

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES

Wednesday, September 2, 2009 at 7:00 pm

Chairperson Nettleton called the meeting to order, and established a quorum. Members of the Elmore County Planning and Zoning Commission present were Chairperson Nick Nettleton, Vice Chairperson Patti Osborn, Al Sobtzak, Sue Fish, Betty Van Gheluwe, Rusty Trail and KC Duerig. Also present were Attorney of Record Phil Miller, Director Alan Christy and staff members Beth Westerwelle and Kacey Hultenius.

Nettleton established a quorum.

PUBLIC HEARINGS

Alvin Thomas and Dominique Burney Request for a Conditional Use Permit for Indoor Recreation Facility / Dance Club in Commercial Zone File # CUP-2009-05. Site is located in Section 34, Township 3 S, Range 6 E, B.M. Property address is 1385 Air Base Road. A common means of locating this property is 500' west from intersection of Air Base Road and SW Fly By Ave. **(May 13, 2009 ORD)** Christy gave staff report and background.

Alvin Thomas and Dominique Burney are the applicants. Thomas stated that they decided to do an 18 and up dance club for people in the military that live on base particularly who live in the dorms because they are so far from town and many don't have cars. He stated that they have gotten a lot of support from their squadron. Thomas stated they are with security forces and they are trained to do security and know what to look for. Thomas stated that there are neighbors who live right behind the building. They have met with them and have done tests with the noise levels and have had no complaints. Burney stated that they are also going to have events there such as weddings, receptions, and parties. Thomas stated that the property owner is in favor of this as well but was unable to attend the meeting. Nettleton asked how the neighborhood meeting turned out. Burney stated that there were some concerns from citizens are as far noise and security and that they have provided them with their personal cell phone numbers with any concerns or problems that they may have and they will try to accommodate them. Duerig asked how long the applicants expect to be stationed at the Mountain Home Air Force Base. Burney stated that he has 2 more years here and will re enlist at that time. Thomas stated that as security forces they usually stay at one location for at least 5 years and if they are deployed they have family who will run the business in their absence. Miller asked if they were planning on excluding those under 18. Thomas stated that there will be random Friday evenings from 5:00pm until 8:00pm for those under 18.

Rosie Castle was wondering why no one 18 years old could be there after 10:00 pm. Miller clarified that it was under 18.

There was not further testimony.

Nettleton closed this public hearing.

Commission Action:

Sobtzak moved to approve the Conditional Use Permit for an indoor recreation facility/dance club as it meets the 12 standards as outlined in the staff report and that they set the conditions as outlined in the staff report with the additional conditions:

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- 1) The hours of operation not exceed 2:00 am.
- 2) No one under that age of 18 will be on the premises after 8:00 pm
- 3) A letter of coordination is written between the applicants and the Elmore County Sheriffs Office prior to the issue of the permit.

Osborn seconded.

Motion carried unanimously.

Contesting the revocation of a Conditional Use Permit for Castle Estates Subdivision a 30-lot platted subdivision in Agriculture A Zone. Site is located in a portion Section 15, Township 1 S, Range 4 E, B.M. A common means of locating this property is from Interstate 84 Exit 71 Simco Road, proceed northeast to Desert Wind Road and turn northwest onto Desert Wind Road approximately 1 and ¼ miles to S Regina Road. Property is located at the intersection, north of Desert Wind Road and west of S Regina Road.

Westerwelle gave staff report and background.

Rosie Castle is the land owner. She stated that there has been a considerable amount of work and money that has been put in on this subdivision. She stated that all of the surveying and staking has been done. She stated that all of the roads have been cut in. She stated that there are a few landscaping materials on the property but those were to be used on the subdivision. Castle stated that she had spoken with the former Director of the Growth and Development Department Bonnie Sharp and had written a letter asking Planning and Zoning to put this on hold. She stated that the economy was going down hill very quickly and has only gotten worse since. She stated that she did not realize that she had to send in an additional request 1 year from the first extension. She stated that they have pit run down on part of the roads and all of them are cut in. She stated that the only thing left to accomplish is filing of the final plat and they are requesting consideration for another extension. Nettleton asked exactly what landscaping materials are out on the property. Castle stated that it was compost and some cobblestone which is to all be used for the subdivision and what they do not use will be removed. Nettleton asked if the transmission lines go through the property. Castle stated that they do not. Osborn stated that there is a transmission line that does run the Orchard substation and feeds on to the Elmore substation and the line has always been there. Osborn stated that all of the appropriate language to ensure access has already been agreed to by the applicants in the conditions set forth by the Board of County Commissioners.

No one has signed up to testify in this matter.

Nettleton closed this public hearing.

Commission Action:

Osborn moved to extend the Conditional Use Permit and Preliminary Plat for one year from the date of this meeting.

Duerig seconded.

Motion carried unanimously.

NEW BUSINESS

Smith Creek Subdivision Revocation.

Westerwelle gave staff report and background.

Greg Knudson is the applicant. He stated that since they will still retain the Conditional Use Permit on the property that they will get another Preliminary Plat. He stated that he is not contesting the revocation of the Preliminary Plat. Commission Consensus is that the future Preliminary Plats as they are submitted under this Conditional Use Permit will be in accordance with the zoning ordinance that is in place at the time of the resubmittal of the Preliminary Plat.

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Approved

Approved

Sobtzak moved to accept the revocation of the Smith Creek Subdivision Preliminary Plat.

Osborn seconded.

Motion carried unanimously.

FCO'S and MINUTES

FCO for 101 Ranch, File # CUP- 2009-04.

Osborn moved to approve as written.

Trail seconded.

Motion carried unanimously.

Minutes for August 19, 2009.

Osborn moved to approve as written with one correction.

Trail seconded.

Motion carried unanimously

INFORMATION ITEMS

Update on Clear Springs Ranch, LLC appeal.

Westerwelle stated that at the August 19, 2009 meeting the Commission Members were informed that there had been an appeal filed on the decision to extend the Preliminary Plat for Clear Springs Ranch Subdivision. She stated that there was research done and that staff concluded that this person who filed the appeal is unable to do so as they have not appeared in writing or in person at any of the Public Hearings regarding this issue as well as they were past the 10 day appeal period.

Annexation Application

Christy informed the Commission Members about a large annexation that is pending with the City of Mountain Home. He stated that there is a Public Hearing with the City of Mountain Home that he will be attending on September 8, 2009 and that he will be drafting another letter for the record. He stated that in addition to the letter he has some concerns regarding the annexation. He asked that if any of the Commission Members had any concerns to give them to him by the date of the Public Hearing or attend the meeting.

ITEMS FROM THE PUBLIC

Lori Dean stated that she lives directly behind the dance hall that was discussed earlier in the meeting and was too late to hear what was decided and wanted some information on the Public Hearing. The Commission and staff answered her questions.

MEETING ADJOURNED

Nick Nettleton, Chairperson

Date:

Attest: _____

Alan Christy,
Director

Date: