



June 7, 2016

6:30 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners Brent Dixon, George Swaney, Darren Josephson, Margaret Wimborne, Julie Foster and Natalie Black.

**MEMBERS ABSENT:** Joanne Denney, George Morrison

**ALSO PRESENT:** Planning Director, Brad Cramer; and Assistant Planning Director, Kerry Beutler and interested citizens.

**WORK SESSION:** Commissioner Dixon opened the Work Session.

**1. Zoning Ordinance Rewrite Update.** Cramer gave an update on the Zoning Ordinance Rewrite. Cramer indicated they had a meeting to go over Chapter 1 (General Regulations). Cramer indicated they have representation from George Morrison (current Commissioner); Kurt Karst (former Commissioner); Brent Wilson (realtor); Gary Voigt (developer); Tana Barney (Ball Ventures/developer); Clint Boyle (engineers/designers); and Dana Briggs (City's Economic Development Coordinator). Cramer indicated that the consultant and Staff are working on the changes and discussing concepts with the committee and sending them drafts of the code to review and comment and then those will be changed and brought to the Commission for comment. Cramer summarized each section of the proposed code. Cramer asked the Commissioners how they want to participate. Cramer suggested and the Commissioners agreed that Cramer will report on the progress once a month and will send the documents to the Commissioners to review. Dixon stated that the Commissioners will be interested when the committee is combining old zones and the reasoning behind why the zones were separate in the first place and what is lost by combining the zones. Cramer indicated that he will report what will be missing if the zones are combined and what will be accomplished with the new zones. Dixon indicated that RPA does not have home occupations and suggested that might be the reason that no one is requesting RPA. Cramer stated they have been asking residential developers that chose R-1 when the development would fit into RP and RPA for setbacks. Cramer stated the number one reason for not using RP and RPA is the set backs are more restrictive and the second reason is the home occupation issue. Cramer stated that they are finding they can restructure the hierarchy differently and exempt certain businesses that don't have clientele.

**2. Area of Impact Policy Statement.** Dixon indicated that the minutes indicated that they were going to wait until this meeting before presenting the work document to the County. Dixon indicated that it was given to the County at the last AOI meeting. Dixon stated that the reason for giving it to the County at the last meeting was because the only comments he received was "just give it to the County". Dixon indicated that they met with the Mayor and informed her of the contents of the document and she was supportive of the work product and Cramer added it to the agenda for the meeting with the County. Dixon stated that there was no point in waiting as no one seemed to have changes. Dixon indicated that if the County's position is different than the

City's then they need to prepare a written document that can be given to the public. Dixon indicated that the map is in place with only one small disagreement. Wimborne stated she does not object to the philosophy behind the work product but is concerned that it is not reflective of how the County feels and trying to get the entities to agree will be difficult. Wimborne indicated she felt the City was combative in the presentation and was uncomfortable with how it ended. Dixon stated he could have handled it better. Swaney indicated that it was uncomfortable for everyone and was shocked at the suggestion that the existing area of impact agreement was off the table and that they had to start from scratch. Swaney indicated that the onus is on the County to put something in writing and not just take shots at the things the City is presenting. Dixon indicated he appreciated the history that Beutler put together with what has been requested and provided to show that the City has been compliant with every request and the County has not responded. Dixon asked what the next step in the process is. Cramer stated that the next step is to draft a public participation plan. Cramer indicated that they want to know what the group wants to do (i.e. online survey, newspaper publication, etc.) Cramer stated they have discussed inviting people who will be newly affected by the area of impact line to an open house to talk and ask questions. Cramer stated that the next meeting they will ask the group what they want to take to the public. Dixon asked if they were on track with the schedule. Cramer indicated they are a month behind. Wimborne asked how other communities have handled the public input. Cramer stated that they intend to send a letter to the newly included residents of the Area of Impact and they will still publish in the newspaper for general outreach. The Commissioners discussed who would be present for the next AOI meeting. Cramer indicated they need 5 for a quorum. Cramer indicated that Commissioner Wyatt retired from the Commission and Commissioner Cosgrove moved to Portland. Dixon and Cramer discussed what is being done to invite new members and that the numbered and lettered streets are currently unrepresented on the Board.

**CALL TO ORDER:** Chairman Dixon called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

**CHANGE TO AGENDA:** Cramer indicated that item #2 is a recommendation to the Mayor and City Council, not an approval or denial as indicated on the agenda.

