

January 19, 2010

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Chair Donna Cosgrove and Commissioners Jake Cordova, Brent Dixon, Kurt Karst, Michelle Mallard, Gary Mills, Jared Peterson, Leslie Polson, Paul Savidis, George Swaney, and Margaret Wimborne.

MEMBERS ABSENT: None

ALSO PRESENT: Planning Director Renée Magee, Assistant Planning Director Brad Cramer, Current Planner DaNiel Jose, and approximately five interested citizens.

CALL TO ORDER: Cosgrove called the meeting to order at 7:00 p.m. and reviewed the hearing procedures for the public.

MINUTES: January 5, 2010. Cosgrove suggested the first sentence of the fourth full paragraph on page six should read, “Cosgrove clarified the consensus of the Commission is there will not be a conditional use permit for open storage greater than a certain size.” **Commissioner Cordova moved to approve the minutes of January 5, 2010, as amended. Motion seconded by Commissioner Karst. Motion passed.**

Public Hearings:

Annexation with initial zoning of R-1, final plat, and conditional use permit for a church in an R-1 (Residential Single-family) zone: Township Road Church, Division No. 2.

Jose reviewed the staff report, a part of the record. The site consists of a two lot subdivision with 1.325 acres in the southeast corner requested for annexation. This Commission considered this CUP in 2006 but 1.3 acres with a dwelling was excluded. The church has revised their site plan. The dwelling will be removed and the church built on Lot 3. An easement on Lot 2 will provide access from Lot 3 to Ashpark Estates, Division No. 1, to the west. A driveway will be built on this easement to connect the church parking lot to Spring Blossom Lane in Ashpark Estates, Division No. 1. Currently two accesses are planned onto Township Road with the eastern access being approximately 369 feet from Stanfield Lane. In 2006, the two accesses onto Township Road were a concern. The separation distances meet the criteria for the Access Management Plan. However, staff believes connectivity to future neighborhoods is desirable and asked the western access on Township Road be abandoned when the access to Spring Blossom Lane is constructed.

Dixon inquired about the location of the easement on the site plan. Jose replied the driveway is not shown on the site plan but a revised site plan will be submitted for approval. Jose stated the driveway will be approximately 150 feet from the north property line. Mills asked if the annexation agreement will address infrastructure improvements related to Spring Blossom Lane. Jose stated the construction of Spring Blossom Lane has not been discussed but she assumes the entire area will be improved.

The hearing was opened to the public.

Anclé Davis – 4156 Tawzer Way. Mr. Davis understands one of the Township accesses will be removed when the driveway is built to Spring Blossom Lane. The site has been revised because the LDS Church is building a smaller facility. Less acreage is required. The church plans to remove the existing dwelling and build a smaller church. The remaining land may be sold. Mr. Davis hopes to begin construction in the spring.

Cordova clarified the accesses onto Township meet the Access Management Plan standards, but the church is willing to close one of the accesses in favor of an access to Spring Blossom Lane. Mr. Davis stated two accesses to Township Road will be built when the church is constructed. When Ashpark Estates, Division No. 1, is built and Spring Blossom Lane is completed, one access on Township will be replaced with curbing and landscaping. Cosgrove inquired about requiring an access across a parcel intended for sale. Mr. Davis replied the easement ensures the road will be built and the church is fully aware of the requirement. Dixon inquired about the width of the accesses onto Township. Mr. Davis answered the accesses are the same as the design approved in 2006 and each has one ingress and egress lane. Dixon asked if the access to the west is a private lane because 30 feet in width does not meet the standards for a City street. Jose answered the access is proposed as a private driveway. Dixon stated the area north of the drive could fit six homes. Jose said a revised plat will show the easement as 36 feet in width but it will be a private driveway. Peterson noted there is an option for a developer to replat Lot 2 and construct a street to City standards. Mills inquired about screening. Mr. Davis answered the church will be fenced on three sides.

Polson suggested residents in Brookside Subdivision will be likely to access the church, and there is no access to the east. Magee stated the preliminary plat for Ashpark Estates has a road tying into Brookside Subdivision. Savidis stated most churches have two accesses onto the street and he does not see a reason to abandon one access onto Township. A problem may be created in the parking lot. He believes two accesses onto Township should remain as well as a proposed access to the west when the property is built out. Magee responded one access onto Township was a request from the Public Works Division in 2006. The Planning Commission determined, due to traffic not being peak hour, two access points were permitted. When the new site plan was submitted, staff realized the site plan design could be similar to the church on York Road with one access on York and one access to a residential collector. This church has less frontage.

