

March 3, 2015

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners George Morrison, Brent Dixon, James Wyatt, Natalie Black, Margaret Wimborne, Darren Josephson, Joanne Denney.

**MEMBERS ABSENT:** George Swaney, Donna Cosgrove.

**ALSO PRESENT:** Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler and interested citizens.

**CALL TO ORDER:** Chairman Morrison called the meeting to order at 7:00 p.m. Chairman Morrison began the meeting with a moment of silence for Dee Whittier who passed away. Chairman Morrison reviewed the public hearing process.

**Welcome New Member:** Chairman Morrison welcomed Joanne Denney as the newest member of the Board.

**Modification to Agenda:** Cramer addressed the Board and stated that Agenda item No. 3, Preliminary Plat: Avalon Village and item No. 4, Preliminary Plat: Revised Heritage Hills, will be recessed to the next meeting on March 17, 2015 at the request of the applicant. Staff will send out the revised plats and meeting notices to the surrounding neighbors. **Wimborne moved to recess Agenda Item No. 3 Preliminary Plat: Avalon Village and Agenda Item No. 4 Preliminary Plat: Revised Heritage Hills to the March 17, 2015 meeting. Black seconded the motion and it passed unanimously.**

**Minutes:** Josephson moved to approve the minutes of October 21, 2014, December 2, 2014 and February 3, 2015. Dixon seconded the motion and it passed unanimously.

**Special Presentation: Compass Academy School.** A presentation was made by Compass Academy on Strategic Planning for Idaho Falls.

**Public Hearings:**

**1. Annexation with Initial Zoning of GC-1: 2.34 Acres (Knights Trucking).** Beutler presented the staff report a part of the record. Dixon asked about the residential use on the proposed zone. Beutler indicated that the home on the property is a regular residence that has been used as a single family home in the past and as such its use would be able to continue that use with proposed zone. Dixon asked what restrictions would be on the property and what would end the grandfathering and make it subject to the new proposed zone. Beutler stated that if the applicants discontinued utilizing the residence for an extended period of time or redeveloped the property the residential use could not continue and the new use would have to be in compliance with GC-1 zone. Black asked if someone would be able to tear down

the house and build a new home. Beutler indicated that they would not be allowed to demolish and rebuild the home.

Morrison opened the public hearing.

**Applicant: Jeff Freiberg, 946 Oxbow, Idaho Falls, ID 83402.** Applicant Freiberg indicated that Knight Trucking is planning on doing site improvements and did not want to turn in a site plan to both the City and to the County so they decided to annex the entire property into the City. Freiberg stated that the applicants plan is to demolish the house and that area will be used for additional space in the trucking yard.

Black asked staff if there are any landscaping requirements in the GC-1 Zone. Beutler indicated that a new amendment was adopted to the Zoning Ordinance that requires a 15 foot landscape strip adjacent to the street in the GC-1 zone.

No one appeared in support or in opposition of application.

Morrison closed the public hearing.

**Dixon moved to recommend to the Mayor and City Council approval of the annexation of the SE1/4, Section 7, T2N, R38E as presented with an initial zoning of GC-1. Black seconded the motion and it passed unanimously.**

