

April 5, 2011

7:00 p.m.

Planning Division  
Council Chambers

**MEMBERS PRESENT:** Chair Margaret Wimborne, Commissioners Natalie Black, Jake Cordova, Donna Cosgrove, Kurt Karst, Michelle Mallard, Gary Mills, George Morrison, Leslie Polson, Paul Savidis and George Swaney.

**MEMBERS ABSENT:** Commissioner Brent Dixon.

**ALSO PRESENT:** Planning Director Renée Magee, Recording Secretary Donna Carlson and one interested citizen.

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

**MINUTES: March 15, 2011.** Commissioner Cordova moved to approve the minutes of March 15, 2011, as presented. Motion seconded by Commissioner Savidis. Motion passed.

**Public Hearings:**

**Rezone 15.8 acres from R-3A to M-1: A portion of Lot 2, Block 1, University North Addition, Division No. 1.** Magee reviewed the staff report, a part of the record. The parcels under consideration were excluded in a rezoning action on March 1, 2011, and border the 10 acres recommended for rezoning to M-1 in March. Magee stated an email confirming the ISU Foundation is requesting these two parcels be zoned M-1, dated March 8, 2011, is included in the record.

A memo from George Morrison dated April 5, 2011, was entered into the record by Morrison. Morrison expressed concern regarding non-compliant windmills at the CAES building and suggested not approving the current rezoning request until CAES is brought into compliance. Magee appreciated being contacted by Morrison prior to the hearing but did not realize the memo would suggest denial of the rezoning application due to non-compliance on another property. CAES is owned by the State Board of Education and the subject property is owned by the ISU Foundation. Staff misunderstood Morrison's concerns and did not inform Morrison of the different ownerships.

The hearing was opened to the public. There were no comments and the hearing was closed to the public. Cosgrove said the Commissioners did not understand exclusion of this property at the

previous hearing. The discussion and logic from the previous hearing stands and rezoning to M-1 is compatible with existing uses in the area. Cosgrove requested staff discuss the existing windmills with CAES, but this application is a separate issue with a different owner. Magee explained the State of Idaho reviews all state facilities for building code compliance. Often states agencies forget the Local Land Use Planning Act requires all state facilities to follow the local zoning ordinances. Morrison withdrew his memo recommending denial of the rezoning application. The enforcement action is separate from the rezoning application, and enforcement action is outside the authority of the Planning Commission. Staff will follow up with CAES to work on a resolution of the existence of non-compliant windmills.

Polson noted M-1 fits the comprehensive plan and surrounding property to the west.

**Commissioner Polson moved to recommend to the Mayor and City Council approval of rezoning from R-3A to M-1 a portion of Lot 2, Block 1, University North, Division No. 1, as presented. Motion seconded by Commissioner Cosgrove. Motion passed.**

**Business:**

**Final Plat: 1<sup>st</sup> Amended Cedar Ridge, Division No. 12.** Magee reviewed the staff report, a part of the record. Both lots meet the setback requirements in the subdivision ordinance for single family attached homes. The corner lot is not ten percent larger than other lots in Cedar Ridge but this ordinance provision is not applicable for single family attached homes. The intention for larger corner lots is to provide sufficient setback. The site plan accompanying this application shows thirty feet front yard setback requirements are met on both streets.

Cosgrove inquired about staff comments concerning City Council not approving the plat until the conditional use permit is approved. Magee indicated the site plan, elevations, and final plat for this property will be presented at one City Council public hearing. Action on the conditional use permit is the first motion and the second motion is action on the final plat.

Savidis inquired about Lot 17 of Division No. 12, the lot across Ridgecrest to the west. Magee replied it appears the engineering firm did not realize Division No. 15 amended Division No. 12. Lot 17 has been split into two lots and is comparable to the action requested in this application.

**Kim Leavitt – 984 N. Capital.** Mr. Leavitt was contacted by Mr. Pinder to provide a final plat. Lot 12 is 7,230 square feet and Lot 11 is 6,446 square feet. There are twin homes in the area and Mr. Pinder is requesting approval of the final plat.

**Commissioner Mills moved to recommend to the Mayor and City Council approval of the final plat for 1<sup>st</sup> Amended Cedar Ridge, Division No. 12, as presented. Motion seconded by Commissioner Cordova.** Cosgrove realizes the lot usage is not being discussed, but she expressed her concern at the previous hearing that an attached home is not an appropriate use for this lot. **Motion passed with Commissioner Cosgrove abstaining.**

**Miscellaneous:**

**Work Session: Planning Commission hearing procedures.** The planning commission discussed the role of the planning commission, the purpose of the comprehensive plan and its policies, and commission review of legislative and quasi-judicial items.

The meeting adjourned at 8:27 p.m.

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Donna Carlson, Recording Secretary