Mr. Davis stated the church prefers two accesses onto Township Road and no access to the west but will work with whatever the City determines. Cosgrove noted the drive to the west allows people who live nearby to access the church without driving to Township Road and provides connectivity.

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

Dixon stated the church is smaller than originally planned and there will be less traffic. Maintaining a second access onto Township makes sense for exiting the church. He also favors the access driveway to Spring Blossom Lane. The area north of the church will be tied together and collector streets can be utilized to reach the church. If there is no access to the west, all the traffic will use Township Road. It also makes sense to annex the small acreage. The annexation agreement needs to be clear about whose financial responsibility it is to build and maintain the access on Lot 2. Karst agreed but believes only one access is needed onto Township since the intent of an arterial is to move traffic across town. The fewer the accesses, the better the arterial street functions. The impact is not peak hour but, with a smaller church, the second access is a convenience for traffic flow on site only. Karst prefers one access onto Township allow for right-hand, left-hand, and straight-through traffic. Dixon replied the church already plans on the expense of the second access onto Township. There will be added expense to tear out and landscape the abandoned access at a later date. If there are two accesses on Township, vehicles get on and off the road twice as quickly and reduce bottlenecks on the road. The second access does not create additional traffic. Polson stated there is a good argument for two accesses onto Township but wants to consider the request of Public Works. Peterson noted the second access onto Township will reduce vehicle backup in the parking lot and provide a safer environment for foot traffic. People tend to park in the front closer to the church and it may be difficult for cars to pull out of parking spaces with other cars stacked in the drive aisle. Connection to the neighborhood is desirable and he favors the northwestern access to the lot. Mallard inquired about the request from Public Works to limit access onto Township Road. Magee stated the eastern access on Township is very tight for meeting the Access Management Plan. The engineering department wishes to eliminate as many accesses onto arterials as possible.

Dixon stated staff made a good argument for removing the second access onto Township when the driveway to Spring Blossom Lane is built. Karst noted there will always be two accesses and the argument for stacking is invalid. The question is the location of the two accesses. Mallard said, if the eastern Township access is shut down and 150 cars expect to go to the east, there will be stack-up and the west access will be essentially useless. Cosgrove clarified there will be connection from Spring Blossom Lane to Brookside Subdivision and traffic will flow from the northeast. Swaney asked if an amendment to the conditional use permit can be requested in the future when the property to the west is developed. Jose answered yes. Swaney suggested approving the conditional use permit as proposed rather than trying to fix the situation for two years from now.

Commissioner Karst moved to recommend to the Mayor and City Council annexation of 1.3 acres with initial zoning of R-1 and approval of the plat, Township Road Church, Division No. 2, with the condition the proposed access easement to the west is 36 feet wide rather than 30 feet. Motion seconded by Commission Savidis. Dixon inquired about the annexation agreement. **Commissioner Dixon moved to amend the motion to require the owner of Lot 3 to construct a driveway through Lot 2 to Spring Blossom Lane when it is constructed, to maintain such driveway, and to remove one of the accesses onto Township Road when the driveway is constructed. Amendment seconded by Commissioner Polson. The amendment passed, 6 to 4, with Commissioners Mallard, Mills, Savidis and Swaney opposing. The motion as amended passed, 8 to 2, with Commissioners Mallard and Mills opposing.** Mills stated he is comfortable allowing two accesses to Township Road. It is safer with some events such as funerals to have more exits. This is an exception to the effort to reduce accesses to arterials.

Commissioner Polson moved to approve the conditional use permit for Lot 3, Block 1, Township Road Church, Division No. 2, with the condition the site plan illustrate a 36 foot wide access to Spring Blossom Lane. Motion seconded by Commissioner Savidis. Karst clarified the intent is to comply with the previous motion. **Motion passed unanimously.** Peterson inquired about the possibility of amending the annexation agreement in the future. Jose stated City Council may approve amendments to annexation agreements.

