

**CITY OF SHELLEY
PLANNING AND ZONING MEETING
MINUTES**

September 17, 2014

PRESENT: P&Z Chairman: Leif Watson
P&Z Members: Kathy Curnutt, Larry Bateman and Eric Scarr
Dep. City Clerk: Beth Williams

The meeting was called to order at 8:02 p.m. Clayton was excused; he was out of town.

The Public Hearing opened at 8:04 pm. Ellis Sievers, 235 N. Milton Ave. #2, applied for a Rezone from Single Family dwelling to Multi-Family Dwelling. The apartment house was built in the 1950's and when the City blanket zoned the city in 1990; it was zoned as R1 instead of RM as the land was used. He wanted to sell the apartments, but could not unless it was changed back to RM.

There was no staff information; there was no written correspondence.

The floor was opened for those in support of the application. James Billman, 5676 E. Sagewood Dr., Ammon, said it was built for an apartment building and was always meant to be apartments. He said it should be changed to multi-family for them.

Helen Sievers, 235 N. Milton Ave. #2, said it was impossible for people to get financing for the building when it was zoned as R1. It was always three apartments.

There was no non-committed testimony; there was no testimony opposed to the action. There was no rebuttal.

The Hearing was closed at 8:08 pm for deliberations. They discussed the year the blanket-zone took effect. Beth reported that it was done in 1990. Larry had lived down the road from the apartments and didn't know they were not zoned RM. They reconvened the meeting at 8:09 pm.

Eric moved and Larry seconded to recommend to the City Council to approve the Rezone from R1 to RM.

Eric voted yes, it had always been an apartment as long as he had known. He saw no issue with it. He knew blanket zones were for the City, but this was a case that should be changed to RM.

Kathy voted yes, for the same reasons; it was built as apartments and should stay apartments.

Larry voted yes for the same reasons. He said if there was a mistake made in 1990, it should be corrected. Leif voted yes, it was historically apartments; it was not effecting the surrounding properties and nobody opposed it.

The vote unanimously approved the recommendation; one absent.

The Public Hearing was opened for Kong Khamone, 190 E. Pine St., at 8:14 pm. He applied for a Rezone from Two-Family dwelling to a Central Business zone. He applied for it so he could build a larger assisted-living center there. Mr. Khamone said he wanted to Rezone to get financing and was turned down by many banks because of the zoning. He cared for four people in the home at that time, but he wanted more clients. The finance companies said it needed to be a commercial zone for them to back it. He showed the Committee a hand-drawn picture of what he was going to do. He talked to Kim Wilde and Kim said he could build it. Mr. Khamone said he would add jobs. He also said Kenneth Balter on the west side of him told Mr. Khamone he did not want it. The building would change from two-story, 5000 square feet to a larger building with an indoor pond and garden area. There was a wide street by it. He said Shelley needed another facility; Gables was full all the time.

There was no written testimony. There was no testimony in support.

Wayne Clark, 240 S. Holmes Ave., gave non-committal testimony. He was just south of the property and mainly came to check on what was going on. He said anyone with a big commercial structure next door would be concerned; the building would change his property value and the environment of the neighborhood. Mr. Clark said he would be most effected, as it would be built in his direction. He worried about parking, property values, how fast it would be constructed as Kong had a lot of stuff piled on his property already. Mr. Clark said if it was done, he wanted it to be done right and in a timely manner.

Mr. Khamone was allowed a rebuttal. He said he bought the house in 2001 and it was not in good condition. He said it would increase the value of the neighbors' properties, their value would go up. His business would be quiet; no traffic. The house was built in 1916 and he said he had a paper that showed it was commercial in 1953. He submitted that paper. After reviewing the paper, the Board found it did not say the property was zoned commercial, it just called the apartments commercial for their appraisal at that time.

The Public Hearing was closed at 8:39 pm for deliberations. They asked Mr. Khamone when he would begin the project and he said the spring. He would have a ramp and elevator and enough parking spaces on the lot. He was asked who would do the electrical work and who would be contractor. Mr. Khamone said he would be doing the electrical part himself, but Kim Wilde told Mr. Khamone he would build it. Eric asked if Mr. Khamone had an engineer's plan instead of the hand-drawn one; there was not one until he received the funding. The Board discussed taxes. They

discussed parking spaces; Beth reported that he would have to meet code for any new construction permit. The Committee discussed ditch use and Mr. Khamone said he would not park on the covered ditch. Beth reminded them that if it changed to CB, set-back would be right to the sidewalk. They talked about the project being left unfinished half-way through. Mr. Khamone said he could get a \$500,000 loan and he would finish it quickly. The Board consulted the Zone Map for zoning on the surrounding lots. They found no Central Business adjoining his property. The Board asked Beth if they could put conditions on a Rezone and she said no, just on Variances and Special Use permits.

They resumed the meeting at 9:04 pm. Larry moved to recommend to the City Council to Rezone the property to Central Business. Eric seconded the motion.

Kathy voted no; the neighbors were concerned about the zone; commercial needed to be on one side and residential needed to be on the other side; she thought it might not get finished and would just sit there longer than it had already done as an unfinished business.

Eric voted no; it was never a commercial piece of property since zoning went in. He could not put CB in that location.

Larry voted yes, he wanted to see a successful business there. He said he thought it would not be a hindrance to the neighborhood; an assisted living was needed. Any discrepancy would be dealt with on the city side. Mr. Khamone gave his word that he would not build up to the sidewalk and Larry would take him at his word. Larry thought this would be good for the neighborhood and town; otherwise it would just become more rundown.

Leif voted no; there was no other commercial building on that side; it was not designed for commercial; there was little stipulation for CB, and he wanted to take care of the community around it. People can say what they will do, but the zoning determines it. If it were rezoned, the City would have their hands tied in what happened there.

The vote was one in favor of the recommendation to the City Council to Rezone, three against it; one absent.

Kathy moved to approve the minutes for August 20, 2014, as written. Larry seconded the motion. They were unanimously approved; one absent. The meeting was adjourned at 9:28 p.m.

ATTEST: *m B Williams* APPROVE: *[Signature]*