

September 3, 2013

7:00 p.m.

Planning Department
Council Chambers

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

MEMBERS ABSENT: Leslie Polson.

ALSO PRESENT: Planning and Building Director Renee Magee, Assistant Planning Director Brad Cramer, 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: Black moved to approve the minutes of July 9, 2013, with the amendment to sentence on page 3, paragraph 4 to remove the second “not.” Cosgrove seconded the motion, and it passed unanimously.

Cosgrove moved to approve the minutes of August 6, 2013. Branson seconded the motion, and it passed unanimously.

BUSINESS ITEMS:

Final Plat: West Broadway Addition, 1st Amended: Cramer presented the staff report, a part of the record. Seattle Street and Oregon Avenue will be vacated as part of the final plat. Denver Street will become a cul-de-sac. The applicant intends to demolish the existing auto dealership building and construct a new building for the business. The two buildings shown outside of the plat boundaries are on within the railroad right-of-way and permitted through an agreement between the railroad and the applicant.

Cramer clarified for Wimborne the location of Oregon Avenue. Karst asked if there were existing utilities within the streets to be abandoned. Cramer confirmed there were some utilities that would be abandoned and the power lines would be moved. Dixon asked if the two buildings in the railroad right-of-way were owned by the applicant and if the plat would restrict access to the buildings. Cramer confirmed they are owned by the applicant and there will not be any issues with access.

Dixon asked what uses are allowed in I&M-1 that could be offensive to nearby residential uses. Cramer said that open storage is allowed, but wrecking yards are not allowed within City limits. Cordova asked about the allowable length of a cul-de-sac. Cramer said the maximum length of a dead-end street is 400 feet in commercial zones and the proposed cul-de-sac is over 600 feet long. However, the street could not be shortened to meet the ordinance because properties along

the north side of Denver still need access. The Fire Department has not indicated any concerns with the length of the street in terms of emergency protection. There are also efforts to extend utilities from the west end of Denver north to Wardell Street. Dixon asked if a secondary emergency access will be required. Cramer said as part of the site plan review, sufficient access and drive aisles will be required by the Fire Department. Cordova asked if there was any concern regarding the street vacations and Cramer indicated the plat review committee did not have any issues.

Jeff Freiburg, 946 Oxbow, Idaho Falls. Mr. Freiburg appeared to answer any questions. There were no questions from the commission.

Karst asked if there were representatives from the adjacent recycling business and if there was any information regarding truck traffic for that business. Cramer responded that there was no specific data regarding the truck traffic. There will be a public hearing for the vacation of the roads and adjacent property owners will be notified and may express any concerns at that time.

Wimborne moved to recommend approval of the final plat for West Broadway Addition, 1st Amended to the Mayor and City Council. George Morrison seconded the motion, and it passed unanimously.

Conditional Use Permit for a Scoreboard, Lighting, and Concession Stand for a Sports Field: Calvary Chapel Divisions No. 1 and 2: Cramer presented the staff report, a part of the record. The sports field was approved under a previous conditional use permit, but the lights, scoreboard, and concession stand were not proposed at that time. Cramer made a correction to the staff report, that there are not 15 light poles being proposed. There are four poles, each with 15 lights. The scoreboard will be installed immediately, and the lights and concession stand will be installed later. Foot candle levels for the western property boundary and a typical drawing of the lights have not been submitted by the applicant. Staff recommends light fixtures for the sports field include cut-offs shields to prevent glare on adjacent properties.

Cosgrove asked if homes were planned to be constructed to west and how far north they could be built. Cramer said there is a preliminary plat for the area that shows lots for all of the annexed area. Cosgrove is concerned about lights and noise adjacent to residences late at night. Dixon said he occasionally walks in this area and the canals do provide a buffer from the field. His concern is for the north side where the field is close to the assisted living facility. Cosgrove is concerned about not having information on the foot candle levels on the west property boundary and a drawing of the light fixtures.

