

July 9, 2013

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners Natalie Black, Jake Cordova, Donna Cosgrove, George Swaney, Dee Whittier, David Hodder, and George Morrison.

**MEMBERS ABSENT:** Doug Branson, Margaret Wimborne, Brent Dixon, Kurt Karst, and Leslie Polson.

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

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

**MINUTES:** Cosgrove moved to approve the minutes of June 18, 2013, with the amendment the name of the commissioner seconding the motion to recess the hearing on page 2 be included. Black seconded the motion, and it passed unanimously.

**PUBLIC HEARINGS:**

**Zoning Ordinance Text Amendment to Section 7-15-2, Uses in the I&M-1 Zone:** Cramer presented the staff report, a part of the record. This item was recessed from June 18 to allow staff to research standards for gun ranges and to expand the suggested text amendment to allow indoor shooting ranges as conditional uses. Staff considered industry standards for indoor shooting ranges; however, those standards dealt with the look of the building and customer service. Instead, the staff used the U. S. Department of Energy (DOE) standards. Other communities have used these standards, and the applicant has reviewed these standards. These standards will be used by the building department when reviewing the construction of indoor gun ranges. Staff recommends floor drains be eliminated from the shooting range as well as water based backstops. Rubber backstops are allowed in these standards. Any reference to earth or sand-based backstops has been removed. There is also a recommendation as to the shooting booths. There are no recommendations as to construction of indoor archery ranges.

As to zones for indoor shooting ranges, staff is recommending an indoor shooting range be allowed as a use-by-right in GC-1 and as a conditional use permit in HC-1. Staff did not recommend other commercial zones due to proximity of residential uses, either within the zone or adjacent to the zone.

Cosgrove asked where the DOE guidelines will reside. Cramer answered the design guidelines will be referenced in city code. Cosgrove clarified it will say indoor shooting ranges constructed in accordance with the design guidelines. Whittier said he assumed the city code may be amended to consider new materials as necessary. Cramer replied yes, and DOE guidelines allow new materials if effective as existing standards.

**Ryan Later, 1170 Grasslands Avenue, Idaho Falls.** Mr. Later is the representative of Guns and Gears Sports. He stated he has been heavily involved with the reviewing the construction standards with Cramer. The material contractors he has spoken with recommended the DOE standards. From working with the NRA, he also recommended some of the changes in the DOE standards.

This facility will be a retail and educational facility as well as a range. The retail is needed to support the range. These facilities are becoming popular with women and youth, and these groups want a safe place to train. Range owners understand safety concerns and consider such factors in the design of stores and ranges, e.g., the facility in Post Falls is near an apartment complex. He asked zones be considered which do not have an industrial feel such as HC-1. Too much of an industrial feel may discourage women from coming to the range.

Cosgrove asked Cramer to quickly show the areas where indoor gun ranges will be allowed. Cramer outlined most of the areas along Yellowstone Highway, Lincoln Road, and Broadway on the zoning map. Cosgrove clarified the zoning ordinance may be amended again in the future if needed. Cramer agreed and stated the HC-1 is one proposed zone for a conditional use permit. Whittier asked where indoor shooting ranges have desired to go. Staff has been asked about four locations in the past, one of which was in a CC-1 and three were in the HC-1 zone. Black asked if retail is allowed in I&M-1. Cramer responded it is allowed in I&M-1. Cosgrove suggested the commission address HC-1. Whittier agreed. The staff recommendation is a conditional use permit in HC-1 and a use-by-right in I&M-1. Hodder agreed with the staff recommended zones. GC-1, I&M-1, and I&M-2, considering the uses in those zones, are appropriate. An indoor shooting range, with construction standards, will be safe. Cosgrove is comfortable now that construction standards are to be included in the ordinance. **Cosgrove moved to recommend to the Mayor and Council amendments to the zoning ordinance to permit indoor gun ranges in GC-1 and I&M-1 as a use-by-right and in HC-1 as a conditional use permit provided such ranges meet construction standards to be incorporated into the ordinance. Whittier seconded the motion, and it passed unanimously.**

**Rezoning from CC-1 to I&M-1 and Consideration of Final Plat: Utah Avenue Overlook, Division No. 1.** Cramer presented the staff report, a part of the record. The rezoning request covers Lot 1, Block 1, Utah Avenue Overlook, Division No. 1. Lot 2, the canal and landscape lot, remains CC-1 under the rezoning request. A final plat for this parcel and the property to the west was approved in 2010. The final plat was never recorded but the annexation agreement was executed and recorded. One of the special conditions of the annexation agreement is a fifteen foot landscape strip be placed along the street: it was placed in the agreement since perimeter

landscaping is not required in CC-1. I&M-1 does not require perimeter landscaping either. I&M-1 zoning is generally not used in the mixed use designation in the comprehensive plan. It is recommended in this situation because I&M-1 is to the north and adjacent to this property. The final plat is in compliance with the subdivision ordinance.

