

July 10, 2012

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Commissioners Doug Branson, Natalie Black, Jake Cordova, Brent Dixon, David Hodder, Kurt Karst, George Morrison, Leslie Polson, George Swaney, and Dee Whittier.

MEMBERS ABSENT: Commissioners Donna Cosgrove and Margaret Wimborne.

ALSO PRESENT: Planning Director Renée Magee, Assistant Director Brad Cramer, Recording Secretary Debra Petty, and ten interested citizens.

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

PUBLIC HEARINGS:

Conditional Use Permit for the Reconstruction of the Edgemont Elementary School:

Commissioner Black is employed by District 91 and recused herself from the hearing. Cramer reviewed the staff report, a part of the record. He entered the email from Robert and Mary Kochan into the record and said the e-mail expresses concern about placement of the play areas adjacent to Kochan's rear yard, containment of runoff from the school property, and the effect of placement of the school, which is thirty-two feet in height, on their property value. Cramer said the applicant's representative, Design West Architects, relocated the basketball hoops to the south. There is an onsite storm pond for collection of runoff. He deferred the question regarding siting of the building to Design West.

Cramer said the existing school will remain in operation during construction of the new school. The distance between access points for the parking lot and bus loading area is 125 feet and, according to the City engineer, is adequate. Separation of the bus drop-off, student drop-off and sidewalks is consistent with Bonneville Metro Planning Organization (BMPO) standards for school zones.

Cramer said a row of cotoneaster, a dense shrub that acts like an evergreen, will be planted in the landscape strip adjacent to the homes. It grows to a height of eight feet. The lighting plan for the District's new schools has been modified from induction lighting to high-pressure sodium to reduce glare. Staff recommends approving the site plan with the condition the revised lighting plan have 0.5 foot candles or less at the property line.

Cramer told Dixon the utility pole in the picture is approximately thirty to forty feet in height. Dixon said the pole demonstrates how tall the school is in relation to the height of adjacent homes. He desires a larger setback from residences or a landscape buffer with taller trees. Cramer

told Karst an emergency/service entrance is located to the east side of the building and is not intended for access by the general public.

Chair Polson opened the hearing to public comment.

Dustin Hislop, Design West Architects, 255 S. 300 W., Logan, Utah. Hislop said District 91 is using the same floor plan for all new elementary schools with necessary modifications specific to each site. The proposed building, at its highest point, is thirty-two feet which includes the classrooms on the south. As staff mentioned, high pressured sodium will be used rather than the originally planned induction lighting. Basketball standards are reoriented to the south. He said their firm explored all possible options for placement of the building and what is depicted on the site plan is the best option. The area adjacent to residential is now a low use area limited to passive games. The property line on the south is fenced with access to pedestrians only.

Hislop told Whittier there is minimal leeway for moving the building further west. He clarified for Karst the entire structure is not two-story. The portion of the building adjacent to the residential is approximately eighteen feet in height. He told Dixon it may be possible to move the building to the southwest; however, the change will impact the planned open space for activities. Regarding taller trees for the landscape strip, Cramer said staff will ask the city forester for his suggestions.

Cramer said the City of Idaho Falls owns land on the south portion of the site. The land was purchased with a grant from Department of Soil and Water Conservation for recreational use. The proposed construction sits seventeen feet from this property line. Any change to the location of the building will require a land exchange.

Cramer told Karst the two twelve foot lights on the east shine to the west. Karst said phasing the building is difficult and uses to the east are fairly passive. As well, the portion of the building adjacent to residential is one story, approximately eighteen feet in height, and the large trees on those neighboring properties provide a significant buffer. Cordova said locating the building more than thirty feet from the property line exceeds the side yard requirements in the R-1 zone. Dixon strongly believed green space is necessary to buffer homes from the school and there are a number of things that can be done to enhance the buffer. Whittier stated there is little gain in moving the building to the south and west.

Kevin Klingler, 455 23rd South Cameron Lane, Rexburg, Idaho. Klingler represents the District. He said the school is constructed on a single foundation and phasing will impact the integrity of the building. He pointed out moving the building southwest increases the size of the bus and parking loops which negatively impacts construction costs and snow removal. Making such a change has a greater impact to the neighbors.

Chair Polson closed the hearing to public comment.

Karst said current parking conditions at the school require cars to back out onto Azalea. The new plan creates true off-street parking and is in compliance with zoning regulations. Dixon lived next to the school for twenty years and parking was always an issue. His biggest concern is the height of the building adjacent to the east property line. Cordova said staff had one concern, the lighting. This lighting was addressed by the applicant and he is ready to make a motion.

Cordova moved to approve the conditional use permit for the reconstruction of Edgemont Elementary School as presented. Motion seconded by Morrison. Motion passed. Aye: 8, Nay: 1 (Dixon), Abstain: 0. Dixon wished to amend the motion. Since he was unable to do so and shrubs adjacent to the residences will not be greater than eight feet in height, he voted to deny the request.

Commissioner Black returned to the meeting.

Ruling of Similar Use for a Pawn Shop in an HC-1 Zone: Magee confirmed for Karst conditions may not be placed on a ruling of similar use, but the applicant may make preconditions to strengthen the application according to the City attorney. The Commission needs to determine if the use is similar to other permitted uses in the HC-1 zone and meets the objectives and characteristics of the HC-1 zone.

Magee reviewed the staff report, a part of the record. She said a ruling of similar use is a seldom used procedure. She remembers it being in front of the City Council three to four times in the past twenty years. It is usually handled by City Council without a recommendation. The Council Committee suggested the application be presented to the Planning Commission for a recommendation. It is important to understand approval is specific to this location and not for other parcels in the same zone. The applicant submitted a large number of photos which were distributed to the Commission. The property is a triangular wedge located to the south of the intersection of Holmes and Northgate Mile. The use is going from a bank to a retail use and parking requirements are the same for each. She said the site is difficult due to shape but may work with some adjustments.