**Minutes:** Swaney moved to approve the minutes of May 3, 2016, Josephson seconded the motion and it passed unanimously.

### **Public Hearings:**

**1. ANNEXATION/INITIAL ZONING. (Jackson Hole Junction).** Cramer presented the staff report, a part of the record. Wimborne asked if it is appropriate to make a recommendation on the entire property if a portion might be withdrawn. Cramer indicated that they can withdraw at any point until it goes to City Council and only the legal description that goes into the annexation would be changed. Cramer added that as long as the final product is fewer acres and not more that is fine. Black clarified and Cramer agreed that the line does not go south of Sunnyside road. Dixon clarified and Cramer agreed that the area will be a single development.

Dixon opened the public hearing.

**Applicant: Clint Boyle, 901 Pier View Drive, Suite 205, Idaho Falls, Idaho.** Boyle stated that JHJCC, LLC is the applicant and will move forward with a large commercial center, after a

favorable outcome of the annexation process. Boyle indicated that the applicant took time to compile and purchase multiple properties to compose the current annexation application. Boyle indicated that the piece of property that is in question is being negotiated out and should close in the next few weeks. Boyle clarified that the notifications are appropriate and all parties have been notified and if the annexation ends up scaling down prior to City Council everything will still be in order. Boyle stated that sewer and water main lines and power lines exist in the Sunnyside road across the entire frontage. Boyle stated there is interest in the property and tenants that are waiting for the annexation. Boyle indicated that the other quadrants are also zoned HC-1 and this property will tie in with the current development and the Comprehensive Plan.

No one appeared in support or opposition to the application.

Josephson asked about the small piece of property to the west of the subject property. Boyle indicated that property owner is not interested in selling. Boyle indicated there is a residential dwelling on the property. Dixon asked Cramer what the difference between the County zoning of C-2 and the City's zoning of HC-1. Cramer indicated that the C-2 zone in the county is almost verbatim the City's GC-1 zone, which is heavy commercial. Cramer indicated that staff was concerned with the heavier uses (chicken hatcheries, coal and lumber yard, etc.) Cramer indicated they wanted to ensure that the entry way to the City was inviting and attractive and GC-1 would not accomplish that goal with the potential land uses.

**Mario Hernandez, 2252 W Sunnyside, Idaho Falls, Idaho.** Hernandez offered his support for the annexation and zoning change. Hernandez indicated that it will give diverse ability for the property.

Dixon closed the public hearing.

Swaney commended the applicant on the efforts on preparing this annexation by consolidating the property to a single annexation. Swaney is anxious for the annexation of the remainder of Sunnyside so there is no controversy about who is responsible for emergency response on Sunnyside.

**Black moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of HC-1 for the Jackson Hole Junction property as presented, Wimborne seconded the motion and it passed unanimously.**

**2. CONDITIONAL USE PERMIT. (Third Ward Medical Offices).** Beutler presented the staff report, a part of the record. Dixon asked Beutler to go over why the property was recently rezoned. Dixon asked about buffering for the buildings across the alley if they are using the alley as a turn around. Beutler indicated that buffers generally don't go across rights of way and typically the buffer runs along property lines. Dixon asked what the trip count for the area will be. Beutler deferred to the applicant. Dixon asked and Beutler confirmed it is appropriate to discuss hours of operation and restrictions thereon.

Dixon opened the public hearing.

## **Applicant:**

**Steven Loosli, 5390 S. Marbrisa, Idaho Falls, Idaho.** Loosli represents Third Ward LLC. Loosli clarified that the building is not specifically a registered building, but is a key component in the registration of the 11<sup>th</sup> street Historic District. Loosli indicated that they would be open during traditional business hours for a medical clinic. Loosli gave a background and definition on integrated medicine to include the combination of conventional and alternative medicine. Loosli indicated that they intend to have medical doctors, physician assistants, nurse practitioners, nature path, chiropractor, massage therapist, acupuncture and other medical team members. Loosli indicated that they were looking for a “statement building” for their new medical business. Loosli gave a brief time table of past uses of the Third Ward Building. Loosli indicated that they purchased the property in May. Loosli indicated that many of the buildings components have to be removed, redone and/or relocated using and abiding by the guidelines of the Historic Renovation Guidelines of the Department of the Interior and State Historic Preservation Office. Loosli went through cost estimates for the repairs to the building. Loosli indicated that their medical approach is high intensity/low volume. Loosli indicated that they do not require 5 spots per 1,000/sq. ft., but rather 3 spots per 1,000 sq. ft. Loosli discussed the cultural/dance hall and the usage calculation showing the 51 spots with minimal adjustments to the existing property. Loosli stated that they anticipate a staff count of 25 (high estimate), which will leave half the stalls open for patients. Loosli went over the request for the variance of use of the alley for general circulation. Loosli indicated that they propose to pave the alley along their property line. Loosli discussed the request for the variance for the lack of the 10% parking lot landscaping. Loosli indicated they will have handicap accessible stalls and entrances and they will be sensitive to the needs of the clients.