Conditional use permit for the expansion of the City of Idaho Falls hockey shelter:

Tautphaus Park. Commissioners Wimborne and Karst recused themselves from discussion and voting due to conflicts of interest. Jose reviewed the staff report, a part of the record. Three trees will be removed and three planted. The existing playground area has been relocated. New locker rooms, restrooms, and coaches' locker rooms are planned as well as a training area with a view into the skating rink. Mallard clarified increased use is not anticipated and more parking is not required. Jose noted, if the use were expanded or changed, parking requirements will have to be met. The skate area is not being expanded and there is adequate parking throughout the park. The parking lots are not utilized for other uses in the winter. Peterson asked if there is a requirement for distance to accessible parking stalls. Jose answered the requirement is for parking within 400 feet from the site.

The hearing was opened to the public.

Dave Christiansen, Parks and Recreation Division Director. Mills inquired about handicapped access to the second level. Mr. Christiansen stated a handicap lift is in the plan. The project has federal funding and has been reviewed and approved by the National Parks Service. The facility was built in two or three phases and the north end will be removed and replaced as proposed. Mills inquired about multi-use of the building. Due to a federal grant, Christiansen answered the rink cannot be put into full ice rink use for twelve months. The second floor has a public meeting room and can be utilized when the ice rink is not in use. The footprint is primarily designed to support the ice rink but can be used for public events. Dixon noted the large number

of locker rooms and asked if the facility will be used for commercial events. Christiansen answered another mandate from the National Parks Service is the facility cannot be used for professional purposes such as a franchise. The number of restrooms and lockers was planned based upon current hockey usage. Christiansen anticipates construction beginning in April and being completed in time for the next ice season. A construction wall will be placed inside the existing multi-purpose shelter and the shelter will have approximately three-quarter use throughout the summer. Cosgrove inquired about hours of operation and complaints from neighbors. Christiansen stated there is no change to the hours of operation. Very few complaints are received. There is an addendum to the plans to reconstruct the west wall. It is an alternate in the specifications to provide masonry and steel to quiet the structure. Dixon noted the proposed expansion offers more locker facilities than available at the aquatic center.

Rich Straub, Recreation Director, Parks and Recreation Division. Mr. Straub stated, when two teams are on the ice, two teams are in the locker room. Two other locker rooms are provided so females do not have to share locker rooms with males. Hockey requires a lot of expensive equipment, and coaches can lock the locker rooms when a team is on the ice. In response to an inquiry from Mills, Straub replied the restroom facilities meet Code.

Peterson inquired about attendance and Straub answered numbers can reach two hundred watching and forty to fifty players. The parking lots closest to the facility are usually full, and the parking lot by the softball fields is generally not full. Dixon asked if the locker rooms will be available for softball tournaments in the summer. Straub noted the facility is multi-use. The lobby of the existing facility has been locked in the summer. The new building should provide more access.

Margaret Wimborne – 590 Sycamore Circle. Ms. Wimborne has been involved with hockey for eight years. Generally when two teams are on the ice, two teams are arriving and two teams are leaving. There are also multiple back-to-back practices throughout the day. There is a wide range of ages among players and it is prudent that some age groups not share locker rooms. There are more than forty girls in the girls division, and there is currently very limited space available for them to dress. Having a locker room will be a vast improvement. Wimborne hopes the plan is approved and noted it will be a great addition. The facility needs upgrades and will be well used. There are often two to three tournaments a month bringin teams from outside the local area.

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

Dixon stated the plan looks great. There is a lot of parking along Softball Drive even though a walk is required to reach the facility. Peterson questioned if the City is being held to the same parking standards a private business is asked to meet. Cosgrove clarified no additional usage is planned and no additional demand for parking is being created. Polson believes this is a great addition to the City. Parking may be an issue but she does not want that to be a roadblock to improvement. Lack of parking is restricting expansion of the aquatic center, and she does not

want to see the same issue in this situation. Peterson reviewed the publication notification area of 300 feet from the park and agreed there is adequate parking within that distance.

Commissioner Dixon moved to approve the conditional use permit for the Tautphaus Park hockey rink expansion as presented. Motion seconded by Commissioner Cordova. Motion passed unanimously.

Rezone from R-1 (Residential Single-family) to R-3A (Apartments and Professional Office) and conditional use permit for an RSC-1 use in an R-3A zone for a reading room for the Museum of Idaho: Lot 7, Block 24, Original Town (313 N. Water). Magee reviewed the staff report, a part of the record. She noted she may have misled the applicant about the zoning on the property. Magee does not recall if she said the property was zoned R-3A or if it was across the street from R-3A and rezoning was a possibility.

