

June 16, 2015

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners George Morrison, Brent Dixon, Donna Cosgrove, Joanne Denney, George Swaney, Natalie Black.

**MEMBERS ABSENT:** Margaret Wimborne, Darren Josephson, James Wyatt.

**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. and reviewed the public hearing procedure. Morrison acknowledged Scout Troop 333.

**Modification to Agenda:** There were no modifications to the Agenda.

**Minutes:** There were no minutes to approve.

**Business:**

**1. Reasoned Statement of Relevant Criteria and Standards: Avalon Subdivision.** Beutler clarified for Cosgrove that Item No. 1 under *(I) Relevant Criteria and Standards*, refers to the City Council considering the request, but should read Planning and Zoning Commission considered the request.

**Cosgrove moved to approve the Reasoned Statement of Relevant Criteria and Standards for the Preliminary Plat of Avalon Subdivision with the one typographical error changed, Dixon seconded the motion and it passed unanimously.**

**2. Reasoned Statement of Relevant Criteria and Standards: Lots 1-48, Block 15, Crows Addition (Emerson High School).** Cosgrove stated that she had found typographical errors on page 2, item 12 and gave the changes to staff. Dixon questioned No. 16, as he did not recall the Commission recommending to have a traffic calming strip for the entire block. Dixon also stated that the requirement for a barricade or raised area for the drop off zone was not included. Beutler clarified that the Commission wanted No. 16 removed and add the barricade language.

**Dixon moved to postpone the Reasoned Statement of Relevant Criteria and Standards for Emerson High School, Cosgrove seconded the motion and it passed unanimously.**

**3. Annexation Prior to Platting, Initial Zoning, and Final Plat: 35.414 Acres, Section 26, and Snake River Landing Division No. 9:** Beutler presented the staff, report a part of the record. Dixon asked about properties to the south east of Event Center Drive that would have limited access due to the canals in the area. Beutler deferred to applicant as far as what the

design will look like. Dixon asked how White Water Drive and Pioneer Road are going to come together, as it appears that Pioneer is planned to become a minor arterial, but if there is a tee-intersection with those roads there will be a tendency for traffic to be on White Water rather than Pioneer. Beutler deferred to the applicant as far as the history and plan for that intersection.

**Applicant: Clint Boyle, Horrocks Engineers, 901 Pier View Drive, Suite 205, Idaho Falls, Idaho.** Applicant Boyle indicated that this is the same request that was reviewed by the Planning Commission two years ago. Boyle indicated that in March, 2013, this request received a unanimous recommendation for approval at that time. Boyle stated that this project will be an extension of Snake River Landing. The extension of Events Center Drive has always been contemplated and has been shown as part of the circulation. This project needs an annexation as only a portion of the property near Snake River Parkway is already annexed into the City. Event Center Drive has a portion already in the City and the remainder will come in as part of this annexation request. The final plat includes all of Event Center Drive from Snake River Parkway all the way to Pioneer Road. The single lot will be the Event Center site which will make up the remainder of the plat, along with the right of way dedication along Pioneer, so that Pioneer can be widened as part of the project. The annexation is larger than the plat, as it extended past the right of way boundary of Event Center Drive along the south side. The extension of the annexation was a request from the City departments in anticipation of utility corridors. Originally the annexation included a triangular piece of property on the north end of the site, however, that property is owned by Bonneville County, and Bonneville County has requested that triangular piece not be part of the annexation. There is an existing roadway, Pioneer Road, that has a prescriptive right of way. Although it has never been formally dedicated, the County claims and maintains the prescriptive right for the general public. There was a survey marker that sat along Pioneer Road at the intersection of Pioneer and Event Center Drive. That marker was a high precision marker for surveyors to utilize for vertical and horizontal control. That marker had to be relocated which caused some delay in moving the project forward. The donation of the property from Pioneer Front/Ball Ventures to the Auditorium District is completed.