**Ryan Later, 1170 Grasslands Drive, Idaho Falls.** Mr. Later explained he hoped to build a nice facility on the lot and have quite a bit of landscaping. The building should have the Cabela's look. They are concerned about the fifteen foot perimeter landscaping since they believe many of their customers will drive longer pick-up trucks. They wish to reduce the landscaping to ten feet. The five feet will be used to widen the parking area.

Black asked if the landscaping is to be along the canal. Cramer explained the landscaping is to be along Crane Drive. To reduce the landscaping, the annexation agreement has to be amended by the Council. Fifteen feet is the minimum standard in the commercial zones. Swaney clarified the annexation agreement has to be amended. Cramer responded the commission could recommend the annexation agreement be amended. The rezone cannot be conditioned. Cosgrove stated the annexation amendment could be handled by the Council: the applicant could take the issue to Council. Cramer explained the proposal to amend the annexation agreement is before the commission tonight. Cramer used the ceiling tiles to illustrate the difference between ten feet and fifteen feet. Whittier clarified the sidewalk will not be counted as part of the landscaping. Cramer explained the width of the strip was to provide a reasonable distance for a tree in the strip to be healthy. Cramer explained the developments along Crane Drive, except for the dental office, were developed in the County or were developed prior to any landscaping requirement. The annexation agreement covers the subject property as well as the property to the west. Amending the annexation agreement may affect all the properties covered by the agreement.

Morrison does not have a problem with a ten foot landscape strip. Black does not believe fifteen feet is not a great deal of width: it should remain fifteen feet. Cosgrove agrees with Black. Whittier does not see an issue with reducing it to ten feet. Cordova suggested the decision be left with the Council. Swaney agreed ten feet is reasonable but the annexation agreement is already in place. To change the agreement and the width of the landscaping will affect the entire street. The decision is best left with City Council. **Hodder moved to recommend to the Mayor and Council rezoning of Lot 1, Block 1, Utah Avenue Overlook, Division No. 1, from CC-1 to I&M-1 and the approval of the final plat entitled Utah Avenue Overlook, Division No. 1. Cosgrove seconded the motion, and it passed unanimously.**

**Annexation of a Portion of Bellin Road and Initial Zoning of R-3, 0.37 Acres of SW1/4, Section 26, and SE1/4, Section 27, T2N, R37E.** Cramer presented the staff report, a part of the record. Cramer clarified R-3 is the proposed zone: no apartments are being proposed on Bellin Road. The purpose of the public hearing is to annex a portion of the right-of-way of Bellin Road. It is not to address the construction of Bellin Road. Bonneville County has given the City permission to work in the Bellin Road right-of-way, and the City Council has decided to

construct this portion of Bellin Road. The public hearing tonight is for the annexation request. The issues are the ability of the City to provide services in this area and the logic of this annexation in terms of the City's growth pattern. A major portion of Bellin Road right-of-way is owned by the City of Idaho Falls: a small portion may be owned by a private property owner and is not proposed for annexation.

In terms of zoning, C-1 is to the west in the City and R-3 is to the east in the City of this proposed annexation. There is a large amount of undeveloped C-1 in this area. Considering this amount of undeveloped C-1, R-3 was the more logical choice to the staff.

**Theresa Suekel, 2100 South Bellin Road.** Mrs. Suekel is not sure what to say to the commission. Everyone in the neighborhood has come to the City Council meetings and pleaded. The residents of Bellin Road are tired now. Why did this step not occur prior to the open house? The open house was a mad house and the data from the open house was given to the Council at a work session at 8:30 a.m. which was not publicized. At the first meeting on the bids for Bellin Road, she was not able to get a copy of the comments from the open house or a copy of the Council minutes. In the beginning of May, the Council minutes for April 9 were the only ones available.