Gordon Boyle, 3261 S. Boulevard, Idaho Falls. Calvary Chapel has been accepted by State of Idaho to participate in sporting events. One of the conditions of the State is to have a scoreboard. Lights and the concession stand will be installed later. Dixon asked if there were plans to plant evergreen trees in between the deciduous trees on the north boundary to provide a more solid buffer. Boyle responded small, blue spruce trees were planted last year. Cosgrove clarified the only lighting on the scoreboard is for the numbers for time and score keeping. Wimborne asked

if the applicant intended to install lights with cut-off shields. Boyle said they are willing to do whatever the City recommends in order to be good neighbors. In response to a question from Cosgrove, Boyle said for the majority of the year the lights would not be used. They only intend to use the lights during games. There is a semi-professional football team that has expressed interest in using the field as well. He would not be opposed to a restriction on the hours of operation of the lights.

Cordova closed the public hearing.

Swaney believes any motion should clarify there are only four poles proposed with 15 fixtures. Cosgrove feels in fairness to future neighbors the lights should be designed with cut-off fixtures and she would also like to limit the hours of operation. Cordova, Black, and Hodder do not believe there is a need for restrictions of hours of operation for the lights. Cosgrove is concerned about noise pollution from the crowds as well as light pollution. Dixon said there is an advantage that there are no existing homes to the immediate west. Those who do not wish to live next to the lights and the field will not buy a home there. Wimborne said the issue of lights and noise is only relevant during games which occur only during a very short part of the year. Dixon is concerned about the church renting the field to the semi-professional football team. That could evolve into use by other teams for other sports, which would mean the field is used more often than just the football season.

Dixon moved to approve the conditional use permit to construct a scoreboard, lights, and a concession stand with the clarification there be no more than four light poles with 15 lights each, and that the lights be shielded. Morrison seconded the motion. Branson does not believe the semi-professional teams are a concern as this type of facility would most likely be used for practices. **The motion passed 9-1, Cosgrove opposing.** Cosgrove believes there should be restrictions on the hours of operation.

Annexation Prior to Platting with Initial Zoning of R-1: 7.673 Acres NW ¼ Section 31, T 2N, R 37E. Cramer presented the staff report, a part of the record. There is no plat being submitted at this time. The preliminary plat for the area showed commercial for the northwest corner. This request shows only residential zoning which is consistent with the comprehensive plan. In response to a question from Cosgrove, Cramer said the R-1 zone permits single-family attached dwellings up to three attached units.

Kevin Alcott, Box 3082, Idaho Falls. When the commercial and storage area was originally proposed, there was concern from the commission and some members had asked that the entire property be developed as residential. This proposal complies with that request. The intent is to develop single-family detached units and a plat showing the lots should be presented to the commission in the spring. Cosgrove asked the applicant to consider pedestrian connectivity in the design of the subdivision.

Cordova closed the public hearing.

Cosgrove moved to recommend to the Mayor and City Council approval of annexation prior to platting with initial zoning of R-1 of the described property. Dixon seconded the motion, and it passed unanimously.

Rezone from R-1 (Residential Single-Family) to R-3A (Apartments and Professional Office): Lot 1, North Part Lot 2, Lots 5-8, Block 13, Linden Park, Division No. 6: Magee presented the staff report and slides, a part of the record. Dixon asked for clarification on the ownership and rear yard of the house to the north. Magee explained lots can be divided in order to straighten boundaries or enlarge other adjacent lots as long as a new lot or building site is not created. The problem with this division is it took the required rear yard away from the house. Cosgrove asked why the rezone boundary includes a portion of Bonneville Drive. Magee said a portion of Bonneville Drive was vacated to the adjacent property owners. The area where Bonneville Drive would have extended if built was never platted. Magee clarified for Black the areas that are currently zoned R-3A.