In response to a question from Dixon, Boyle stated that there are large canals in the area that will have to be crossed. The annexation agreement specifies the number of access points that will provide access to the Event Center parcel. Those access points include 4 access points along Event Center Drive and 3 access points along Pioneer Road. The Annexation Agreement states that there will be a shared access with the undeveloped piece that sits to the southeast of the Event Center site. The applicant has done some preliminary site layouts for potential users in this area and that is what has dictated the boundary for the Event Center parking layout in conjunction with some conceptual site plans for potential users. The Snake River Landing preliminary plat shows a roadway that loops with two connections to Snake River Parkway and that is anticipated to be primarily where the access to the lower area would be from (the loop road), rather than Event Center Drive. Dixon asked about the intersection of Pioneer and White Water Drive. Boyle stated that the area of Snake River Landing Division No. 6, which includes White Water Drive and the Bandon River Apartments, has a development agreement that was approved, with provisions for the developer to participate in half the cost of the bridge crossing over the Porter Canal on White Water. Dixon stated it appears the White Water Drive right of way shows half of the road is north of what is included in this plat and it causes a misalignment

of the road right of ways. Boyle stated that the intention with White Water Drive is that it crosses, and to have a fully functioning crossing which would be a typical speed on the roadways there would be some right of way dedication from the property owner to the north. The property owner to the north, when it was discussed two years ago, was not interested in dedicating right of way at that time.

Black asked Beutler if the plan for the future is to continue to have 2 lane roads in this area. Beutler indicated that the future plan is the roads will be widened and would be 5 lanes. Event Center Drive will be similar to Snake River Parkway. Black stated that the events will have 10-20 thousand people and asked if the roadway will be adequate for moving people through the area. Beutler indicated that there will be multiple ways out of the Event Center both to the north and south of Pioneer as well as Snake River Parkway.

Boyle addressed Commissioner Black's concern with the traffic in and out of the Event Center by stating that Event Center Drive is intended to handle a lot of traffic down to Snake River Parkway. Pioneer Road allows another option to take traffic both north and south. The BMPO did a study, in conjunction with ITD, related to signalization, to determine where signals will be placed on Sunnyside from the river to the interstate. Boyle also stated that the facility itself is a 4,500 seat facility and at maximum capacity would be approximately 6,000.

**Cosgrove moved to recommend to the Mayor and City Council approval of the annexation with initial zoning of C-1 and final plat for 35.414 Acres, Section 26, and Snake River Landing Division No. 9, Black seconded the motion and it passed 4-1. Dixon objected to the motion.**

Dixon objected as he believes there are details still missing, such as the small triangle for the road to T into Pioneer that the County will not give up. There is a half of a road and quarter of a bridge that is not funded and no reason for the County property owner to participate. There is a road that is slightly misaligned.

**4. Final Plat: Heritage Hills Division 2:** Beutler presented the staff report, a part of the record. Beutler clarified for Cosgrove that the density in the area is 14 lots on 5.6 acres. Morrison asked why the south side of this Division does not line up to the previous division. Beutler stated that the layout works and will not cause a problem. Cosgrove stated that there are roads that could possibly be used to access a future Greenbelt extension. Beutler stated there will be multiple right of way connections through the preliminary plat to the property to the west. The Comprehensive Plan shows the property to the west is open space, probably due to the noise overlay of the airport. Cosgrove asked if there is an intended park in that area. Beutler stated that the property owner's intention is development, not a park. Black asked if the City plans to widen East River Road. Beutler stated there are no immediate plans to widen the road, but the road will be widened as development occurs and fills in or traffic necessitates a widening. Beutler stated the problem in widening will be right of way acquisition from the County parcels. Dixon asked if the north half of Brighton Drive is set up for twin homes, as the lots are narrower. Beutler stated that he would have to defer to the applicant.

**Applicant: Kurt Roland, Eagle Rock Engineering, Idaho Falls, Idaho.** Roland stated that the lots Dixon referred to are for twin homes. He stated that there is a road on the south side for fire

access, and when Division 3 is developed the fire access road will go away. Roland acknowledged that they do have to include the turn lanes on East River Road prior to any building permits being issued for Division 2.

**Dixon moved to recommend to the Mayor and City Council approval of the final plat: Heritage Hills Division 2, as presented with the staff recommendations for conditions of the left and right hand turn lanes and the note about the airport noise impact area. Denney seconded the motion and it passed unanimously.**

**5. Final Plat: Cache Estate Division 1:** Beutler presented the staff report, a part of the record. Beutler clarified for Cosgrove that the un-platted piece in the upper right corner is a house and outbuildings with a fence along the back. Cosgrove stated Lot 1 will be a funny shape and asked for clarification on what is considered the side yard, for setbacks. Beutler stated that the front would be along Castlerock Lane, the rear will be opposite the front and the side would be a small segment. Dixon stated that the unplatted piece to the north will be stuck with their only access being directly onto Holmes. Dixon asked about a pipe stem, which is a driveway that is not developed with curb and gutter, which serves more than one property. Dixon suggested creating a pipe stem, by creating a joint access along the lot line with lots 2 and 3 so the northern, unplatted property would have access to Castlerock.

