

August 2, 2011

7:00 p.m.

Planning Division  
Council Chambers

**MEMBERS PRESENT:** Chair Margaret Wimborne, Commissioners Natalie Black, Jake Cordova, Donna Cosgrove, David Hodder, Kurt Karst, Leslie Polson, Paul Savidis and George Swaney.

**MEMBERS ABSENT:** Commissioner Brent Dixon, Michelle Mallard and George Morrison.

**ALSO PRESENT:** Planning Director Renée Magee, Assistant Planning Director Brad Cramer, Recording Secretary Donna Carlson and approximately ten 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: July 5, 2011.** The first sentence of page three should read, “Commissioner *Cordova* expressed concerns about the location of the proposed school and limitations which will be placed on adjacent uses due to the school.” **Commissioner Cordova moved to approve the minutes of July 5, 2011, as amended. Motion seconded by Commissioner Savidis. Motion passed.**

**PUBLIC HEARINGS:**

**Annexation of 3712 S 5<sup>th</sup> W with initial zoning of R-1: NE ¼ Section 36, T 2N, R 37**

**(Nadauld).** Magee reviewed the staff report, a part of the record. The applicant is within 300 feet of the City water system and sewer system. The applicant cannot repair his existing septic system and has requested annexation to be able to hook into the City sewer system.

The hearing was opened to the public.

**Timothy Nadauld – 3712 S. 5<sup>th</sup> West.** Mr. Nadauld said he experienced a septic system failure. The Department of Environmental Quality and District 7 Health Department both denied a permit request for a new septic system. Mr. Nadauld is requesting annexation into the City.

Polson clarified the services are available and the property is contiguous to the City.

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

**Commissioner Cordova moved to recommend to the Mayor and City Council annexation of 3712 S 5<sup>th</sup> W as described. Motion seconded by Commissioner Cosgrove. Motion passed unanimously.**

**Annexation, Initial Zoning of R-1/PUD, and Final Plat, White Pines Estates, Division No.**

**2:** Magee reviewed the staff report, a part of the record. At the time White Pines Estates was developed, Division No. 2 was not included in the annexation request. This property was proposed as an area to the rear of the developer's home and was to be used for his horses. The developer has moved, and the homeowner's association has purchased this parcel of ground. Cosgrove clarified existing property owners may extend their lots with a condominium plat of Lot 1, Block 1, White Pine Estates, Division No. 2 and ideally own the property to the south of their home.

Polson questioned if anything can be built on the property. Magee replied Lot 1, Block 1, is 68 feet in width and it is not practical for building. Since it is proposed to be zoned with a PUD overlay, any proposal for development will need to be heard by the Planning Commission and City Council. The zoning requirements make it unlikely anything can be done with the property other than hold the property in common or sell portions for additional rear yards.

Cosgrove clarified this will be a modification of the existing PUD.

The hearing was opened to the public.

**James Milam – 662 White Pine Lane.** The property is currently owned by the homeowners' association and managed through covenants. Dr. Milam noted a weed problem as well as flooding from an irrigation ditch. The homes in Division No. 1 cannot be protected without taking control of the subject property. Enforcing covenants without ownership of property is very difficult. The neighbors and county will be happy to see the property annexed.

Cosgrove asked about the canal location. Dr. Milam answered the canal is on county private property in a nearby subdivision. It is buried canal. A fence will be built away from the canal. The canal can be managed, but there is an issue with water control. The county and irrigation company will need to work with an overflow pipe.

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

Karst believes this is a chance to remedy a situation that is less than ideal. Annexation will allow the property to be maintained by the neighborhood. Annexation will not solve the water problems but will assist in a remedy. The previous annexation request excluded this parcel of land. The exclusion was discussed at the time of annexation and it is a positive step to be able to proceed with annexation. The property is contiguous to the City and can be properly served by utilities through the adjacent lots.

**Commissioner Karst moved to recommend to the Mayor and City Council annexation, initial zoning of R-1 with a PUD Overlay, and approval of the final plat entitled White Pines Estates, Division No. 2. Motion seconded by Commissioner Savidis. Motion passed unanimously.**

**Conditional use permit for an electronic monument sign: Lot 18, Block 1, Snake River Landing, Division No. 1.** Cramer reviewed the staff report, a part of the record. Cramer stated the sign location shown in the staff report site plan has been shifted 5-1/2 feet to the south. The city engineer requested a minimum 300 foot line-of-sight corridor from any vehicles at the stop line of Milligan Road. The sign relocation provides a 525 foot line-of-sight corridor for any driver at the intersection of Milligan and Pancheri looking to the west. Shifting the sign also allows any structural supports for the sign to be outside the 12 foot utility easement. The page with utility company signatures approving the location of the sign is included in the record. The electronic message portion of proposed sign is 15 square feet smaller than the 75 square feet allowed by ordinance. The Taylor Crossing sign is 25 feet in height and the proposed sign is 14-1/2 feet in height. The proposed sign will not affect the power pole. The application meets all the requirements of the conditional use permit. Cramer clarified the signage provision as a shopping center does not apply due to multiple lots and public streets separating parts of the development.