Blake Jolley, 985 N. Capital, Idaho Falls. Jolley represents the applicant. The applicant understands the existing business in the R-3A area is not permitted in the zone. He would like to construct multi-family dwellings on the R-3A site as well as the area proposed for rezoning. He has spoken with the property owners on the block and they are supportive of the project. Jolley clarified which properties are currently owned by the applicant. He owns all of the R-3A property between the canal and the area being considered for rezoning. He also owns the area which was the rear yard for 1350 E. 1st Street as well as the two southernmost lots within the rezone area. The applicant feels that with all of the new construction on the east side of the canal it makes sense to improve his property as well. Morrison asked for clarification on what the applicant's project is. Jolley explained the applicant wants to construct multi-family housing. Jolley confirmed for Wimborne that the property being considered for rezoning as well as the applicant's property to the east will all be used for multi-family housing. He said the applicant has already discussed purchasing the home at 1350 E. 1st Street with the current owner. Hodder asked if the owner of the home was present and if permission was granted for the applicant to include that property in the rezone. The owner was not present, but an affidavit of legal interest had been signed and is part of the file.

Jade Clapp, 1270 1st Street, Idaho Falls. Clapp asked what the rezoning would do to the property values of surrounding residences. Cordova said the commission does not deal with property taxes, but that the zoning matches R-3A elsewhere in the area and that if a project improved the site, it would also likely raise adjacent property values. Cosgrove believes a more important question might be what additional uses does the zone allow. The current applicant may not follow through with their project. The zone allows pet care clinics, professional offices, as well as residential uses. Dixon said the property will allow high density housing. Cordova believes some of the other uses would not fit because they couldn't provide sufficient parking.

Magee clarified that the densities from the staff report were theoretical and were included for the

purpose of showing potential traffic impacts. The site will realistically only accommodate 15-20 units if developed at similar densities to the townhomes east of the canal. She also stated questions about property values should be directed to the Bonneville County Assessor, Blake Mueller. She clarified for Dixon that the site referred to in the staff report was the rezone area. Based on conceptual site plans she has seen, there is not sufficient space for more than about 20 dwelling units on both the rezone area and the existing R-3A property. Karst asked how the rezoning assists in getting the properties under one ownership as described in the staff report. Magee explained the applicant wishes to construct multi-family dwellings, but that project will only occur if the properties are under one ownership. Karst asked how the rezoning will address the expansion of the existing non-conforming business. Magee said the business was in place prior to annexation and therefore was legal to remain. The subsequent expansions of the business into the R-1 zone are not permitted. Rezoning to R-3A does not bring the business into compliance. A landscaping business is not allowed in the R-3A or R-1 zones. The property will have to be redeveloped in order to comply with the zone. The City has already discussed with the applicant the need to either move the business to a new location or reduce the size of the business to what was originally allowed.

Blake Jolley, 985 N. Capital, Idaho Falls. Jolley clarified that the site will accommodate 30 dwelling units. It is the applicant's intention to move his business. He is in the process of purchasing a new site.

Cordova closed the public hearing.

Morrison is supportive of the rezone but would like to know how the neighbors feel. Cordova feels that if the developer spoke with the neighbors and they did not come to hearing, they must feel satisfied with the request. Dixon is concerned that the rezone would change the intended nature of the area. The single-family was originally buffered from multi-family and commercial by the canal. Now the multi-family will be adjacent to the single-family. Karst said he does not like how non-conforming uses expand without being in compliance with zoning. We now have a landscaping business with outdoor fuel storage and other equipment next to single-family housing. He is not convinced R-3A will solve all of the problems and is concerned about relying on the intent of the current applicant. He is also not sure there is a better solution. Dixon asked how the large, blue metal building was approved if it was not compliant with the zone. Magee explained it was originally built and owned by an adjacent homeowner who later sold the home only. The City does not have any way of tracking such transactions. Karst stated although this may not guarantee improvement of the area, leaving the R-1 zone has also not prevented the expansion of non-conforming uses and the R-3A zone will allow more appropriate redevelopment of the property. **Karst moved to recommend to the Mayor and City Council approval of rezoning from R-1 to R-3A of Lot 1, North Part Lot 2, Lots 5-8, Block 13, Linden Park, Division No. 6, with the expectation of some improvement to the property. Morrison seconded the motion, and it passed 9-1 with Dixon opposing.** Dixon stated he believes the properties along Lincoln should remain R-1.

Rezone from R-3A (Apartments and Professional Office) to C-1 (Limited Retail and Service Business): Northern 120 feet of Lot 17, Block 4, Westland Heights, Division No. 3.