Dixon asked what the traditional hours of use will be. Loosli indicated 8 a.m. – 5 p.m. Monday through Friday. Dixon asked if the flex space would have use in other hours besides the 8-5. Loosli indicated there is a possibility of having a company Christmas party of gathering in the evening hours, but will not be standard or predictable occurrence.

## **Support/Opposition:**

**Karlene Brown, 190 12<sup>th</sup> Street, Idaho Falls, Idaho.** Brown expressed her concern about the alley and the dumpster location. Brown asked if the City has intentions of doing away with garbage service and going to the large dumpster with single pickup for the area. Brown also indicated that the alley needs to be maintained in the winter as people get stuck in the alley. Brown complimented the clean up the applicant has done on the building and the site.

**Yan Scott, 125 E 14<sup>th</sup> Street, Idaho Falls, Idaho.** Scott offered his support for the application and is enjoying the renovation of the building.

**Linda Reeder, 164 E 13<sup>th</sup> Street, Idaho Falls, Idaho.** Reeder offered her support for the project. Reeder asked how they are currently doing construction when they have not been approved for the Conditional Use Permit. Reeder stated her concern for the amount of traffic that is going through during the construction phase. Reeder indicated that the metal fencing around the property is not enough to keep people out of the construction site each night and suggested additional security. Reeder stated that the circulation of the traffic going in and out on 13<sup>th</sup> street does not make sense to her and believes it will overload 13<sup>th</sup> street.

**Nancy Bowen, 104 E 14<sup>th</sup> Street, Idaho Falls, Idaho.** Bowen stated she is concerned about the use of the alley and how to control where people enter and exit.

**Tom Peters, 330 E 13<sup>th</sup> Street, Idaho Falls, Idaho.** Peters stated his concern is the traffic jam that occurs at 5 p.m. and the intersection at Holmes is terrible.

**Applicant: Steven Loosli, 5390 Marbrisa, Idaho Falls, Idaho.** Loosli indicated they are prepared to maintain the alley if the City will allow them. Dixon asked if the improvement to the alley will be the entire length of the property or just behind the parking lot. Loosli clarified that the paving will be from Lee to the property line. Loosli indicated they are only showing where their garbage collection will be and have not heard of the City consolidating garbage collection. Loosli stated that the building has a reputation in the community and the building is attractive for young people to go to and break into and see if it is haunted. Loosli indicated they are doing their best to show activity in the building and anticipate that the breaking in will settle down. Loosli indicated they hope to be done with the demolition process shortly. Loosli also indicated that all the work being currently done does not require a permit from the City and is general maintenance. Loosli indicated they will inform their customers of the appropriate and best ways to enter and exit the property and area.

Foster asked what Staff's recommendation is on the application. Beutler indicated that Staff is in favor the application and is sensitive to the neighbor's concerns. Swaney suggested removing a few parking spots and not having to use the alley as a turn around. Beutler indicated that they have to weigh the needs of parking versus turning around in the alley. Black indicated that this is the best use that has come to the Commission. Black indicated that the parking spaces are more important than the landscaping and keeping parking off the street.

#### **Support/Opposition:**

**Nancy Bowen, 104 E 14<sup>th</sup> Street, Idaho Falls, Idaho.** Bowen clarified that she is not opposed to the use of the alley and suggested more use of the alley for enter/exit. Bowen stressed the importance of maintaining the alley with pavement/plowing.

**Karlene Brown, 190 12<sup>th</sup> Street, Idaho Falls, Idaho.** Brown clarified that she does want the applicant to use the alley and was only concerned with the maintenance of the alley.

Dixon closed the public hearing.

Dixon reminded the Commissioners about the variance on the parking circulation to include the alley; and parking lot landscaping variance. Dixon also suggested considering hour of operation.

