

March 1, 2011

7:00 p.m.

Planning Division  
Council Chambers

**MEMBERS PRESENT:** Chair Margaret Wimborne, Commissioners Natalie Black, Jake Cordova, Donna Cosgrove, Brent Dixon, Kurt Karst, Michelle Mallard, and George Swaney.

**MEMBERS ABSENT:** Commissioners Gary Mills, George Morrison, Leslie Polson and Paul Savidis.

**ALSO PRESENT:** Planning Director Renée Magee, Assistant Planning Director Brad Cramer, Recording Secretary Donna Carlson and approximately thirty interested citizens.

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

**MINUTES: February 1, 2011.** Commissioner Dixon should not be listed as present. Commissioner Cosgrove suggested the second sentence on page 2 should read, "A reduction in the area does not require readvertisement." **Commissioner Cosgrove moved to approve the minutes of February 1, 2011, as amended. Motion seconded by Commissioner Cordova. Motion passed.**

**Public Hearings:**

**Conditional use permit to allow construction of two single-family attached homes in one structure in an R-1 (Residential Single-Family) zone: Lot 10, Block 10, Cedar Ridge, Division No. 12.** Cramer reviewed the staff report, a part of the record. Several phone calls received by staff expressed concern that elevations presented and included in the staff report can be changed after approval. Cramer indicated significant or material changes to conditional use permits must be approved by the Planning Commission. Two letters received too recently to be included in the staff report were read into the record. A letter from Harper-Leavitt Engineering dated March 1, 2011, indicates the applicant has procured Harper Leavitt Engineering to complete the work of replatting the subject property. A letter from Larry Hardcastle dated March 1, 2011, expresses support for the conditional use permit. The letter indicates the small lot has been vacant for ten years and is an eyesore. Mr. Hardcastle also expressed confidence the applicant will build and maintain a quality twin home.

The hearing was opened to the public.

**Todd Stone – 2622 Cabin Circle.** Mr. Stone presented slides, included in the record. Mr. Stone and Mr. Pinder made an effort to contact the homeowners within 300 feet of the subject parcel. There are forty-three people in the area within 300 feet. Mr. Stone presented a petition, included in the record, with thirty-two signatures supporting building two single-family attached homes. Mr. Pinder will use one residence as his personal home and sell the remaining attached home. Five people could not be contacted including Larry Hardcastle who has since provided a letter of support. Five people contacted expressed opposition to the project. Reasons for opposition include concern over being a low-quality duplex, a rental property, reduction of home values in the neighborhood, and concern over the property when Mr. Pinder is no longer the owner. Mr. Stone believes the concerns are erroneous. The duplex will include a stucco and stone exterior with interior upgrades and high quality landscaping. The home will be of similar or greater value than others in the neighborhood. One of the attached homes will be owner occupied with the other home sold rather than rented. Concern over the property when Mr. Pinder is no longer the owner is unfounded because no one has control over a home once it is sold. Another concern expressed by some is the lack of a homeowner association and likelihood of providing less maintenance. Mr. Stone investigated the attached homes in the neighborhood. Originally the homes were part of a group that maintained the building exteriors including snow removal. The homes are now individually managed. It is a matter of personal pride whether or not a person maintains a home. People who move into this neighborhood tend to have that personal pride.

**Glenn Pinder – 1093 E. 25<sup>th</sup> Street.** Mr. Pinder has been a resident in this neighborhood for forty four years. He would like to remain in the immediate area but live in a downsized home. The design is as nice as any home on the street. Black asked why an attached home is being built rather than a single-family residence. Mr. Pinder has been approached by people who want to live in this area and the attached homes in the area do not go up for sale very often. He also wants a smaller yard than a single-family home will create.

**A.J. Arave – 2585 Ridgecrest.** Mr. Arave lives south of the lot and has cleaned the lot for the past twelve years, including sporadic mowing. He will be happy to see a home built. Mr. Arave has known Mr. Pinder for a long time and he is a person of integrity who will follow through on commitments. The tax assessor office shows the highest value in the neighborhood to be \$197,000 with the average home about \$150,000. The proposed home is well above that price and will not be out of place in this neighborhood.

**Lonnie Mulbert – 2550 Ridgecrest.** Mr. Mulbert supports the application. This property enhances, validates and supports comparative value to his home. He is not aware of a homeowner association being formed or being in existence. This home will help his property which will help his taxable value.

