

August 4, 2015

7:00 p.m.

Planning Department
Council Chambers

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

MEMBERS ABSENT: Donna Cosgrove

ALSO PRESENT: Assistant Planning Director Kerry Beutler, Brent McLane, and interested citizens.

CALL TO ORDER: Chairman Morrison called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

Modification to Agenda: Wimborne moved to reschedule item #1 on the Agenda, Annexation with Initial Zoning of MS : Lot 1, Block 2, Brookhaven Subdivision, Division 1, Denney seconded the motion and it passed unanimously.

Minutes: Dixon moved to approve the minutes of June 16, 2015, Black seconded the motion and it passed unanimously.

Public Hearings:

2. Annexation with Initial Zoning of PB and Final Plat: Freeman Medical Plaza, Division No. 1. McLane presented the staff report, a part of the record. Morrison asked if the applicant gave a reason for separating the lots, one being significantly smaller than the other. McLane stated there was no reason given, but they do intend to have shared parking. Wimborne asked how the access points on Sunnyside will be handled. McLane stated that the removal of the access on Sunnyside will be part of the Development Agreement. Dixon asked what will be included in the removal of the access points. McLane stated that Public Works will require the curb cut to be removed and the concrete to be removed outside of the pathway and there will be a grass strip between the pathway and Sunnyside. Dixon asked about the shared access not being on the plat. McLane stated that it can be on the plat, or part of the Development Agreement. Dixon stated it would be cleaner to have the access agreement put on the plat, as well as no access to Sunnyside being stated on the plat. Dixon asked about the small parcel that is part of St. Clair Estates. McLane stated that the small portion of land has the same owner as the plat in question, and could possibly be dealt with as part of this application. McLane clarified for Dixon that the zoning for the lot immediately to the east on Potomac, is PB with PUD Overlay. Dixon asked if not doing a PUD Overlay on this property will be spot zoning. McLane stated that removing the overlay is not spot zoning. Beutler stated that the PUD, when enacted, only created shared access and shared parking and that it also reduced the landscape strip to 15 feet. Beutler stated that since that time they have found they can do shared access and shared parking

in a better way, either on the plat or as part of the development agreement, so the PUD is not needed. Black asked if the Commission could move to take the small portion of St. Clair Estates and require that it be landscaped. Beutler and McLane agreed that would be an appropriate motion by the Commission.

Morrison opened the public hearing.

No applicant appeared.

No one appeared in support or opposition of the application.

Morrison closed the public hearing.

Wimborne stated that this is a good use of the property.

Black stated and McLane agreed that without the PUD overlay they do not have the 15 foot landscape requirement and they have to comply with the PB Zone. Black added that the motion should include that the St. Clair Estates portion should be added into the motion to be landscaped and sidewalks added.

Wimborne moved to recommend to the Mayor and City Council approval of the Annexation with Initial Zoning of PB and Final Plat for Freeman Medical Plaza, Division No. 1, with a shared access agreement and removal of the access to Sunnyside and sidewalks on the island along Fountain Blue Lane, Wyatt seconded the motion.

Dixon asked if it can be a condition that the portion of St. Clair Estates be added as part of the application. McLane stated that a good recommendation might be including the small parcel as part of the plat.

Dixon moved to amend the motion to require Lot 1A of St. Clair Estates be included as part of the plat and this application, Black seconded the motion and it passed unanimously.

The original motion, as amended passed unanimously.

3. Comprehensive Plan Amendment 38.131 Acres south of Lincoln Road, east of Woodruff, and north of Kearney. Beutler presented the staff report, a part of the record. Black asked the difference between an Employment Center and Commercial designation. Beutler read the definition of Employment Center, which is part of the staff report (page 2). Beutler added that they are similar, and from a zoning designation it will be similar. Dixon asked if the Comprehensive Plan indicated a minimum size for an employment Center. Beutler stated he is not aware of a minimum size. Black asked if the lots were large enough to accommodate high density residential. Beutler stated that the lots could be combined for a larger development, but the lots are close to an acre and are adequate to accommodate a high density complex. Black asked what the public facility/open spaces across from the area is. Beutler stated that the City owns a [storm water](#) detention facility.

Morrison opened the public hearing.

Applicant:

Fred Wallen, 645 Lincoln Drive, Idaho Falls, Idaho. Wallen stood for questions from the Commission. Dixon asked if the area to the north of the proposed change is under the same ownership as the proposed area. Wallen stated that his client did not own or have option on the land to the north of the subject property. Wallen stated that the owner owns the Gas 'n Grub on the corner of Lincoln and Woodruff. Dixon stated that as they are looking at Comprehensive Plan changes, such as going from low density to employment center and high density and commercial, you have to look at how to phase back into low density. Dixon stated that the applicant has given a vision of how they intend to phase back going east, but no vision as to what might happen to the north. Wallen has spoken with the owner of the property to the north and they are considering commercial, but they also border residential (Applewood Subdivision), so they have options. Wallen stated that it was Staff's recommendation to show the different zones and not try to throw a lot of commercial in the area, as it makes sense to have the transition from commercial at Woodruff and then go to high density residential. The aerial shows that there is only one stub street (Juassi Ave.) from the south going into the property to the east, so that could be a residential development. Black asked if the market for employment center is strong. Wallen stated that they have only considered the commercial development on Woodruff. Black is worried that if there is not a market for the employment center, then someone will come back asking for more commercial and then there is no buffer to the high density residential.

No one appeared in support or opposition to the application.

Morrison closed the public hearing.