The applicant was not present.

Cosgrove stated that any motion should include that Lot 3 cannot have access to Holmes.

**Swaney moved to recommend to the Mayor and City Council approval of the final plat: Cache Estates Division 1, as presented, with the stipulation that Lot 3 will have no access to Holmes, Cosgrove seconded the motion and it passed unanimously.**

### **Public Hearings:**

**1. Annexation and Initial Zoning: 6.007 Acres, Section24:** Beutler presented the staff report, a part of the record. Cosgrove asked why there is no buffering requirement in GC-1. Beutler stated that GC-1 is an older zone and it was used as a transition from industrial to commercial. Cosgrove stated that regardless of what the current plan is for the property, when the property is annexed and zoned you need to consider all possible legal uses within the zone. Beutler noted that the reason for the GC-1 zone on this application is to allow the printing plant. Dixon asked what kind of buffering existed when the well drilling business on 17<sup>th</sup> was redeveloped. Beutler stated that the buffer required was a solid wall fence that was 8 feet tall. Cosgrove asked if it was possible to put restrictions on the hours for lighting on the property. Beutler stated that it could be incorporated into the agreement, but there could be unintended consequences. Beutler referred to the Lowe's site with the 6 ft. berm with trees and the residential area cannot see the security lighting on the building. Swaney was concerned with the applicants desire to move forward with annexation without a plat, due to the recommendation of staff to have the plat submitted and reviewed by the Planning and Zoning Commission prior to submitting the annexation request to City Council. Beutler stated it is staff's preference to have a plat come with the annexation, however the applicant did not want to expend the funds on the plat until they were assured that they received the GC-1 zoning, as the building is not an option without the GC-1 Zone.

Morrison opened the public hearing.

Applicant was not present.

No one appeared in support.

**Opposition:**

**Brett Manwaring, 2160 Agean Ave., Idaho Falls, Idaho.** Manwaring stated he has a rental property on Carson. Manwaring stated that 3 of the people on Carson Street were under the impression that there would be a right of way behind the houses with access to the field. There are fences and gates that come out of the back of the properties that go onto the subject parcel. Manwaring suggested that if the Commission requires a 30 foot buffer, consider having 15 foot buffer and a 15 foot road so the properties can retain the access to the back of their properties and out to Colorado.

Morrison closed the public hearing.

Cosgrove stated she is very uncomfortable with this application. Cosgrove believes it is risky to bring in a GC-1 zone that abuts residential. She also stated that there is no applicant to defend the plan and no preliminary plat. Swaney agreed with Cosgrove that the annexation and zoning of GC-1 is premature as staff recommended that the applicant provide a plat, and that suggestion was ignored. Swaney stated that this is a very broad zone with a lot of different uses that may not be acceptable in this area. Black stated that there are a few things in the zoning that make her uncomfortable including chicken hatcheries. Black stated that there is commercial in the area next to the interstate, but this chosen zoning without a preliminary plat makes her nervous. Dixon stated the surrounding commercial is not in the City and the strategic plan for this area is high density and low density residential and does not say anything about commercial. Dixon stated that if the buildings on the residential property are arranged so the only way to access them with vehicles is to the south, then they might have been using the property with or without permission, but the Commission needs more information on this application and the area. Dixon stated that if the Commission denies this application, the applicant could still develop in the County and the current zoning in the County is equal to the zoning that is being requested. Dixon would prefer tabling the application. Dixon stated that to the west of this property is an area that could develop into a park. Beutler stated there is a portion of property that was gifted to the City of Idaho Falls, with the thought that it would make a good park. There has been no decision made whether a park will go in that area. Black asked what the requirements are for the City to develop a park. Beutler stated there are no minimum requirements. Beutler understood that when the property was given to the City that the property owner stated he would like to see a park, but no requirement or stipulation was put on the gift.

**Swaney moved to table the annexation request to allow an opportunity for the applicant to present additional information including plans for the annexation, how the applicant would interface with the existing neighbors, how access would be provided and controlled, and how the buffering would be handled , Black seconded the motion and it passed unanimously.**