**Roy Southwick – 995 E. 25<sup>th</sup> Street.** Mr. Southwick has lived in the area for over thirty years. There were empty fields and he used to object to new homes in the area. His view of Taylor

Mountain has been eliminated but that is the price of progress. The lot has been vacant for ten years and Mr. Southwick believes the final outcome will be acceptable.

**Jeff Branson – 1656 Fall River Road.** Mr. Branson indicated the building plans show siding with stone exterior. Stucco will be utilized on 25<sup>th</sup> Street and Ridgecrest Drive views instead of siding. The other building sides will be vertical or horizontal siding to match the surrounding homes. This will be a high end home. Cosgrove asked the lot size of the southern half. Mr. Branson did not know the answer and said it is the smaller portion due to a 25 foot setback on the eastern portion. Dixon asked the style of the other attached homes in the area. Mr. Branson answered a combination of stucco-brick and Craftsman.

**Perry Forsberg – 2670 Ridgecrest Drive.** Mr. Forsberg is interested in sidewalk being developed on this lot. He is really pleased to see the lot develop for safety reasons as well as debris and signs.

**Sean Branson – 2499 Blue Canyon Circle.** Mr. Branson has known Mr. Pinder for at least twenty years and he is a man of his word.

Brad Cramer said the lot size is 6,400 to 6,500 square feet. Single-family attached with a conditional use permit are not required to meet the minimum lot size if setbacks are met.

**Steven Boyce – 381 Shoup Avenue.** Mr. Boyce represents Fred Finlayson. The staff report notes requirements including each unit being on a separate lot. A firm has been hired for the purpose of replatting but this has not been completed as required. Some material changes are being made to the plan such as siding materials. It is premature for this hearing to take place without a replat and final plan. Mr. Boyce submitted a letter dated February 22, 2011, included in the record. The petition was submitted today and has not been available for review. It is appropriate to table this matter until the plat is completed, petition reviewed, and building plans finalized. Mr. Boyce stated additional issues are noted in his letter. There are a couple clusters of attached homes in the area but this is an individual, freestanding lot. The lot size allows for a large single-family home. Subdividing a lot is problematic from a zoning perspective. The covenants for Cedar Ridge do not allow subdivision of lots in any fashion. This is a common restriction with covenants.

Cosgrove clarified this home is in Cedar Ridge rather than in Shamrock Park. Black asked if Mr. Finlayson will object to the application upon completion of the replat and finalization of the building plans. Mr. Boyce does not know for certain without seeing the final plan. A major consideration for Mr. Finlayson is the subdivision of the lot.

**Glenn Pinder – 1093 E. 25<sup>th</sup> Street.** Mr. Pinder indicated neighbors do not provide input for siding materials when a single-family home is built as long as City requirements are met. Cramer indicated affected parties have a right to voice concerns, and being in harmony with the

neighborhood is a valid issue. The site plan and elevations are reviewed for compliance with the zone and matching the character of the neighborhood. It is unusual for the Planning Commission to review building plans.

**Todd Stone – 2622 Cabin Circle.** Mr. Stone indicated siding is an acceptable material in most neighborhoods and stucco is an upgrade to siding. It seems difficult for Mr. Finlayson to oppose siding when his own home uses siding.

The hearing was closed to the public.

Dixon asked about the need for a corner lot to be larger. He also questioned the lots this property is being compared with given it is located in Cedar Ridge. Cramer said Cedar Ridge, Division 12, begins at the corner and goes south along Ridgecrest Drive with a portion along Limestone Drive. These are the homes staff would use for comparison in determining any required size for a corner lot. This lot is larger than the lots to the south in the same division of Cedar Ridge. He does not have the exact square footage of the other lots in Cedar Ridge. In exchange for meeting setbacks, Cramer noted the zoning ordinance does not have area requirements for single-family attached lots. If an attached home is adjacent to a single-family home, the side yard doubles in size due to the setback requirements. The lot size is reviewed in terms of being able to accommodate setbacks and lot coverage. This lot is in compliance based on the site plan provided. The Planning Commission does not hold a public hearing for a final plat.

Karst asked about the odd offset of sidewalks along 25<sup>th</sup> Street. This may become relevant at the final plat stage when discussing alignment of the rights-of-way. Cramer understands the offset is due to the utility pole and its guidewires. The design and orientation of the sidewalk goes around the guidewire.

