

IDAHO FALLS PLANNING COMMISSION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

February 7, 2012

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Commissioners Natalie Black, Jake Cordova, Donna Cosgrove, Brent Dixon, Kurt Karst, George Morrison, Leslie Polson, George Swaney, and Dee Whittier.

MEMBERS ABSENT: Commissioners David Hodder and Margaret Wimborne,

ALSO PRESENT: Planning Director Renée Magee, Assistant Planning Director Brad Cramer, Recording Secretary Debra Petty and approximately six (6) interested citizens.

CALL TO ORDER: Chair Cordova called the meeting to order at 7:05 p.m. and reviewed the hearing procedures for the public.

MINUTES: December 6 2011. Commissioner Polson moved to approve the minutes of December 6, 2011, as presented. Motion seconded by Commissioner Morrison. Motion passed.

PUBLIC HEARINGS:

Request to Rezone the East 100 Block of 18th Street from PT-1 over R-1 to R-1 Zoning: Lots 25-48, Block 4, Brodbeck's Addition. Commissioner Black recused herself from the hearing due to a conflict of interest. Magee reviewed the staff report, a part of the record. The applicant is seeking approval for a rezone of one-half block by removing the PT-1 (Planned Transition) overlay and reverting to the underlying zone of R-1 (Residential Single-family). The majority of the area is single-family homes. City Council approved the PT-1 and PT-2 overlay zones twenty-five years ago when it was believed the area along 17th Street would transition from residential to commercial. This did not happen due mainly to the commercial development of Hitt Road and the diversion of traffic from 17th Street to Sunnyside Road according to the applicant.

One of the eighteen requirements of the planned transition zone is a minimum lot size of 30,000 square feet. As the average lot size in the area is 6,250 square feet, a developer must acquire a minimum of five parcels. With the number of property owners, this is difficult. Removal of the planned transition zone will allow construction of new single-family homes and assure financing for existing homes. Should the demand for commercial return, the developer may follow the same course as Walgreen's by requesting rezoning and a land use change.

The hearing was opened to the public.

Dalrie Cook, 165 Morningside Drive, Idaho Falls. Ms. Cook, the applicant, unknowingly purchased an undevelopable lot due to the requirements of the PT-1 zoning. A signed petition, submitted with the application, indicates the majority of the neighbors support the request. Magee responded to Dixon that many lending institutions are leery of loaning money when a home is not in a zone in which it is a conforming use.

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

Dixon favors the request as there has been no commercial development within twenty-five years. 17th Street is a minor arterial and commercial development tends to occur along major arterials such as Hitt Road. **Commissioner Dixon moved to recommend to the Mayor and City Council approval of the rezone of Lots 25-48, Block 4, Brodbeck's Addition, from PT-1 to R-1, as presented. Motion seconded by Commissioner Morrison. Motion passed.**

Planned Unit Development (PUD) for the Construction of 22 Townhome Units: Portion of Lot 1, Block 2, Lakewood Aspens. Cramer informed the audience a letter was received from Ralph Peck, trustee for the Peck family trust, in the planning office on Monday. The letter was forwarded to the Commission members via email, and each was presented a hard copy prior to the hearing. Cramer entered the letter into the record and summarized the concerns of Mr. Peck in regard to utilities, use and maintenance of Pend Oreille Drive, and the impact the proposed development will have on the existing development.

Cramer reviewed the staff report, a part of the record. Originally, Lakewood Aspens was approved as an 11.25 acre PUD. Phase one which was five acres included a pond, twin homes, and the parcel under consideration. This PUD is similar to the Fenway Park application considered by the Commission in December. The twenty-two two-story townhomes each have a partially fenced backyard and fifteen feet of common area extending beyond the partially fenced back yard to the property line. The common space includes two tot lots and barbeque grill stations.

Cramer said the developer plans to encompass the perimeter of the development with a six foot fence. This will alleviate concerns expressed by the existing homeowners about additional maintenance costs if the new residents have access to Pend Oreille Drive. An additional two-hundred fifty square feet of interior landscaping is required on parking lot, and the fence on Pend Oreille Drive should be reduced in height from six feet to three feet. In addition, a portion of the site is covered by the previous condominium plat which needs to be released. A note should be placed on the condominium plat stating the utilities are privately maintained.

The hearing was opened to the public.

Brent Jolley, Harper Leavitt Engineering, 985 N. Capital Avenue. Mr. Jolley, on behalf of the owner, said the proposal is a nice transition to the existing single-family attached homes and similar in appearance. The owner is working toward a resolution regarding the covenants and is aware it must be accomplished prior to the city council hearing. He responded to Cosgrove that the owner is aware of and willing to comply with recommendations of staff.

Bradford Huntsman, 2144 Pend Oreille, Idaho Falls. Mr. Huntsman purchased his home believing the fully landscaped yard was under his ownership. When he received notice of the meeting, he went to the assessor's office and learned a property line cuts through his front yard. He and his wife are quite disappointed. He is negotiating with the developer to find a favorable resolution. Mr. Huntsman is not opposed to the development but requests the fence fronting Pend Oreille Drive be reduced to three feet. He believes reducing the height of the fence separating the two developments would preserve the view from his home, soften the transition between properties, and retain the value of his property.

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

Swaney expressed the importance of addressing the requirement for a statement of release from covenants by a mythical homeowner association. Magee said an option is to craft an agreement satisfactory to the city attorney. Karst asserts consideration should be given to Mr. Huntsman's request to reduce the height of the fence. He said it is offensive and closes off useable green space from existing property owners. Dixon believes the fence issue should be resolved between the homeowners and neighboring property owners. He also asked about the six foot fence proposed along 12th Street. Staff replied a six foot solid fence is not permitted adjacent to 12th Street under the zoning ordinance: a solid fence has to be held fifteen feet behind the property line. Dixon enquired as to when a solid six foot fence is permitted next to a public street. Although he has seen fences held back fifteen feet, he has also seen them adjacent to the public street.

Cramer told Polson the applicant has five percent more common area than is required. If Mr. Huntsman is able to acquire the landscaped area in his front yard, it will not impact the required common area.

Commissioner Polson moved to recommend to the Mayor and City Council approval of the planned unit development for a portion of Lot 1, Block 2, Lakewood Aspens, with the condition the application not go before city council until the parking lot landscaping is increased to ten percent of the parking area, there is documentation satisfactory to the city attorney releasing a portion of the development from the Lakewood Aspens covenants, a note is placed on the condominium plat stating utilities are privately maintained, and the six foot fence fronting Pend Oreille Drive is reduced to three feet. Motion seconded by Commissioner Karst. Motion passed.

Miscellaneous: Polson and Black will present their recommendation for 2012 officers at the March meeting.

The meeting adjourned at 8:45 p.m.

Debra Petty, Recording Secretary