Wimborne stated her support for the proposed use of the building and is in favor of the variances the staff has outlined. Swaney stated the proposal is well thought out and the use will be an asset to the community with very minimal impact to the community at large. Foster asked how long the CUP would be used before they rezoned the property. Dixon indicated that if they wanted to rezone it to R-3A they would have to come back for a rezone, otherwise the CUP can stay in place as long as the use is consistent with the CUP as approved. Black asked if the CUP changes with ownership. Cramer indicated that if the building changes ownership they are supposed to renew the CUP with City Council.

**Wimborne moved to recommend to the Mayor and City Council approval of the Conditional Use Permit for RSC-1 use of medical and professional offices within an R-3 Zone for the Third Ward Medical Offices at 187 E 13<sup>th</sup> Street, as presented, with variances to allow for the use of the alley and City Street for circulation and the lower requirement for landscaping to allow for additional parking, Black seconded the motion.**

The Commissioners discussed if there was a need to add the paving requirement or hours of operation to the motion. Swaney indicated that the commitment from the developer was normal business hours for similar uses in the community and Swaney encouraged the applicant to clearly define to the City Council that they are committing to improving the alley and maintaining the alley.

Dixon and Beutler discussed the maintenance of the alley. Beutler indicated that as part of the site plan process public works will require that the alley be paved and it is noted on the site plan that was provided as part of the application that their intent is to repave the alley.

**Dixon called for a vote on the motion and it passed unanimously.**

**3. PLANNED UNIT DEVELOPMENT. (Saturn Park Townhomes).** Beutler presented the staff report, a part of the record. Black and Beutler discussed the extension of Saturn Ave. and confirmed that the applicant will make the improvements to include curb, gutter and sidewalk on the west side and possibly the east side. Black asked about the possibility of the park that could be created with the City owned property. Beutler indicated that Parks and Recreation is aware of the property and is unsure if they are going to pursue the project or leave the property as open space. Black clarified that Saturn would have street parking.

Dixon opened the public hearing.

**Applicant:**

**Fred Walland, 645 Lincoln Drive, Idaho Falls, Idaho.** Walland indicated that the owner of the County property to the west is going to possibly participate in the construction of Saturn. Swaney asked if the multi-use area will serve as a storm water retention basin. Wimborne asked how they intend to serve both purposes with the drainage pond (park/pond). Walland indicated they would provide space along the sides of the Court for nuisance water and in the event of a big storm the playground would be un-useable. Black asked what the square footage of the townhomes will be. Walland indicated approximately 950 square feet.

No one appeared in support or opposition of the application.

Dixon closed the public hearing.

Wimborne commended the developer/applicant that this development is well thought out and will work for real people living in the development as each tri-plex has its own space. Swaney commented that every applicant at this meeting has thought out and worked with the community to present a well thought out plan to effectively develop the area.

**Josephson moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Saturn Park Townhomes as presented, Wimborne seconded the motion and it passed unanimously.**

**Business:**

**1. Plat 16-016: FINAL PLAT. Saturn Park Townhomes Division 1.** Beutler presented the staff report, a part of the record. Dixon asked about the options for fencing each townhome. Beutler indicated that it would be controlled through the HOA documents. Dixon clarified and Beutler confirmed that the parking spots will be common space, not owned.

**Swaney moved to recommend to the Mayor and City Council approval of the Final Plat for Saturn Park Townhomes Division 1 as presented, Wimborne seconded the motion and it passed unanimously.**

**2. Plat 16-014: FINAL PLAT. Snake River Landing Division No. 11.** Beutler presented the staff report, a part of the record.

**Applicant:**

**Clint Boyle, 901 Pier View Drive, suite 205, Idaho Falls, Idaho.** Boyle indicated that they will be extending Event Center Drive and the public right of way 500 ft. into the site and they will have a non-buildable lot that will provide access to the buildable parcel. Boyle indicated the plat is an odd shape because it is a piece of the master plan “puzzle”. Boyle indicated that the western edge of the buildable lot there is a public utility easement to get water/sewer trunk lines they need to serve the building that will be built.

Swaney complimented Snake River Landing as being a credible developer and the Commission and Mayor and City Council can have confidence that the plat does represent something that is incremental in the evolution of the property.

**Wimborne moved to recommend to the Mayor and City Council approval of the Final Plat for Snake River Landing Division No. 11 as presented, Josephson seconded the motion and it passed unanimously**

Dixon adjourned the regular meeting.

**Respectfully Submitted**

**Beckie Thompson, Recorder**