Cosgrove referred to the 1999 City Council minutes included in the staff report. The reason for changing the zoning ordinance to allow single-family attached with a conditional use permit appears to be utilization of isolated or entry parcels. Cosgrove does not believe this lot fits the criteria described. The lot is on a border between two subdivisions but Cedar Ridge to the south consists of single-family homes and, across Ridgecrest Drive, there are attached homes. Cosgrove does not believe this application meets the intent of the zoning provision. This lot is buildable for a reasonably-sized single-family home. The harmony along 25<sup>th</sup> Street is disrupted with the single-family attached home. If rezoning were taking place, it would appear to be spot zoning. She does not believe a use should be allowed that is not in harmony with the R-1 zone. Cordova disagrees due to the attached homes to the west. Cosgrove said the homes to the west are zoned differently. Cordova indicated conditional use permits are allowed in R-1. Cosgrove stated the houses to the east and north are single-family homes. Ridgecrest Drive is a transition point for different zoning. This appears incongruous with the R-1 zone on a zoning map.

Dixon asked Magee to explain her meaning in the 1999 memorandum to City Council. Magee explained this parcel is an entry lot in her mind because it is an entrance to Cedar Ridge subdivision. The homes to the west were rezoned since, at the time, it was the only mechanism to allow attached homes. The subject lot is at the corner of a residential collector and major collector. Dixon asked the reasoning for higher density being located at entrances. He asked if it is intended as buffering for the core of the neighborhood from the traffic of collectors and arterials. This logic is contradictory to requiring a larger corner lot as a reflection of the remainder of the neighborhood. Magee responded a larger home at the entrance may be a reflection of the private market. Planning principles usually dictate higher density adjacent to streets with more traffic. The demographics for most attached single-family is empty nesters and young professionals without a large number of children. Higher-density housing along a collector buffers children in the neighborhood from a greater amount of traffic. Dixon noted the minutes from the 1999 City Council meeting do not directly address the placement of the single-family attached homes. The City Council discussion dealt with this type of unit being allowed in the zone rather than where an attached home should be placed relative to the neighborhood. Magee has no recollection today of the discussions but she often writes memos based upon discussions at the planning commission level. There were numerous hearings at the planning commission level regarding this amendment, but Magee does not personally recall the content of those hearings.

Cosgrove believes this is an unusual parcel due to being a transition between Shamrock Park and Cedar Ridge. There are large single-family homes on the south side of 25<sup>th</sup> Street in addition to the undeveloped corner lot. She agrees a home is preferable to a vacant lot. Single-family homes along Ridgecrest belong to Cedar Ridge, a subdivision with generally smaller homes than Shamrock Park. The parcel requires some close scrutiny. Page 4 of the staff report shows the purpose for a conditional use permit as outlined in the zoning ordinance. The conditions for building a single-family attached home require the character and harmony of the surrounding area not be substantially disrupted. Cosgrove understands the argument from individuals on the south side of 25<sup>th</sup> Street and she is uncomfortable with this application for a conditional use permit.

Karst does not agree the development proposed for this lot will substantially detract or change the character of the neighborhood. He believes it is a false argument to assume property values will decrease with this proposal. The lot has been vacant for ten years and does not appear to be desirable for a single-family home. Allowing attached single-family homes in R-1 provides the opportunity to clean up leftover lots in existing neighborhoods. The building elevations on this proposal are comparable to many homes in the neighborhood. This is not substandard housing.

Dixon believes there is less impact on this neighborhood if the proposed house fits with attached housing to the west. Black questioned what people opposing the project believe about the project after receiving information provided at this hearing.

The hearing was reopened to the public due to additional information provided.

**Steven Boyce – 381 Shoup Avenue.** Mr. Boyce has not researched the deeds but believes the lot was owned as an investment lot and was recently sold to Mr. Pinder. The lot is desirable for building and was being held as an investment.

**Sandy Arave – 2585 Ridgecrest Drive.** Ms. Arave has owned the lot for fourteen years and recently sold it to Mr. Pinder. She does not believe the lot is suitable for a single-family home. At the time of the sale, Ms. Arave told Mr. Pinder, based upon previous information, there is no problem with building an attached single-family home. Ms. Arave has believed for fourteen years an attached home can be built on this lot and she does not understand the concerns associated with this proposal. Black asked why the lot is not suitable for a single-family home. Ms. Arave said it is too expensive to build on the lot. Selling one side will offset some of the costs of building the home.

**Cary Stone – 2622 Cabin Circle.** Ms. Stone believes it is a great idea to have the attached dwelling. This is technically Cedar Ridge. If a single home faces one of the streets, a fence will be along the other street. Either way there will be an area not matching the houses. The attached single-family home will have one home facing 25<sup>th</sup> Street and another facing Ridgecrest Drive. Both streets will be finished with homes at the corner. This will add to the appearance of the lot and to the existing homes in the area. It will look better to have homes facing both streets.

