

December 7, 2010

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Vice Chair Kurt Karst, Commissioners Jake Cordova, Brent Dixon, Michelle Mallard, Gary Mills, Leslie Polson, and George Swaney.

MEMBERS ABSENT: Chair Jared Peterson and Commissioners Donna Cosgrove and Paul Savidis.

ALSO PRESENT: Assistant Planning Director Brad Cramer, Recording Secretary Donna Carlson and approximately ten interested citizens.

CALL TO ORDER: Chair Karst called the meeting to order at 7:10 p.m. and reviewed the hearing procedures for the public.

MINUTES: November 16, 2010. Commissioner Dixon moved to approve the minutes of November 16, 2010, as presented. Motion seconded by Commissioner Wimborne. Motion passed.

Miscellaneous: Healthy Communities and Complete Streets: Deanna Smith, Idaho Smart Growth. A handout entitled, "Complete Streets Talking Points," is included in the public record. Idaho Smart Growth was awarded this contract from the Department of Health and Welfare. Idaho Falls was identified as one of five communities for this project. Ms. Smith asked that the Commission consider this project in conjunction with the upcoming comprehensive plan update. The primary message is that complete streets provide people with a range of safe choices for moving around their communities, including walking and biking. Complete streets are people-friendly and support good health. Street design and land use needs to be considered. The primary focus of the project is to enable activity and produce a healthier population.

A complete streets policy ensures that the entire right-of-way is routinely designed and operated to enable safe access for all users. This entails thinking about the entire transportation system with all users in mind. Ms. Smith pointed out that the current Idaho Falls comprehensive plan already encourages walking and bike paths as well as creating connectivity. Communities who are successfully implementing complete streets have decided on a mechanism to guide decision making. The funding for this project comes from the Center for Disease Control due to the known health benefits derived from activity.

Ms. Smith is charged with creating a task force to develop recommendations for complete streets policies. Dixon stated an issue with density in Idaho Falls is people appear to want larger lots. Ms. Smith said it can be a challenge to design open spaces in different ways rather than in individual back yards.

Public Hearings:

Conditional Use Permit for a Carry-out restaurant in an R-3A Zone: Lots 42-44, Block 17, Crows Addition. Cramer reviewed the staff report, a part of the record. Revisions to the site plan since its presentation in August were noted. Due to traffic concerns, heavy crosswalk usage, and 6th Street being a residential neighborhood, the City engineer noted on the site plan that he does not recommend approval. Staff has similar concerns in addition to buffering residential from the site. A chain link fence is proposed on the north side of the alley. As noted in the letter from the Eye Clinic, included in the staff report, the office does not believe the fence is a sufficient deterrent to keep restaurant patrons from using the clinic parking.

Wimborne inquired about parking requirements. Cramer said a 2,000 square foot restaurant would normally require thirty parking stalls. Seven stalls are available on this site. Limited parking is being considered due to previous uses on this site and the lack of a sit-down area.

Dixon inquired about the dumpster. The applicant previously indicated to Cramer that the sanitation department requested the dumpster be located in the alley. Dixon noted the driveways are very narrow. Based upon vehicle movements simulated by the engineering department, Cramer said the site is difficult to maneuver for larger vehicles including delivery trucks.

The application has been designed for walk-in traffic but staff is concerned there is no way to control how it actually functions. The Institute of Transportation Engineers indicates this type of usage will produce approximately 50 to 75 peak hour trips and some of that traffic will travel through the neighborhood.

Karst confirmed restaurants are an allowed use in R-3A with a conditional use permit. He noted the chain link fence appears to be built in the alley, a public right-of-way. Cramer confirmed he informed to the applicant that building the fence will require permission from the eye clinic.

The hearing was opened to the public.

Sherri Bible – 440 9th Street. Ms. Bible tried to contact the eye clinic to discuss the chain link fence but at this point she does not believe the fence will be built. She plans to install concrete parking blocks instead of a fence. The entrance to the alley will be widened. Upon studying properties on Holmes Ms. Bible agreed that changing to entrance only on 6th Street is a better idea. Vehicles can exit through the cut-out or through the alley on Holmes. Delivery vehicles will be limited to twenty feet with deliveries restricted to two times per week between 8 and 10 a.m. She plans to open at 10 a.m.

