

CITY OF SHELLEY
PLANNING & ZONING
MINUTES

June 20, 2023

PRESENT: Chairman Shane Wooton

P&Z Members: Kurt Edwards, Paul Voelker, Aaron Severinsen

City Attorney: BJ Driscoll

Deputy City Clerk: Lisa Ybarra

ABSENT P&Z Members: Devan Dye, Arlyn Hendrix, Brad Miller

Called to order at approximately 7:30 p.m.

Chairman Shane opened the meeting. Shane mentioned that the first order of business is the Public Hearing for the Annex/Rezone for the Grover Construction property. Shane went over the basis of the public hearing and how the meeting would go and anyone who wanted to present could present. There would be restrictions on the number of people who wanted to present. If groups have the same interests or a spokesperson to represent, then typically more time can be given to speak. If the comments are the same over and over again, the testimony becomes overdone. Shane did ask if there was a list of those who wished to speak. Shane mentioned that based on what he was seeing, he was going to limit the time for those who stood at the podium to speak to two minutes. Vandl Burton spoke up about being told that they would have three minutes. Shane responded that as the Chairman, he gets to set the time and if there were only half the people then three minutes would be enough but with this many people and if the testimony becomes redundant, we may end up having to stop comment. City Attorney, BJ, did mention that if there were groups or spokespersons that are organized then maybe more time can be given. Vandl Burton spoke up and said they had a group outline of how they wanted to speak and didn't know who else would like to speak after that. Shane mentioned that with the public hearing, the Grover family or representative would speak first and present what is going on and what they would like to do with the property. Then those who are in support of that would have the opportunity to speak then all those who are neutral would be able to speak and then all those who oppose would be able to speak. Once the public comments are done then the Grover family or representative would like to speak again to clarify information or rebuttals then they would have that opportunity to be able to do so. After that,

we will close the public hearing forum and it will be open to the board for discussion and motions, etc. Shane invited Mr. Gerald Grover to start. Mr. Grover introduced himself as the son of the late Lavar Grover who passed about two years ago and that he is taking care of the estate. He has had a difficult time trying to sell the property because when they acquired it 60 years ago, the zoning was never changed from Agricultural to Heavy Commercial. Mr. Grover also mentioned that in addition, he knows that most of the people in the room tonight are opposed to having the property rezoned into the City of Shelley. With that said, after serious consideration and discussions with his siblings, they have decided to withdraw the application to get annexed into the city. They will be using the property under the current zoning in the county which is agricultural. The current game plan is to place pigs on the back five acres of the property after he has fencing installed and makes arrangements with a farmer. In addition, they will also have cattle on the property after the summer grazing season is over. Mr. Grover said thank you and was finished speaking. P&Z member, Paul asked if Mr. Grover is withdrawing his application if they were done with the matter. An audience member asked if the board would be open to hearing the concerns regarding the use of the property and how it is going to affect their properties. Shane said we don't have a say because we represent the City of Shelley and that is in the County. The same audience member said he understood that but as a resident of the City of Shelley, would the members like to hear the concerns on the use of the property now or in the future. BJ said that there is no longer a pending application and if there are still concerns it was suggested to voice those to the members outside of the meeting or take those to Council members outside of the meeting since there isn't a pending application it was advised not to have public hearing because there is no action to take and it becomes just an open mic. It was asked by another audience member if Mr. Grover could submit a new application, both Shane and BJ said he could if he wanted to, he could tomorrow. It was asked if there were any other questions which no other questions were asked.

Shane called the meeting back to order to continue the next Public Hearing of the Title 10 Amendment/RE Zone Fence Setbacks. Kurt read what Jordon and Sandy recommended to have the following wording for 10-8-5 (c)

Exception: RE Zone – Street side setback can be reduced to 2 feet from the row. This will only apply to residential lots within the RE Zone inside of the subdivision. Corner lots must still conform to the vision triangle.

Jordon said that we have out in the RE Zone the right of way is still 62` and we allow the RE Zone to feel more like a county subdivision and there is a lot bigger space from the back of the curb and gutter to the right of way line, it's 12 ½ feet

from the curb and gutter to the right of way line. Some of our other subdivisions are 8', and 5', some are right at the sidewalk. So, when you slide the fence in the additional 15' from the right of way that is a lot of side yard that is not really usable and doesn't really look good, and it's not a vision you want for the city. Residents should take care of it but would they if it's on the outside of the fence. Jordon says this would really apply within the subdivision. This would not apply on the Center St side even though it is RE Zone, this wouldn't be within the subdivision because we don't want the fence that close to the road for the vision triangle or tunnel vision, etc. Shane closed the Public Hearing at 7:59 p.m. and opened it for board discussion.

Aaron motioned to approve the recommendation as written by Jordon and Sandy on Title 10 Amendment/RE Zone Fence Setbacks. Kurt seconded the motion. Approved, four in favor, two absent.

Paul moved, and Kurt seconded to approve of the minutes of the Planning and Zoning meeting held on May 16, 2023, as written. Approved, four in favor, two absent.

The meeting was adjourned at 8:03 p.m.

APPROVE:  ATTEST: 