The conditional use permit proposes a private office on the second floor and a reading room for the Museum of Idaho on the first floor. The building will remain essentially the same, but a handicapped access ramp will be provided in the rear as shown on the site plan. The applicant has asked the handicapped space be the only parking space on the site. Additional parking is provided on the Museum of Idaho parking lot owned by the Carr Foundation. The Carr Foundation is asking to use their property across the street for parking. The house was built about 1896 and an addition was constructed on the rear sometime in the past. The proposal is to tear down the addition which has structural problems and replace it. The contractor is presently rebuilding the foundation of the home currently.

The reading room is an assembly area and R-3A is for professional offices rather than assembly uses. RSC-1 allows public buildings and assembly uses. The proposed use as a reading room fits RSC-1 and a conditional use permit is being requested. The R-3 zone allows a conditional use permit for any use allowed in the RSC-1 zone provided the building is not expanded or substantially changed on the exterior.

Polson clarified this property was originally R-3A and the neighborhood was rezoned to R-1. At that time this home was being used for apartments and was grandfathered as a non-conforming use in R-1. It had multiple units until approximately one year ago. If neighbors are concerned about encroachment of commercial businesses or apartments, this dwelling already had apartments and may continue to have apartments. This usage will most likely cut down on traffic. Cosgrove noted she was involved with the rezoning to R-1, and this proposal is a significant improvement to the existing property.

Dixon inquired about allowing a museum as a conditional use in R-1. Magee replied staff debated that issue. The zoning ordinance allows public and semi-public uses similar to a church or school as a conditional use permit. However, the office use is not permitted as conditional use. The office is for the Carr Foundation, but the Carr Foundation is not the museum board. Cosgrove clarified the museum has a director who has an office in the museum. The applicant

wants this dwelling to serve as an office for Greg Carr when he is in the area. The building is owned by a private, non-profit corporation rather a public entity such as the Bonneville County Historical Society. Cosgrove asked if this is a good opportunity to demolish the little building to the rear of the main structure. Magee stated the property was purchased due to its historic value. One of historic characteristics of this neighborhood was the social and economic mixture of people. The little building is part of the history of the neighborhood and district. Cosgrove clarified someone may live in the little house. Magee answered yes. Cosgrove asked if the conditional use permit could condition use of the main structure or the accessory home as residences. Magee replied a condition could be placed on the CUP not to allow a dwelling in the small home. The RSC-1 zone does not allow dwellings.

Mills inquired if the handicapped parking stall was in the clear site triangle. Magee stated the stall may have to be shifted farther to the north. She added there is a walkway from the stall to the sidewalk.

Peterson asked about the possibility of a new zone to accommodate businesses in historic areas but provide protection from multi-family housing. Magee indicated it can be done, but it is not on the agenda for this hearing. Cosgrove clarified the property has been used as a multi-family home and has been grandfathered. She normally would oppose a rezone, but there is little downside because the property has been used as R-3A. Magee stated the dwelling is 2,116 square feet and has been divided into six units.

The hearing was opened to the public.

The applicant, Steve Carr, is not present tonight. He may be out of the country this evening. Magee read the application into the record. According to the application, the proposal will preserve a historic property. There are professional offices across the street from the property, commercial businesses to the west, and R-3A immediately to the south. Parking is requested across the street to maintain the original historic character of the house. File cabinets and shelving units will be utilized. There are currently two volunteers in the Museum of Idaho reading room. Appointments are required because volunteers are part-time.

Todd Meyers – 645 Hickory Lane. Mr. Meyers noted the home fronts Ash, which is a collector street. The comprehensive plan states collector streets should buffer residential areas. R-3A and PB are used to buffer residential areas. The comprehensive plan also suggests using R-3A and PB to buffer commercial which exists to the west. He believes staff made a great recommendation for this site.

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

Peterson favors the proposal but recalls a similar situation where the owner of historic property was required to maintain all parking on-site despite available on-street parking. Magee stated there is a provision in the zoning ordinance allowing off-street, off-site parking within 400 feet of

the primary entrance. The parking lot being proposed by the Carr Foundation is within 400 feet of this site. The owner in the previous situation desired parking on-site.