Ms. Bible does not see anyone on Holmes in 100% compliance with the landscape buffer and fence. Some properties have no buffering between commercial and residential. Ms. Bible believes she will be the only one in compliance if she installs landscaping and a fence. She has been persistent about this location because it is good for the neighborhood. It provides an option for students not to drive during lunch. The restaurant also provides an option before and after events at the Civic auditorium which will help stagger traffic. The restaurant location will also encourage foot traffic in the neighborhood.

Ms. Bible does not believe turning left onto Holmes is difficult with the 20 mph speed limit between 8 a.m. and 4 p.m. There are traffic lights at 5th and 7th Streets. Employees will be encouraged to park at her home on 9th Street.

The vinyl fence will be raised to 6 feet prior to opening, with plans to replace the fence with a block wall within a year. This will be an improvement for blocking light and noise from the site as well as from Holmes Avenue. Ms. Bible intends to improve the situation in the area and understands the circumstances are not perfect.

Ms. Bible prefers hours of operation from 10 a.m. to 8 p.m. with the option to remain open one-half hour after events end at the Civic auditorium approximately once a month. Dixon asked if the business plan will work if the restaurant is open only during the day. The restaurant is targeting walk-in traffic but after 5 p.m. the majority of business will be drive in traffic. A menu is planned that will appeal to older people in the neighborhood and she prefers the opportunity to provide service after high school students have left the area. Dixon is concerned about garbage in the vicinity without a sit-down area being available on site. Ms. Bible said it will be the job of employees to canvas the area for garbage. It will be part of her job to see that garbage is handled appropriately. Ms. Bible would like to offer a sit-down area but does not have enough parking spaces to accommodate that option. Polson asked if vehicles will enter through the alley and exit through the curb cut. The area is very tight. Ms. Bible said an improvement not shown on the site plan will be to enter the site from 6th Street. Polson said a vehicle coming down Holmes Street will not know the entrance is on 6th Street. Ms. Bible said there will be signage and added most businesses on Holmes use alleys for entrance and exit. Polson agrees that reducing the hours might be a good option for reducing traffic. Ms. Bible indicated hours of operation between 10 a.m. and 6 p.m. might be possible.

Dan Newman – 476 6th Street. Mr. Newman is speaking for other neighbors on 6th Street. This is a residential area. The eye clinic is behind his home but it is rare to see more than 3 or 4 cars at one time on the clinic grounds. Mr. Newman is concerned about property value with a restaurant next door. He does believe it will be possible to restrict people from entering via the alley. Residents use the alley to access their garages and traffic from the restaurant will add congestion to an area that is already heavily utilized. A delivery truck cannot turn off 6th Street into the drive aisle. There is also no room for a delivery truck to park except to block the alley. The alley is

used for garbage collection in addition to being an access for residents. There is also no room for snow storage. Mr. Newman believes shoving the snow toward the tree will shove the snow onto his property, and he is certain the eye clinic does not want the snow on its property. There is no lighting on the building. People will be walking to the restaurant in the dark for a large portion of the year.

Mr. Newman picks up garbage constantly and this problem will be exacerbated with a restaurant next door. He also does not want to smell rotting food and grease. A grease trap in front of the building as shown on the site plan will create an eyesore. The fence between the site and his property is too low, but he is not interested in a 10 foot fence. Mr. Newman is also concerned about noise and lights from the site. The neighborhood is quiet and he asked that the Commission turn down the request.

Sherri Bible – 440 9th Street. Ms. Bible said there will not be cars in the area when deliveries are made at 8 a.m. A 20-foot vehicle could exit easily. She has been in contact with three companies regarding snow removal. Snow is hauled away if there is no room for storage. Some storage space is available on the grass berm area. There will be no grease containers. The grease is hauled away when the fryer is drained and can be taken directly to the transfer station. Karst indicated the concern refers to the grease interceptor noted on the site plan, and the grease interceptor is buried. She anticipates a 6 to 7 foot fence.