Magee presented the staff report, a part of the record. The proposed C-1 zone is consistent with the employment center designation. Access to the property is from Skyline, across the shopping center property to the east. Both properties are under the same ownership. Magee clarified for Whittier that the former floral shop is also under the same ownership as the area being requested for rezoning. Karst stated the R-3A zone seems isolated and asked if it was leftover from previous plans. Magee said the zoning for the area previously was multi-family and as Broadway become more heavily used as an arterial, commercial zoning made more sense, but not all of the area was changed. Magee in response to a question from Cosgrove explained the small piece of R-3A zoning to the south and west of the subject property is not being included in the request because it is under a different ownership.

Cordova opened the public hearing. There was no applicant to present the application. Magee said the applicant is Kingston properties.

Sonja Jones, 1641 Raymond Drive, Idaho Falls. Jones is not opposed to the proposal but is concerned about alley access to the property. Homeowners use the alley for access to their property. She is concerned about the buffer because of the nature of what could be built on the site. She would like to see a solid fence constructed. She is also concerned about the amount of traffic that could be generated by a new business and the noise generated by vehicle traffic, especially in the alley.

Magee clarified that the developer has not presented concrete plans for the site, but has discussed having the main access from Skyline. Their plan is to demolish the existing strip center and construct new buildings on the site. There will be some commercial traffic in the alley such as delivery vehicles, but it should not be the main access. She also explained buffering requirements for R-3A and C-1 zones. R-3A only requires landscaping, whereas C-1 requires either landscaping with trees or an opaque fence. Whittier asked if the Bank of Commerce complied with the buffering requirements. Magee said it complies as there is more than 10 feet of landscaping adjacent to the alley.

Wimborne asked if the shopping center property would have to meet the current buffering requirements if the existing building is torn down and new development occurs. Magee said the new requirements must be met if new development occurs. Dixon asked for clarification regarding allowed uses in the C-1 zone and if businesses such as a restaurant with a drive-thru window could use the alley as part of the drive-thru lane. Magee said the City could not prevent a business from utilizing the alley, but it should not be their primary access. Dixon asked about another application on Fremont Avenue that showed the alley being used as part of a drive-thru window. Magee explained that project was in a PT Planned Transition zone and did not have sufficient depth to accommodate the drive thru lane. Dixon is concerned uses such as a motel with multiple stories could be adjacent to the residential to the north. Magee said it is possible to have such uses adjacent to the alley, but the buffer will still be required.

Paul Wise, 1617 Raymond Drive, Idaho Falls. Wise asked to clarify the buffering requirement on the alleys. Dixon explained the requirement for a C-1 zone is to have either a ten foot wide landscape strip with trees every twenty feet or a six foot tall opaque fence. The buffer will be on the private property side of the alley. The alley will remain unobstructed by the buffer.

Sonja Jones, 1641 Raymond Drive, Idaho Falls. Jones stated there is a home on the corner of Skyline and the alley where there are multiple children. She is concerned about the use of the alley for any traffic including delivery or service vehicles.

Jeff Jones, 1641 Raymond Drive, Idaho Falls. Mr. Jones asked if the buffer along the alley will be continuous so there would be no vehicular access. Cordova said there could be a break in the buffer for access. Karst said that there should not be so many accesses and breaks in the buffer or fence that the buffer becomes ineffective.

Cordova closed the public hearing.

Hodder said there is a two-step process for development. First is establishing the zone. Second is development and review of plans for the specific project. Zoning the property does not finalize the design of the site.

Dixon feels the R-3A zone is isolated and it makes sense to have more consistent zoning on the site. He also said that looking at the lots to the west that have redeveloped, the new buildings and landscaping are an improvement over what was there previously and he expects the same result of redevelopment on this site. **Dixon moved to recommend to the Mayor and City Council approval of the rezone from R-3A to C-1 of the northern 120 feet of Lot 17, Block 4, Westland Heights, Division No. 3. Branson seconded the motion, and it passed unanimously.**

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Brad Cramer