**2. Annexation and Initial Zoning of Nine (9) City-Owned Sections of Sunnyside Road Between Yellowstone Highway and Hitt Road:** Cramer presented the staff report a part of the record. Wimborne asked if the zones being proposed would influence future zoning. Cramer indicated that the zoning of the road would not influence the future zoning. The Comprehensive Plan and zoning of surrounding parcels would influence the future zoning. Dixon stated that Parcel 1 has County on both sides and wanted to confirm that the County was in support of this portion of roadway being annexed into the City even though it appears to be a flagpole. Cramer indicated that the State Statute doesn't prevent strips of annexation. What the statute prohibits is annexation of lands that are contiguous only by a strip of roadway. Cramer further stated that the County is in support of the annexation as the City owns the property. Dixon asked about Parcel 8 and the choice to zone it PB, rather than R3-A. Cramer stated that R3-A could be an appropriate zone if the Commission is more comfortable with that zoning. Dixon asked about Parcel 9 and its zoning as C-1 even though it is on the west side of the canal and the west side of the canal has more offices and residential. Cramer again indicated that if the Commission is more comfortable with R3-A in that area that would be appropriate. Dixon then asked about Parcel 5. Dixon stated that he understands that what the zoning of the road is, does not affect what can happen south of the road. Dixon stated that it is residential with one existing business in that area. Dixon stated that it appears to be a higher density residential and possibly the zone should be a higher residential zone. Cramer stated that the zone to the North is R-3 which allows up to 35 units per acre, however the way the area is constructed, it still qualifies as lower density. Cramer stated that if the commission is more comfortable with a different zone that is ok. Dixon stated that if Parcel 5 was zoned as PB as requested in the letter received by citizens and read as part of the record, the PB would be a spot zone. Dixon clarified and Cramer agreed that if the properties in the county were rezoned to PB the fact that the road is something other than PB would not affect their ability to be rezoned. Cramer stated that the zoning of the road has no effect on access to the properties as access is governed by the access management plan which is a completely separate issue from zoning.

Morrison opened the public hearing.

**Joshua Jackson, 234 W 16<sup>th</sup> Street, Idaho Falls, ID 83401.** Mr. Jackson appeared in opposition to the application for annexation, specific to Parcel 5. Jackson indicated that there are 6 County properties and 5 owners that he is representing. Jackson stated that there are multiple zones in the area, including: residential, commercial, Ag, commercial with Ag in back, R2-A with Ag in back and limited commercial. Jackson stated that when he approached the County and the City 6 months ago, the County deferred to the City for annexation. Jackson stated that to the west is a business park that is professional business although in the comprehensive plan it is shown as low density. Jackson stated that the impact of the annexation of the roadway on the property owners is minimal, but the property owners would like to be prepared and see the annexation done correctly now while it is on the agenda. Dixon asked for clarification whether Jackson meant several different zones, or several different uses. Wyatt asked how the zoning of R-1 would affect the planning for the future development on the property, as R-1 will not prohibit anything that has been discussed with the property. Jackson stated that while it's on the table they would like it zoned PB to create conformity.

**Laura Gray, 810 E Sunnyside, Idaho Falls, ID:** Ms. Gray appeared in opposition to the application for annexation, specific to Parcel 5. Ms. Gray asked the Board why the property is being zoned differently all the way down the road (each parcel 1-9). Cramer stated the Local Land Use Planning Act says annexation and zoning needs to be consistent with the comprehensive plan, existing zoning and existing uses, so everything is orderly and reasonable. Cramer stated that staff looked at the Comprehensive Plan and that Plan is zoned different along various stretches of Sunnyside. Ms. Gray clarified and Cramer agreed, that it will make no difference on any of the roads what the zoning is.

Morrison closed the public hearing.

Wimborne stated that she struggles to see how the proposed zoning of the roadway will affect future development of the property, as brought up by Mr. Jackson. Wimborne further stated that she believes staff proposed the zoning appropriately for each parcel. Black agreed with Wimborne and thanked staff for their diligence in figuring out the zones and thanked the citizens for their interest.

Dixon stated that he disagrees that zoning should be based on the Comprehensive Plan and rather that the zoning should be based on the developed properties that are adjacent. Dixon stated that Parcel 5 would make sense to be R-3 and Parcel 8 should be R-3A, rather than R-1 and PB. **Wimborne moved to recommend to the Mayor and City Council approval of the annexation and initial zoning as listed for the City owned sections of Sunnyside Road, between Yellowstone Highway and Hitt Road (Parcel's 1-9). Denney seconded the motion. Dixon moved to amend the original motion to state that the recommended zoning for Parcel 5 be changed to R-3 and the recommended zoning for Parcel 8 be changed to R-3A to be consistent with the existing zones that are adjacent. Black seconded the motion and it passed 5-1. Wimborne opposed the amended motion as she feels the Comprehensive Plan should guide the selected zones more than existing zoning. The original motion as amended passed unanimously.**

Morrison adjourned meeting at 8:30 p.m.

**Respectfully Submitted,**

---

**Beckie Thompson, Recorder**