Dixon noted this property was previously zoned R-3A. It was on the border of the area rezoned to R-1 in 1994. The use of the property has been more consistent with the requested zone than its current zone. This will not be spot zoning since R-3A is to the south. The property immediately to the east is also a non-conforming use in the current zone but would be conforming in the proposed zone. Rezoning to R-3A is legitimate.

Commissioner Wimborne moved to recommend to the Mayor and City Council approval for rezoning Lot 7, Block 24, Original Town, from R-1 to R-3A. Motion seconded by Commissioner Dixon. Motion passed unanimously.

Karst asked if a specific RSC-1 use is being considered. Magee answered the conditional use permit allows a museum reading room. **Commissioner Karst moved to recommend to the Mayor and City Council approval of a conditional use permit for a reading room associated with the Museum of Idaho in accordance with the site plan submitted on Lot 7, Block 24, Original Town in the proposed R-3A zone. Motion seconded by Commissioner Savidis.** Dixon clarified the office is not mentioned because R-3A supports office use without a conditional use. **Motion passed unanimously.**

Other Business:

Final Plat: Taylor Crossing on the River, Division No. 10. Cramer reviewed the staff report, a part of the record. The preliminary plat proposed one lot rather than two for this location. Staff recommends a cross-access agreement be recorded between this lot and Lot 1, Block 4, Division 5 to the west. Staff also recommends the access to Bridgeport Drive be located directly across from the access to Lot 4, Block 2, Division No. 9. The access will be approximately 54 feet from the return radius to the roundabout but is directly across from an existing access. Milligan Road, which used to go through the west portion of this plat, has been vacated.

Todd Meyers – 3425 Merlin Drive. Mr. Meyers stated the applicant is out of town. Meyers was asked to represent them at this hearing. The applicant agrees with both staff recommendations. The transformers and switch boxes have been placed according to previously approved plans, and it is very expensive to change the access location onto Bridgeport Drive.

Dixon asked if the proposed architecture will be similar to the architecture in the development. This lot is smaller than many lots in the area. Meyers stated the spirit of Taylor Crossing is mixed use. It is anticipated the property immediately to the north will be similar to the lot to the west but may be residential with offices below. The most likely use for the current plat is a restaurant. When the property to the north is developed, the access will meet all the radius return requirements for emergency and garbage vehicles. With the current economy, the applicant decided not to go to the expense of platting the entire area. With only one building proposed, he

decided to plat one lot. Meyers does not expect multiple buildings to be built this year. Within a year or two, plans will change. The developer has agreed with Public Works to leave access to the north available. All three properties will share one large parking lot.

Polson indicated the plat is in compliance with the subdivision ordinance and all requirements have been met. **Commissioner Polson moved to recommend to the Mayor and City Council approval of the final plat, Taylor Crossing on the River Division, No. 10, with the conditions a cross-access agreement between Division No. 10 and Lot 1, Block 4, Division No. 5 to the west be recorded and any access onto Bridgeport Drive be directly across the access to Lot 4, Block 2, Division No. 9. Motion seconded by Commissioner Wimborne. Motion passed unanimously.**

Extension of conditional use permit for LDS Church at 1420 Mountain View Lane. A letter from NBW Architects, dated December 17, 2009, is included as part of the record. Cramer explained the LDS Church on Mountain View Lane has requested an extension on their conditional use permit. A parcel with a residence to the east is being purchased to build a pavilion. There has been some difficulty in acquiring the land from the property owner. It appears the issues have been resolved and the church intends to make the purchase final. The pavilion will be constructed in the spring, but the conditional use permit expires this month. There have not been any material changes in the area since the conditional use permit was approved and the site plan has not changed. Dixon does not see any down side and the application was thoroughly reviewed when it was originally approved. **Commissioner Dixon moved to approve a one year extension of the existing conditional use permit for 1420 Mountain View Lane. Motion seconded by Commissioner Cordova. Motion passed unanimously.**

Miscellaneous: A nominating committee was formed consisting of Savidis, Mills and Wimborne.

Cramer stated the Commission does not have representation on the City Beautification Commission since Cheryl Cox resigned. The Commission meets every third Wednesday at Noon. He asked the Commissioners to consider participating. He will bring this up at the February meeting.

The meeting adjourned at 9:15 p.m.

Donna Carlson, Recording Secretary