There are major safety concerns for the residents on Bellin Road. This is a very narrow road. In 2004, when she bought her house, she went into the planning department. They had information from the Idaho Transportation Department (ITD) and showed her the maps and how Bellin Road was going to be a dead-end. She would never have bought her house if she had been told the road would be open to Sunnyside Road. Residents have to back out into Bellin Road. She drives slowly prior to her driveway and turns on her signal far in advance. Residents were told the hearing tonight was not on construction of Bellin Road but on the annexation. Therefore, the residents on Bellin Road have not come to the meeting. They were told Bellin Road was a done deal.

In response to a question, Cramer responded, to his knowledge, the road design has not been changed since the open house. According to Suekel, one city resident, who has a different map of the proposed road, was going to speak to the Council but was so disgusted at the Council meeting she did not speak. From talking to the County, Suekel understands, if the design is changed, another meeting has to be held. That is why she is asking if the design of the road has changed from the open house.

Bellin Road/Outlet Blvd is multi-jurisdictional. Suekel is not sure if Bonneville County has given permission to construct Bellin Road. She never get answers to her questions. Cordova explained the annexation was a house cleaning situation: he was sorry she was not getting answers she needed. Suekel and her neighbors asked Bonneville County for traffic control measures: the County will not do anything for traffic control. Some of the residents still go around to 35<sup>th</sup> because it is faster. Those who use Bellin Road/Outlet Blvd use it for convenience. Her husband who works at the hospital would rather have the road closed. For

emergency vehicles, there is no shoulder on Bellin Road for the traffic to pull over. Her children wait for the bus at the edge of the road and it is not safe. She read into the record the letter from Bonneville County about traffic safety measures. The requests addressed speed limits, need for sidewalks, truck restrictions, increased law enforcement, need for bike paths, closing Outlet Boulevard, and other issues. She said straightening out the road will encourage trucks. She wants to know who is responsible. Cordova asked for a copy of the letter for the record and explained the commission was taking testimony on the area being annexed.

Black asked Suekel if the section of Bellin Road should be in the City or County? Suekel responded there is a law enforcement issue if it is a private road. The gravel portion of the road is being used illegally. She asked if any of Bellin Road/Outlet Blvd will remain private.

Hodder explained the hearing was for annexation. When Pancheri Drive was improved, the City went through the formality of annexing a portion of the road. If all eight of the commissioners were opposed to the construction of Bellin Road, it would not stop construction. It is a Council decision to construct the road. Annexation is a house-keeping item in this instance.

Cramer explained there was an open house at the fire station on Bellin Road which was advertised. Unfortunately, *The Post Register* printed the opening time incorrectly in a news article and, therefore, the open house was a mad house. The comments from the open house were transcribed by Cramer. As far as Cramer can tell, the road design for Bellin Road has not been changed. The County is incorrect in stating, if the road design has changed, there is a requirement to hold another open house. As to the zoning request for an annexation, if there is a substantial change, there has to be a second public hearing. The planning department pulled the original annexation request and initial zoning of Bellin Road from the commission agenda when the extent of the annexation changed. The annexation did not have to be pulled since the amount of ground was smaller than advertised, but the department pulled it to take the time to research land ownership.

When the open house was held in February, the decision had not been made to authorize bids for the Bellin Road project. The permit has not been officially issued by Bonneville County. There have been two conversations as well as two letters that state a dig permit will be required. As of the date of the letters, the County did not anticipate a problem with the dig permit.

In the planning department file, there is a letter from the Bonneville County Commissioners requesting the Idaho Department of Transportation (ITD) convey the parcel of ground north of Outlet Blvd to the City to allow Bellin Road to be connected. In order to have law enforcement, a portion of Outlet Boulevard was conveyed to the City of Idaho Falls. Cordova expressed his concern that Outlet Boulevard was constructed as a private road, not a public street.

**Swaney moved to recommend to Mayor and City Council the annexation of 0.37 acres of Bellin Road located in Sections 26 and 27, T2N, R37E, with the initial zoning of R-3. Morrison seconded the motion, and it passed unanimously.**

**Miscellaneous:** The Commission will meet at the Hotel on the Falls at 7:00 a.m. on July 12. The topic to be discussed at the work session will be the planned unit provisions of the zoning ordinance.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

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Renee R. Magee