The hearing was closed to the public.

Dixon understands final plat approval can be handled without a public hearing. One issue raised during testimony indicates covenants do not allow division of plats. This is not an issue for the City, and the question remains unanswered.

Karst does not see anything offensive about this proposal. The proposal will not be responsible for reducing property values in the area. All homes are built with the hope of investment potential and the applicant should not have to explain his intention.

Dixon noted attached housing was added to R-1 in 1999 for the purpose of permitting attached single-family homes on entry parcels into neighborhoods. This is the only entry off 25<sup>th</sup> Street and is a collector street into Cedar Ridge neighborhood. One side of the entry is already single-family attached. This proposal makes the other side of the entry single-family attached.

**Commissioner Dixon moved to recommend to the Mayor and City Council approval of the conditional use permit to allow the construction of two single-family attached homes in one structure in an R-1 zone on Lot 10, Block 10, Cedar Ridge, Division No. 12 with the condition a plat be submitted to the Planning Commission showing the division of the lot into two lots as required by the zoning ordinance for single-family attached homes prior to**

**submission to City Council. Motion seconded by Commissioner Karst. Motion passed, 6 to 1, with Commissioner Cosgrove opposing.**

**Annexation of approximately 2.08 acres with initial zoning of I&M-1 (Industrial & Manufacturing): Crane Subdivision, Division No. 1.** Magee reviewed the staff report, a part of the record. The property was not annexed as anticipated in 1991. Dixon inquired about the zone proposed and asked why not CC-1 zoning since the properties to the south have outside storage. Magee answered the CC-1 zone does not have any required setbacks. There will be no annexation agreement with this parcel since the improvements are in place. The recommended zone will require some setbacks. If an addition is built to Robertson Supply, the I&M-1 zone requires the building remain thirty feet from Crane Avenue. Dixon clarified the properties south of Crane Drive annexed under CC-1 had an annexation agreement that implemented a setback requirement. Approval of the I&M-1 zone accomplishes the same purpose through zoning. Magee added I&M-1 zone is located in the City 150 feet to the north. Cosgrove asked if the property will be served by Idaho Falls Power in the future.

The hearing was opened to the public.

**Scott Nunes – 1000 Crane Drive.** Mr. Nunes stated when the building was constructed in 1991 there was an agreement to annex into the City at such time as the property was contiguous with City limits. The property is now contiguous and he is complying with the agreement. There are some issues with Idaho Falls Power buying the lines from Rocky Mountain Power and the property will not be served by Idaho Falls Power.

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

Dixon noted this area was heavy industrial at the time of development. The existing structure fits within industrial usage, and I&M-1 is located to the north on Pancheri as well as farther north on Utah Avenue. Much of the area has been redeveloping as commercial rather than industrial, but this particular area is industrial. Nothing prevents a change of zoning in the future if the property is redeveloped as commercial.

**Commissioner Dixon moved to recommend to the Mayor and City Council approval of the application as presented. Motion seconded by Commissioner Cosgrove. Motion passed unanimously.**

**Zoning text amendment to Section 7-13-2 to allow caretaker/custodial dwellings in a GC-1 (Heavy Commercial) Zone:** Magee reviewed the staff report, a part of the record. She said it appears logical to allow a caretaker dwelling in the GC-1 zone since it is allowed in HC-1 and I&M-1. Karst asked if the language is identical to language used in other zones. Magee answered it is closer to the language in the I&M-1 zone rather than the language in the HC-1. It is a hybrid of both zones.

The hearing was opened to the public.

**Lisa Schultz – 3457 Sun Circle.** Ms. Schultz is interested in building an apartment in the second story of the Willowtree Gallery at 210 Cliff Street. This makes sense for her financially as well as for security concerns.

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

**Commissioner Cordova moved to recommend to the Mayor and City Council approval of the zoning text amendment to Section 7-13-2 to allow caretaker/custodial dwellings in a GC-1 commercial zone. Motion seconded by Commissioner Mallard. Motion passed unanimously.**

**Rezone from R-3 (Apartments) to R-3A (Apartments & Professional Office): Lot 41 and 42, Block 1, Crows Addition (Mike's Pharmacy).** Cramer reviewed the staff report, a part of the public record. Staff has discussed with the applicant no commercial access will be allowed onto 2<sup>nd</sup> Street, a one-way street heading west into a residential neighborhood. Assuming the new building faces 2<sup>nd</sup> Street, Cosgrove confirmed a 6 foot side yard setback is required. She asked how a drive-through window fits in with setbacks and buffering. Cramer indicated a 15 foot front setback is required, but a drive-through does not call for a side yard setback. Cosgrove asked if there are any restrictions for hours of operation in an R-3A zone and Cramer answered no. Cosgrove is concerned about the potential for a business with a drive-through window to have lights shining into neighboring homes. Cramer said there is a provision in the zoning ordinance that restricts businesses from producing direct glare on adjacent properties.