There were no further comments and the hearing was closed to the public.

Swaney is concerned that the proposal is continually changing. A formal site plan is needed that is well defined, well written, and covers all concerns that have been raised by the Commission and neighborhood residents. At that time the Commission can act on a specific proposal. Swaney believes the proposal is currently too fluid.

Dixon indicated there is precedence for using alleys for commercial purposes, including alleys with residential on one side. Traffic in the area is heavy at 8 a.m., noon, 3 p.m. and 5 p.m. He believes traffic is low at other times. Turning could be difficult at the peak hours. Dixon believes it must be a continual hardship for residents in the area to contend with vehicles parked in front of their homes. A restaurant with take-out food will increase the garbage problem. Dixon could consider a restaurant for this location if a plan were instituted for the business to be limited to walk-up business only, with hours of operation ending at approximately 4 p.m. This property is awkward because the area has gotten too busy to be prime residential. Dixon suggested a residential rental is more harmonious with the neighborhood.

Polson believes this is a great idea and meets a need in the area. She is concerned there are too many conditions that have to be implemented to meet Commission guidelines of minimizing adverse impact on other developments or adjacent properties. Consideration must also be given to the comprehensive plan guideline to ensure access to commercial properties is designed to

minimize disruptive effects on traffic flow. A restaurant to serve high school students is a great idea but Polson does not believe the lot is large enough to be able to meet necessary guidelines. City standards that normally require thirty parking stalls for a restaurant this size is an indication of the site being undersized.

Wimborne appreciates attempts by the applicant to try to alleviate concerns. Wimborne likes the idea of the project, but anxiety still exists regarding traffic and parking. She does not believe this site can properly accommodate this restaurant. Cordova believes the parcel of land is too small to be a good use. Mills indicated the restaurant could add to the traffic hazard on this arterial street.

Commissioner Polson moved to recommend to the Mayor and City Council denial of a conditional use permit for a carry-out restaurant in the R-3A zone located at Lots 42-44, Block 17, Crows Addition. Motion seconded by Commissioner Mallard. Motion passed unanimously.

Conditional Use Permit for the construction of a 22' x 16.5' greenhouse at Skyline High School: Lot 1, Block 1, Skyline High Addition. Cramer reviewed the staff report, a part of the record. Cramer pointed out the LDS Seminary building is south of the site, with a home to the west of the Seminary. The greenhouse will be separated from residential by 100 feet to the property line and canal in addition to the Seminary building.

The hearing was opened to the public.

Clay Grosshans – 140 N. Morningside. Mr. Grosshans is part of a team of Skyline High School students working on the greenhouse project. The biology and environmental teacher at Skyline, Mr. Erik Layton, wanted to enrich the curriculum of his courses and enable students to have hands-on experience with growing plants. The correct figure for the size of the greenhouse is 375 square feet. The design was updated after plans were submitted and Mr. Grosshans apologized if there is any confusion about the proposal. The greenhouse will be a little closer to the sidewalk than indicated by the blue flags shown on the slides presented. The project will be aesthetically pleasing as well as structurally sound.

Austin Gutierrez – 3045 Lawrence Court. Mr. Gutierrez indicated the greenhouse will be built between the science wing and the canal embankment/Seminary building behind the school. The location was chosen for its sunny location and proximity to the science wing of the school. The area is secluded and does not appear to present a problem for residential. Mr. Gutierrez described the foundation. There will be a dirt floor and possibly a French drain.

Jonathan Bailey – 2453 W. 17th South. Mr. Bailey explained the design of the walls and windows. The greenhouse will be modular and put together piece by piece.

Dimitri Rebich – 540 Troy Avenue. Twenty windows were donated by a sliding glass door installer for Lowes. Batten board will be used to fasten the windows to the greenhouse which will allow for easy removal. A flood light and camera are in place for security.