**2. Conditional Use Permit: 7.52 Acres, Section 7 & Lots 14-16, Block 11, South Bel Aire, Division No. 4:**

Beutler presented the staff report, a part of the record. Cosgrove asked Beutler to describe what the buildings immediately south of the proposed pavilion site were. Beutler indicated that there are two accessory type buildings and a camp trailer along with two single family homes. Cosgrove clarified and Beutler agreed that no homes are adjacent to the fence line. Beutler indicated that it is 120' from the property line to the homes. Cosgrove asked about the previous attempt for approval of a pavilion. Beutler stated the previous request was in the 80's. There was a long public hearing with several concerns. The matter was tabled and never brought back to the commission, and no decision was ever made. Dixon, referring to the properties to the south, asked about the difference in the site plan and what is shown in the aerial. Beutler stated that he is not sure if the building shown on the aerial still exists. Dixon asked what size the pavilion will be. Beutler indicated it is 30' wide by 60' long. Beutler stated the dimension between the pavilion and the fence on the east side is approximately 65' and the south side is 7.5'. Swaney clarified that there is a section of the grid that is outside of the footprint of the pavilion. Beutler indicated there is a section that will just be concrete outside of the pavilion.

Morrison opened the public hearing.

**Applicant: Greg Roberts, NBW Architects, 990 John Adams Parkway, Idaho Falls, Idaho.**

Roberts indicated that there is an extra 10' on the west side of the pavilion which is outside of the cover. The pavilion height will be 13'. There will be sufficient clearance from existing power lines. The site location is convenient because of the proximity to the building, restrooms and serving area inside the church. Black asked why they chose the location versus the large ball field in the back of the property. Roberts indicated the proximity to the church and access to facilities controlled the site location. Roberts clarified for Cosgrove that the purpose of the pavilion will be daytime and evening events. Roberts clarified that the pavilion is scheduled or reserved and there are 7 or 8 congregations that can use this pavilion, and the intent of the church use would be daytime or evening functions. Cosgrove asked and Roberts agreed that a restriction of hours of operation would not be a burden. Cosgrove asked if the pavilion had a stage and would be used for concerts. Roberts stated there is no stage, but there are 6 speakers that will be in the pavilion. Roberts stated that there are 6 lights underneath for lighting the pavilion. Black asked if it is open air throughout. Roberts indicated that there is a 4' wall on the southeast corner to provide power with an electrical panel. Black stated and Roberts agreed that there would not be a buffer from the speakers.

**Support of Application:**

**Gary Mills, 395 Redwood, Idaho Falls, Idaho.** Mills indicated that the location was chosen to keep a distance from the neighbor to the west and to create an open area for games for kids during activities, so the children will not be in the parking lot. Mills added that the north east corner of the church building has the restrooms and kitchen area so the proximity of the pavilion to that corner of the church building is convenient. Mills indicated that there would be no problem with a window of time for use from 7 a.m. to 10 p.m.

No one appeared in opposition.

Morrison closed the public hearing.

Cosgrove stated that she would advocate having hours of operation from 7:00 a.m. – 10:00 p.m. for the pavilion to eliminate noise pollution for the neighbors.

**Cosgrove moved to approve the conditional use permit for 7.52 Acres, Section 7 and Lots 14-16, Block 11, South Bel Aire Division No. 4, as described with the with a restriction of hours of operation from 7:00 a.m. to 10:00 p.m. Black seconded the motion and it passed unanimously.**

**Dixon moved to approve the Reasoned Statement of Relevant Criteria and Standards with the addition of the hours of operation from 7:00 a.m. to 10:00 p.m. Denney seconded the motion and it passed unanimously.**

**3: Conditional Use permit, Lot 1, Block 10, Home Ranch Division 7 (Longfellow Elementary):** Beutler presented the staff report, a part of the record. Dixon asked Beutler to define what “viewing range” means. Beutler indicated that you can read the sign from 300 feet.

Morrison opened the public hearing.

**Applicant: Erin Springman, PTO Longfellow, 2500 Higbee, Idaho Falls, Idaho.** Springman stated that having informed, involved and concerned parents are the greatest help a child can get. Elementary schools cannot have too many ways to enable parents to be informed about upcoming events. A marquee would be an effective real time method to inform and remind parents. Springman indicated that Longfellow has the largest population of homeless children and this marquee would help reach their families. The marquee would help the smaller children that cannot read with understanding important upcoming event using pictures, such as flags for President’s Day. Springman does not believe the marquee will be too bright during daylight hours. Springman stated that the sign does not need to be on after 5:00 p.m. Dixon asked Springman if the sign would need to be lighted on weekends. Springman stated the sign does not need to be lit on weekends.

