Grates every 25' on Center Street.
 - i. 36 lineal feet of benches along Center Street.
 - j. Evaluate developing the alley running east-west from Main Street to Agate Street per condition 4.b. The applicant shall develop that alley upon acquisition of an Easement or Right of Way for the City of Victor.
 - k. Open and operational for 8 hours on Sundays.
 - l. Housing to be provided at a 1 to 1 ratio of the commercial space that is built. The maximum size of each unit shall be 1,500 square feet.

Christian Cisco Called for the vote. Matt Thackray, Kristi Aslin, Carl Kohut and Christian Cisco voted in favor. Ben Winship voted in opposition. The motion carried.

Continued Public Hearing – SD2020-04 Mountainside Village Phase 4 Concept Plan

Kim Kolner, planning director, gave staff comment regarding the history of the application, the status of the upper pressure zone discussion, relationship of the upper pressure zone to this development, the lack of a capital improvements plan, the county natural resource overlay, a current development agreement, proposed conditions, a draft wildlife study prepared by the applicant, and proposed public improvements.

Larry Thal, the applicant, gave public comment regarding Earth Day, environmental benefits of Mountainside Village, proposed lot quantities per phase, the history of Mountainside Village, open space preservation, proposed density, utilities in phase 4, past expenses for the developer, dedication of open space, trail creek irrigation, wildlife movement, and water pressure improvements.

Marian Ruzicka gave public comment on earlier development agreements, lateral irrigation districts, and outstanding issues with past development agreements.

Jonah Sloven gave public comment regarding demand for housing, the applicant's dedication to aesthetics and environment, and neighborhood character.

James Webber gave public comment on hillside areas, urban sprawl, and fire risk.

Carl Levenson gave public comment regarding his cottage in Mountainside Village, and the original master plan.

Theresa Lerch gave public comment regarding phasing, two lots without shown access, and the proposed locations of roads.

Jessica Ginter made public comment regarding fire risk, and homeownership.

George Redden gave public comment regarding the reason they purchased in Mountainside Village, ADU's, parking, and short term rentals.

Zach Smith gave public comment regarding the applicant's vision and character.

Kathy Spitzer gave public comment regarding the dedication of public open space, and agreeance with other verbal public comments.

Discussion followed regarding the applicant's ability to provide their own water system, explanation of the proposed conditions, clarification of language in the staff report, and public possession of utilities.

A motion was made by Carl Kohut and seconded by Ben Winship to continue the last two public hearing items to the May 20th, 2021 regular commission meeting.

A motion was made by Kristi Aslin and seconded by Carl Kohut to approve the application subject to the conditions of approval in the staff report for the meeting date of April 22, 2021.

Planning Department Updates. Kim Kolner, planning director, updated the commission on the volume of applications received and the possibility of holding a special meeting.

Discussion followed regarding the return to in-person meetings and the inability to hold a special meeting.

Scheduling. The next regular commission meeting will be May 20th, 2021.

Adjourn. A motion was made by Matt Thackray and seconded by Carl Kohut to adjourn the meeting. Christian Cisco called for the vote. The vote showed all in favor. The meeting adjourned at 10:25 P.M.



Kim Kolner
Planning & Zoning Administrator



[Christian Cisco \(Jun 2, 2021 12:40 MDT\)](#)

Christian Cisco,
Planning & Zoning Chairman

Minutes: Carl Osterberg, 4-22-2021









Planning and Zoning 4-22-2021 DRAFT

Final Audit Report

2021-06-02

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