

CITY OF IDAHO FALLS
BOARD OF ADJUSTMENT
P.O. BOX 50220
IDAHO FALLS ID 83405-0220
(208) 612-8276

May 10, 2012
12:15 p.m.

City Annex Building, Council Chambers
680 Park Avenue

Members Present: Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Richard Lee; Len Stenzel; and James Wyatt.

Members Absent: Stephanie Austad.

Staff Present: Brad Cramer, assistant director; and Debra Petty, recording secretary.

Also Present: Richard Boyle; Aris Boyle; and Bob Skinner.

Changes to Agenda: Under Miscellaneous, Cramer will discuss the Winery.

Call to Order: The meeting was called to order at 12:15 p.m. by Chair Lee.

Minutes: **April 26, 2012. Motion by Davies, seconded by Latin, to approve the minutes of April 26, 2012, as presented.**

Aye: Jake Cordova; Alex Creek, Jake Cordova; Steve Davies; Hal Latin; Len Stenzel; and James Wyatt.

Nay:

Abstain: James Wyatt

Public Hearings: **Conditional Use Permit
Lot 10, Block 19, Holmes Addition
467 Constitution Way**

Cramer described the request as outlined in the staff report, a part of the public record. He noted the following in regard to the project:

- A conditional use permit is only required to meet one criterion per 5-8-1.C.4; while a variance must meet all criteria per 5-1-8.B.4.
- The request is for approval of a conditional use permit to reduce the required parking for a restaurant in a CC-1 zone from 16 spaces to 6 spaces.
- The proposed location is south and adjacent to Constitution Way, east of Capital Avenue, west of Park Street, and north of B Street.
- The applicant desires to convert office space to a bistro style restaurant.
- The conversion is a change of use and requires current parking standards and building code requirements.
- Restaurants are required to provide 15 stall per 1,000 gross square feet of floor area.
- The space is 1,066 square feet and requires 16 parking stalls.
- There are two designations for restaurants: urban, which requires 5.5 stalls; and suburban which requires 14.5-15 stalls.
- The site has are 6 existing off-street parking stalls.
- The proposed restaurant is designated urban (5.5 spaces) and only operates between the hours of 6:00 am to 2:30 pm.
- The estimated peak hour for the restaurant is between 7:00 am to 10:00 am.

- Clientele are largely people working in the downtown area who already have parking.
- Off street parking stalls, public and private, reached a peak of 61.5% which is under the area peak hour of 70%.
- The data from a recent parking study of the downtown indicates parking is sufficient, but much of it is underutilized.
- A parking count was done throughout the day by staff prior to the hearing and found there is adequate parking for the new use.
- The property fronts Constitution Way which will be restriped in May providing a total of 94 stalls to include parallel along street and pull-through stalls in the center of the street with a mix of all-day and 2 hour parking.
- An ordinance to waive parking requirements in the downtown area is being considered in an effort to preserve existing buildings and utilize public parking.
- The parking study supports such a change to the ordinance.
- Staff recommends approval of the conditional use permit.

Creek asked if Pachanga's was a variance or conditional use permit. Cramer said it was a variance and has other criteria for approval than a conditional use permit. Creek asked staff to address the objection letter submitted by Mr. Miller. Cramer said he is the owner of the old post office building on the southwest corner of Park and Constitution Way and has dealt with customers and employees parking in reserved stalls. However, if there is a compelling reason he would withdraw his objection. Latin asked if a conditional use permit expires if the use is changed. Cramer said it does and is another reason to make a change to the code.

Chair Lee opened the hearing to public comment.

Richard Boyle, 2965 Fieldstream Lane, Idaho Falls, ID. Mr. Boyle said the restaurant will cater primarily to employees of the downtown, including delivery to those unable to leave the office for lunch. He believes there will be little impact on existing parking.

Aris Boyle, 2965 Fieldstream Lane, Idaho Falls, ID. Mrs. Boyle said the restaurant will not serve dinner, but there will be some catering which will not interfere with other businesses in the area for parking.

Bob Skinner, Idaho Falls, ID. Mr. Skinner expressed concern for members of the Veteran's Memorial Building at 485 Constitution Way. The building is not ADA compliant, which he is working to correct. Many of the patrons are elderly, wounded, or have other debilitating conditions that make access difficult. As many as 150 members attend meetings/events at which dinner is served. He hopes the new tenants are willing to allow them access to their required parking at the rear of the building for use of the downstairs kitchen and to retrieve other items stored there. Wyatt confirmed the Veteran's building is located west of the proposed restaurant. He told Lee the emphasis of daytime events is counseling services for vets.

Chair Lee closed the hearing to public comment.

Cordova said Planning Commission recommended approval of the ordinance to waive parking in the downtown. He assumed it had been approved by council. Cramer said the ordinance change never went forward to council for approval. Staff will take the issue before the council in the very near future. Cordova said the city and county have made

strides to increase parking in the downtown. He believes the two uses complement one another. Wyatt asked if the old post office has enough required parking. Cramer said due to the size of the building he doubted it would. Wyatt said Mr. Miller is holding the proposed restaurant to a higher standard than is required of his own property.

Motion by Davies, seconded by Cordova, to approve the conditional use permit for a reduction in the required parking for a restaurant in the downtown from 16 spaces to 6 spaces as it meets 5-8-1-C.4.A; adequate parking spaces exist in the surrounding area for the applicant and neighboring businesses during peak hours and in light of the results of the recent parking study. Motioned passed.

Aye: Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Richard Lee; Len Stenzel; and James Wyatt.

Nay:

Abstain:

Business:

Findings of Fact and Conclusions of Law for Lot 2, Block 25, Original Town. Motion by Latin, seconded by Creek, to approve the Findings of Fact and Conclusions of Law for 468 Eastern.

Aye: Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Richard Lee; Len Stenzel; and James Wyatt.

Nay:

Abstain:

Findings of Fact and Conclusions of Law for Dora Erickson Elementary School.
Motion by Creek, seconded by Cordova, to approve the Findings of Fact and Conclusions of Law for 850 Cleveland.

Aye: Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Richard Lee; Len Stenzel; and James Wyatt.

Nay:

Abstain:

Miscellaneous:

Cramer said ownership of the Winery, recently approved by the board for a variance to reduce required parking to zero for a restaurant in the downtown. The new owner has expanded the business into the rear yard to include: a restaurant; horseshoe pits; outdoor dining; volleyball; and a stage for concerts. The variance was granted for a specific use that has changed and wanted to know if the board would like submittal of a new variance for the property. Lee is in opposition to the changes. Creek concurred. Davies said this is not what was presented to the board for approval and believes a variance is required unless the new owner finds the required parking.

Adjourn:

Meeting adjourned at 1:00 p.m.

Richard Lee, Chair and/or
Len Stenzel, Vice Chair