In 2003, a request was made for a pawn shop just north of the location proposed by the applicant. Council approved the request with the conditions exterior openings not be barred, the existing gasoline canopy be removed, the installation of landscaping similar to the Fred Meyer center be installed, bail bonds be prohibited, and advertising be limited to on-premise. Magee said there are a number of businesses the city requires to be licensed and have a background check. A pawn shop is one of those uses.

Swaney pointed out the number of uses similar to a pawn shop in the RSC-1 zone. Any use in the RSC-1 zone is also allowed in the HC-1 zone. He sees little difference in the types of allowed uses and believes the request should be approved. Magee said the purpose of the HC-1 zone is to

provide services for the traveling public, and a pawn shop is not an allowed use. This is the reason the Council is seeking a recommendation.

Magee confirmed for Karst outdoor display areas are permitted in the HC-1 zone. Dixon spoke to the appearance of properties in gateways to the community and asked if the proposed use is not allowed in the zone as it is deemed less attractive compared to other similar uses. Magee said the American Planning Association has a publication entitled *Contentious Commercial Enterprises*. Massage parlors, pawn shops, and payday loans are considered contentious uses. The industry is only beginning to view pawn shops as a retail use.

Polson said the applicant indicated he will not bar the windows or paint over the brick and wanted to know if they are obligated to follow through with such statements. Magee said they are not. Polson expressed concern the applicant will paint over the brick. Karst believes questioning the applicant's plans for the building is not appropriate unless all requests are scrutinized. Dixon said he was unable to find secondhand stores and thrift stores as an allowed use in the HC-1 zone. Magee said secondhand stores are located in CC-1, GC-1, and C-1.

Chair Polson opened the hearing to public comment.

Darryl Smith, 3110 South Reserve Street, Missoula, Montana and Shawn Hanson, 24 Harrison Avenue, Butte, Montana. Mr. Smith said he began work as a pawnbroker in 1984 and owns eight pawn shops and Mr. Hanson began working with him seventeen years ago. The building under consideration will make a great store for the area. All the stores are very clean, well lit, and run in a professional manner. As noted by Commissioner Swaney, the business is quite similar to many of the uses listed in the HC-1 zone and classified by many other communities as a retail business. The façade of the Northgate Mile building is understated but visible to the public.

Mr. Hanson said they work closely with local law enforcement for recovery of stolen goods and for licensing requirements for a pawn shop. Smith said they generally move into older buildings with adequate parking and room for expansion. They consistently improve on existing landscaping. Another benefit to opening a store in Idaho Falls is it provides employment opportunities for six to seven people.

Julie Paul, 1431 Three Fountains Drive, Idaho Falls, ID. Ms. Paul visited one of the pawn shops owned by Interstate Pawn when considering them as tenants of her building. She was impressed with the order and cleanliness of the store and believes many residents will enjoy shopping in such a store. Polson asked the applicant what it is about the building that makes them want to open at this location. Mr. Smith said basically they can open the store with little change and location is everything.

Commissioner Whittier was excused from the meeting. Chair Polson closed the hearing to public comment. **Karst moved to recommend to the Mayor and Council approval of the request for a ruling of similar use for the proposed pawn shop in an HC-1 zone as presented. Motion seconded by Cordova. Motion passed. Aye: 8, Nay: 1 (Dixon), Abstain: 0.** Dixon said the use most related to a pawn shop is an antique store where used items from individuals are bought and sold retail. The use is called out in the CC-1 zone but not HC-1 zone.

Business:

Commissioner Swaney was excused from the meeting.

Final Plat: Taylor Crossing on the River, Division No. 11. Magee reviewed the staff report. The request is a replat of two existing lots for expansion of a parking lot for an office building located at 1000 River Walk Drive. Staff will handle necessary easements and recommends approval of the final plat.

Kim Leavitt, 985 N Capital, Idaho Falls, ID. Mr. Leavitt said the configuration of the two lots is changing. An unplatted portion of ground to the north is being included in the plat. The geometry on the north end of the existing street will change and will be reconstructed. The change will provide Cooper Norman with more parking.

Dixon moved to recommend to the Mayor and Council approval of the final plat for Taylor Crossing on the River, Division No. 11 as presented. Motion seconded by Karst. Aye: 7, Nay: 0, Abstain: 0.

Final Plat: 1st Amended Intermountain Business and Technology Park, Division No. 1. Cramer reviewed the staff report. The request is to enlarge the existing lot for additional parking. The plat does not show an easement providing access to the storm pond and containing utilities. This easement will be added to the plat. Staff recommends approval.

Karst moved to recommend to the Mayor and Council approval of the final plat for 1st Amended Intermountain Business and Technology Park, Division No. 1 as presented. Motion seconded by Cordova. Motion passed. Aye: 7, Nay: 0, Abstain: 0.

Final Plat: 1st Amended Intermountain Business and Technology Park, Division No. 7. Cramer reviewed the staff report. The replat is necessary for construction of an addition, which is currently underway, to an existing building. This increases the existing lot by 9,000 square feet.

Jeff Freiberg, 946 Oxbow Lane, Idaho Falls, ID. The Commission had no questions of Mr. Freiberg.

Karst moved to recommend to the Mayor and Council approval of the final plat for 1st Amended Intermountain Business and Technology Park, Division No. 7 as presented. Motion seconded by Cordova. Motion passed. Aye: 7, Nay: 0, Abstain: 0.

The meeting adjourned at 9:15 p.m.

Debra Petty, Recording Secretary