The hearing was opened to the public.

**Erik Isom – 901 Pier View Drive.** Mr. Isom clarified there is no pool at the bottom of the sign and the illustration of the parrot makes the sign seem larger than proposed. The sign has been planned for a long time and will feature water cascades. An effort has been made to reduce sign clutter around the buildings. The proposed sign will provide exposure for some of the tenants on Pier View Drive. Mr. Isom prefers one beautiful sign as opposed to multiple individual signs along the street. The potential number of individual signs is market driven but the proposed sign offers an alternative.

Cosgrove asked about the photo cell dimmer. Mr. Isom indicated he is aware of some past problems and the sign will be in compliance with the ordinance requirements for brightness.

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

Polson said this proposal matches what has been envisioned with the sign code revision. The proposal meets the criteria for a conditional use permit for electronic message signs.

**Commissioner Polson moved to approve the conditional use permit for an electronic message center for Lot 18, Block 1, Snake River Landing, Division No. 1. Motion seconded by Commissioner Cordova. Motion passed unanimously.**

**Conditional use permit for Stevens-Henager College: Lot 15, Block 2, Snake River**

**Landing, Division No. 1.** Cramer reviewed the staff report, a part of the record. Staff believes the campus-like atmosphere and floor plan with multiple classrooms necessitates a conditional use permit (CUP) for a school. The proposed entrance to the college will be on the southeast corner of 901 Pier View Drive. Parking lots to the west of the building will provide adequate parking. Since schools are generally located in a residential neighborhood, some requirements for a CUP do not fit this situation. Staff believes the intent for a CUP is met; in addition, the standards are generally met. Wimborne noted the requirements do not distinguish between schools for children and schools for adults.

The hearing was opened to the public.

**George Thomas – 2377 S. Georgetown Way, Boise.** Stevens-Henager is part of a multi-campus system with branch locations of varying sizes in the western states. Stevens-Henager is recognized by the State Board of Education of Idaho as well as accredited by Accrediting Commission of Career Schools and Colleges (ACCSC). The college has had a small facility in Idaho Falls since 2009 and the decision to open a branch in this location is based upon demand. There are currently 160 online students and the facility will help with career-based higher education in the area. Day classes will be offered between 8 a.m. and 2 p.m. Evening classes will operate no later than 9:45 p.m. The facility is designed for about 250 students at any one time.

**Erik Isom – 901 Pier View Drive.** Mr. Isom is pleased to provide the opportunity for expansion to this class organization. Parking is one of the reasons Stevens-Henager chose Snake River Landing. There is on-street parking in addition to the parking lots. This usage fits with the mixed use vision and the evening classes allow for shared parking with various entities.

Cosgrove asked if the parking is sufficient for 250 students at one time. Mr. Isom said there are over 300 spaces in the closest lot with 35 to 60 currently being used. There are also 75 spaces between the restaurant to the north and the current building. People can also park on both sides of Milligan Road as well as Pier View Drive. There are parking lots north of Pier View Drive. There is an abundance of parking for the buildings currently constructed. Cosgrove inquired about nearby residential. Mr. Isom answered he does not believe anyone is living in the closest home. The closest occupied homes are to the south or the new residential being built in Snake River Landing to the southwest. Cosgrove asked if any residents have expressed concern for traffic. Mr. Isom indicated the building and parking lots are already in place and residents can expect impact from a future use. Cosgrove noted there are more options for traffic to move to and from this location than those available to users at University Place.

Karst inquired about the size of the building. Mr. Isom answered 50,000 square feet.

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

Cosgrove believes the impact on local residences should be considered but this appears to be a workable situation. The concept at Snake River Landing is live-work-play and residents should expect activity. Cordova said people can exit south. The new bridge expected over Pancheri is a four-lane overpass with ten foot pedestrian sidewalks on each side plus a four foot median. Cosgrove agreed but is a little concerned about headlights at night when students are leaving. Cordova is happy to see the college expanding in this area. Polson noted the restaurant traffic creates impact from headlights. She believes people buying residential nearby understand there will be activity. All the criteria necessary for a school has been met.

**Commissioner Polson moved to approve the conditional use permit to allow an on-premise post-secondary institution, Stevens-Henager College, at Lot 15, Block 2, Snake River Landing. Motion seconded by Commissioner Cordova. Motion passed unanimously.**

**MISCELLANEOUS:**

Magee stated the zoning ordinance allows RSC-1, i.e., commercial, uses in R-3 or R-3A zones with a conditional use permit. Both of these zones are residential zones which allow single-family homes and apartments. There has been an increase in the use of this provision. Recently there have been issues with enforcement of the conditional use permits for these uses. Magee asked the Commission to consider the long-range ramifications of these conditional use permits and whether this zoning ordinance provision should be repealed. It is easy to have misunderstandings or misrepresentations about such uses and their transferability or underlying zone. The commissioners inquired about the basis for this provision of the zoning ordinance and Magee responded she will try to determine the rationale. The provision dates back to 1965.

The meeting adjourned at 8:15 p.m.

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Donna Carlson, Recording Secretary