### **Support of Application:**

**Kristoffer Smith, Principal Longfellow Elementary, 2500 Higbee, Idaho Falls, Idaho.** Smith stated that this sign is the same set up as Ethel Boyes Elementary. The PTO and Smith had meetings to look at different companies and options. They went with this option for the ease and look of the sign. Smith stated that some students are bilingual and traditional marquees are not set up for bilingual messages, whereas this marquee would be able to have bilingual messages. Smith contacted the Hillams that live in the direct line of site of the sign. Smith spoke with their son and he indicated that his parents were very positive about the sign. Smith contacted the Pennocks, whose house is in close proximity to the sign, the Pennocks had questions as to the hours of the sign, and after discussing it with Smith the Pennocks were ok with the sign. Smith tried to talk to as many neighbors as he could and did not hear any negative comments regarding the sign. Swaney asked Smith if the hours of operation being 7:00 a.m. – 5:00 p.m. was acceptable to him. Smith stated the hours of operation would be acceptable. Cosgrove asked if the top part of the sign that says “Home of the Panthers” is lit. Smith stated it is not lit.

No one appeared in opposition.

Morrison closed the public hearing.

Cosgrove stated that due to the alignment of the building makes it so the sign is not directly pointed at a neighbor and with the reduced hours of operation they have agreed to, she believes the sign will be fine. Black stated that you cannot see this sign while you are driving so it will not be a distraction. Dixon stated every time these signs get closer to the residences and all schools are wanting the marquee signs. Dixon stated that in this particular case, due to the trees and the way the sign is facing the sign will be ok, but is concerned that at some point a line will need to be drawn.

**Dixon moved to approve the conditional use permit to install an LED message center on the front of Longfellow Elementary, Lot 1, Block 10 Home Ranch Division 7 (Longfellow Elementary), as presented with the condition that the hours of operation be limited to 7:00 a.m. – 5:00 p.m. on weekdays. Swaney seconded the motion and it passed unanimously.**

**Dixon moved to approve the Reasoned Statement of Relevant Criteria and Standards with the addition of the hours of operation from 7:00 a.m. to 5:00 p.m. on weekdays, Cosgrove seconded the motion and it passed unanimously.**

**4. Subdivision Ordinance Amendment:** Beutler presented the Subdivision Ordinance Amendment, a part of the record. Beutler highlighted some of the major changes that were made in updating the Subdivision Ordinance. Beutler stated they took the good things out of the policy document from the 80's and combined it with the Subdivision Ordinance. Dixon asked about the development of narrower streets and wanted to make sure that the City streets would be 60' and not narrower. Beutler agreed that 60' would be the typical minimum street, except for rural development which would be 50'. Dixon suggested on page 17 Item C (the part in blue) talks about plats expiring after 18 months if no progress is made on the plat. Dixon stated that if someone comes back 10 years later and wants to propose a new preliminary plat, then having consistency makes no sense, as the market could have changed. Dixon suggested, that only if there is an existing unexpired preliminary plat, that there should be an expectation that there would be consistency. Beutler stated different property owners would have different concepts. Subdivisions have multiple phases and all those phases might not match if there are 4 property owners instead of 1. The only common denominator is the zone district. Dixon stated that he would like to see a residential zoning that has higher lot sizes. Cramer stated there does need to be larger lot sizes, but the Comprehensive Plan and most planning literature is encouraging walkability, higher density and a more compact city, and 6,000 sq. ft. lots fit that model well. Cramer added it is expensive for the City to have large lots, as it is more roadway and utility systems, with less of a tax base. Swaney stated that RPA (8,000 min.) and RP (10,000 min.) are larger lots. Beutler stated that in RPA you cannot have a home based business, which kills a lot of interest. Cosgrove stated that in the definitions she would like to see common space defined. Cosgrove also added that on page 8 she would like to see (C)(2) having a reference to pathways to the Greenbelt. Black would like areas in the City that are starting to build again have some parks added. Cramer stated that he has been working with Parks and Recreation director and they are requesting funding to do a Parks and Open Space Master Plan for the City. Dixon stated that on page 8 (C)(2), it could state "the river" in that list of items. Cosgrove suggested adding "pathways" to the list. Beutler clarified for Black that the bond information on page 25 was new.

Black asked what the feedback has been. Cramer stated that Council has requested it and the City was unusual for not having the bond language. Beutler stated it is patterned after Ammon and the County's bonding ordinance.

Morrison opened the public hearing

No one appeared in opposition or support.

Morrison closed the public hearing.

**Dixon moved to recommend to the Mayor and City Council approval of the Subdivision Ordinance Amendment after the changes requested by Commission are made, Cosgrove seconded the motion and it passed unanimously.**

Morrison adjourned meeting at 10:00 p.m.

**Respectfully Submitted,**

**Beckie Thompson, Recorder**