Tyler Westphal – 2471 N. 55th West. Mr. Westphal described the truss system and stated the snow load will meet City Code requirements.

Clay Grosshans – 140 N. Morningside. The greenhouse was designed by students with the assistance of an engineering student at Idaho State University and City plans examiner Brian Tomsett. Mr. Grosshans visited with Mr. Tomsett on ten to fifteen occasions to ensure compliance with City Code. The greenhouse will be structurally sound with a lot of plywood to ensure the building stays square. The design will not detract from the community or area. The embankment provides a buffer from residential and the school shields the greenhouse from the road.

Mills inquired about moving the greenhouse further from the sidewalk to avoid ice buildup due to the shade of the structure. He said moving the building to the south allows the sidewalk to utilize its southern exposure. Mr. Grosshans indicated the sidewalk is maintained and sees minimal traffic in the winter, but the placement could be adjusted five feet if necessary. Location near the sidewalk allows utilization of the sprinkler line as a water source. Swaney clarified there is no intention to provide any heating mechanism. Mr. Grosshans confirmed there will be no heating mechanism and a spigot will be used for water rather than a permanent water fixture. Dixon agrees the structure should be moved. Snow on the roof will melt sooner than snow on the ground due to the solar heating of the greenhouse. Water dripping from the roof to the shaded sidewalk will create black ice. Karst appreciated the particulars of construction and indicated the City building department will ensure that the details of construction are adequate for the proposed use. The building will be 11-1/2 feet in height.

There were no further comments and the hearing was closed to the public.

Commissioner Swaney moved to approve the conditional use permit to allow construction of a greenhouse at Skyline High School as proposed. Motion seconded by Commissioner Cordova. Motion passed unanimously.

Conditional Use Permit to allow the use of the existing parking lot at Calvary Chapel for an INL park & ride: Lot 1, Block 1 Calvary Chapel, Division No. 1 and Lot 2, Block 1, Calvary Chapel, Division No. 2. Commissioner Dixon moved to recess to the January Planning Commission meeting to allow a traffic study to be completed. Motion seconded by Commissioner Cordova. Motion passed unanimously.

Business:

Final Plat: Broadway Plaza. Cramer reviewed the staff report, a part of the record. There are currently two accesses to Utah Avenue and two accesses to Broadway. Staff recommends allowing only one access to each street with each access being as far away from the intersection of Utah and Broadway as possible. Cordova referred to past actions and asked if the State will force the current accesses to remain intact. Cramer indicated the person he spoke with most recently said the decision about accesses will remain with the City. Mills asked if there are plans to widen the right-of-way on Utah Avenue. Cramer answered the street may be widened, but the right-of-way will come from the property on the east side of Utah Avenue. Dixon asked if there is any need to have a common zone within the lot. Cramer believes the two zones will be compatible. If only one zone is utilized, HC-1 would be the better choice depending upon location of the building. Polson asked about landscape requirements. Cramer said HC-1 requires 20 feet of landscaping along both streets.

Jeff Freiberg – 356 W. Sunnyside Avenue. Mr. Freiberg agrees with staff comments regarding accesses. A development agreement will address landscaping. There will be 20 feet of landscaping along both Utah Avenue and Broadway. He is working with Idaho Falls on the possibility of relocating overhead power lines. A site plan will be submitted and zoning requirements met. Dixon asked if the railroad track will be maintained in the area. Mr. Freiberg does not know, but the developer is working with the railroad to obtain an easement for parking in the right-of-way. The access on each street will be as far west and south as possible.

Commissioner Dixon moved to recommend to the Mayor and City Council approval of the final plat for Broadway Plaza as presented including the staff recommendations of one access to each adjacent street with each access being as far from the intersection of Utah and Broadway as possible. Motion seconded by Commissioner Wimborne. Motion passed unanimously.

Cramer introduced George Morrison and Natalie Black in the audience. Due to weather, the City Council meeting was cancelled the night Morrison and Black were to be appointed to the Planning Commission.

The meeting adjourned at 9:20 p.m.

Donna Carlson, Recording Secretary