Wimborne clarified discussions had taken place regarding restriction of access onto 2<sup>nd</sup> Street. Cramer noted the buildings will be torn down and the site will start from scratch at that point. There are some existing accesses but the City has the ability with this project to request the accesses be closed and not approve a site plan if those accesses are shown. Black asked about landscape requirements. Cramer indicated 15 feet of landscaping is required along both street frontages as well as a requirement of twenty percent of the overall lot to be in landscaping and open space. Dixon suggested a zoning amendment be considered to address commercial access into residential in a universal manner rather than on an individual basis.

The hearing was opened to the public.

**Mike Merrill – 180 S. Holmes.** Mr. Merrill is interested in expanding the existing pharmacy. He plans to demolish the home and begin construction on a new building. Upon completion of the new building the current pharmacy and parking will be demolished. Mike's Pharmacy has been established in business for over twenty-six years. The business has grown and demands are

unable to be met with the current parking. Rezoning will allow the business to reach its full potential as well as significantly improve the area and safety for customers.

Dixon inquired about the elevation of the two properties relative to the property across the street. He is concerned about lights from the drive-through affecting neighboring properties. Mr. Merrill indicated the property will be lowered to match the grading of the existing pharmacy. A retaining wall will be established along the west end of the property and north along the alley.

**Chad Merrill – 485 2<sup>nd</sup> Street.** Mr. Merrill lives in the home being demolished. He intends to work with Mike's Pharmacy upon completion of pharmacy school. Traffic will be directed onto Holmes Avenue rather than onto 2<sup>nd</sup> Street as the situation currently exists. Mr. Merrill is in support of the Idaho Falls Power plans to move power lines six feet off the road into the 15 foot buffer zone. This proposal will enhance the area and improve safety. Cosgrove asked if the neighbor to the west has mentioned any concerns. Mr. Merrill answered no one has made any comments regarding the proposal.

**Sean Branson – 2499 Blue Canyon Circle.** Mr. Branson owns a home nearby on 4<sup>th</sup> Street and believes this proposal will be a great improvement for the area.

**Justin Merrill – 5121 N. 5<sup>th</sup> West.** Mr. Merrill plans to attend pharmacy school and work with this business in the future. The business will not be a nuisance to the surrounding neighborhood. Operating hours will be 10 a.m. to 6 p.m. Cosgrove indicated consideration needs to be given to any potential future business that is allowed in R-3A. Mr. Merrill stated several businesses along Holmes Avenue have upgraded and this will continue the improvement in the area.

**Kay Anne Purcell – 486 2<sup>nd</sup> Street.** Ms. Purcell owns a home on 2<sup>nd</sup> Street which was recently remodeled and is being rented. She does not oppose this project but it was an effort to make parking available for trucks and workers associated with the recent remodel. Ms. Purcell wants to ensure parking needs are met for the pharmacy customers as well as employees and on-street parking is available for her renters.

**Justin Merrill – 5121 N. 5<sup>th</sup> West.** Mr. Merrill said parking is a big issue for customers as well as the home across the street. The project is being reviewed to implement a maximum amount of parking. The Merrills are interested in getting cars off 2<sup>nd</sup> Street into the proposed parking lot.

The hearing was closed to the public.

Swaney noted this application is a request for rezoning and is being considered without any conditions. This situation is different from a recent application for a restaurant along Holmes. A good case has been presented for rezoning and Swaney favors approval. Cosgrove added the uses allowed in R-3A are compatible with this neighborhood transitioning between single-family homes and commercial and she supports approval. Dixon noted the site being requested for

rezone will achieve the same grade as the property to the east. The property will be lower than the residential immediately to the west. A retaining wall will be in place and headlights will be buffered by a brick wall.

**Commissioner Cordova moved to recommend to the Mayor and City Council approval of rezoning from R-3 to R-3A for Lot 41 and 42, Block 1, Crows Addition, as presented. Motion seconded by Commissioner Cosgrove. Motion passed unanimously.**

The meeting adjourned at 9:10 p.m.

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Donna Carlson, Recording Secretary