Dixon stated that there are two large canals that act as a buffer for the residential (natural barrier) where the commercial node is and as you move east there needs to be a way to end the node. The application is suggesting that the commercial end and a transition occur via high density housing just before the large canal turning south and is continuing to use the canal as a buffer from existing residential. Dixon stated that there would be room to transition out of commercial before you hit Lincoln Road. Josephson stated that if you go to the east along Hitt Road and Lincoln, the corner is fully developed. Buildings are proposed to the west and Josephson believes that the area will fill up and the employment center will be used. Black stated that she believes the commercial is a natural growth for this area. Black likes the natural barrier of the canal. Dixon asked Beutler about the history of employment centers in the City. Beutler stated that the employment center can include offices, and it includes technology related business and research laboratories as specific items, but is not limited to that. Beutler stated it could be general offices. Beutler stated that Employment Centers should be near residential areas. Beutler pointed out on the map the employment centers in the City. Dixon stated that when the Commission first discussed employment centers they had certain themes. Dixon stated that this would fall into the employment center for an area of the City that does not currently have an employment center. Wyatt asked about the canal to the south that appears to still be in the County. Beutler stated that as annexation occurs along the canal, the canal will have to be brought in as part of the annexation. Black stated and Beutler agreed that the employment center is a designation for the Comprehensive Plan, it is not for zoning. Black stated and Beutler agreed that when someone comes in with an actual plan, then it can be whatever fits for the area. Black asked if the car dealerships that are closer to the canal would be considered employment centers. Beutler stated that the HC-1 Zone in that area does allow many uses identified in the employment center

definition. Beutler stated that in the high density residential, there can be offices and clinics, so from a zoning standpoint in the high density area. If someone came with a plan to do C-1 that allowed for both residential and office development, that might work and stay with the Comprehensive Plan.

Dixon moved to recommend to the Mayor and City Council approval of the Comprehensive Plan Amendment for 38.131 Acres of the NW ¼ Section 16, as presented, Black seconded the motion and it passed unanimously.

Dixon moved to modify the Agenda further, to change the order of items 4 (Annexation with Initial Zoning) and 5 (Preliminary Plat), Denney seconded the motion and it passed unanimously.

5. Preliminary Plat for 38.131 Acres: Carlyle-Erma. Beutler presented the staff report, a part of the record. Black asked about the Connecting our Communities Plan. Beutler stated that it is mixed use paths, including a bike path and pedestrian path, typically 12' in width. Black asked who would be responsible for that path. Beutler stated that it would be a joint venture with the developer and the City. Beutler stated that currently there is not a trail system along the Meppen Canal, or anywhere near that area. Beutler stated there is a trail system with the Hitt Road right-of-way to the east, and pedestrian connections along Woodruff. Morrison asked if the trail has access to the canal. Beutler stated that the initial conversation has been to try to utilize the canal rights-of-way. Morrison asked if the irrigation company is ok with using the trail. Beutler stated there are some reservations and there are ongoing discussions. Beutler stated that the storm pond represents a potential for a partnership where the storm pond can be used for the trail system, rather than the canal right-of-way. Wimborne stated that as part of this preliminary plat the only thing that is included is the storm pond, which potentially could be part of something bigger down the road. Beutler stated that Staff's recommendation would be as they proceed with final plats and development agreements for this property that the conversation would be furthered. Wimborne stated and Beutler agreed that the preliminary plat just includes the storm pond. Beutler stated that the hope is that if the storm pond is given to the City for maintenance there would be grass and improvements and potentially the trail system included. Beutler stated that water division is in the area, as there is a major water line that needs to go through this area to go to the Hitt Road corridor, so the water line and the trail system could share the same space. Josephson stated that there are frequent accidents coming out of Kearney onto Woodruff. Josephson is concerned with traffic coming out of Bentley onto Woodruff. Beutler stated that the alignment of Bentley will meet the access management plan and the initial talks with the City Engineer did not raise any concerns about the need for a traffic study. Josephson stated that a turn lane on Woodruff would be appropriate at that intersection of Woodruff and Bentley. Beutler clarified that Josephson meant a deceleration lane to turn. Beutler stated he could approach the City Engineer for his opinion. Black asked if there might be a stop light in the future. Beutler stated that is a possibility. Dixon stated that in the staff report a 70' right-of-way is proposed for Bentley. Dixon asked if Bentley on the south side is also a 70' right-of-way or only a 60' right-of-way. Beutler stated that it is only 60'. Dixon stated that with the 70' it could develop into a controlled intersection and the idea of a deceleration lane would also make sense. Dixon asked if there is enough right-of-way, or would the plat have to be changed. Beutler stated that there is a dedication of a portion for right-of-way. Beutler added that the engineer has

not talked about the need for more than what has already been proposed and shown on the plat. Beutler stated that the 70' collector road is a recent development and that is what the Public Works office is now requesting and what is proposed in the new Subdivision Ordinance for residential collectors. Dixon stated that the Commission approves preliminary plats, but this plat is contingent upon the Mayor and City Council approving the changes to the Comprehensive Plan. Dixon asked if the Commission can make a motion with a contingency. Beutler stated that the Commission can approve the preliminary plat and it does not need to be specified that it is contingent. Wimborne stated and Beutler agreed that the preliminary plat would not be binding on the County property.

Morrison opened the public hearing.

Applicant:

Fred Wallen, 645 Lincoln, Idaho Falls, Idaho. Dixon asked if there is an issue with providing additional right-of-way for a deceleration lane. Wallen stated that the deceleration lane would not be part of the current project as it is to the north, so he cannot speak to that. Dixon stated that it would affect the preliminary plat, but not the other item on the agenda. Wallen stated that the City Engineer has requested an additional 10 feet of right-of-way and the existing edge of pavement is right at the City boundary right-of-way line, so it is possible that the right-of-way they are requesting could encompass a lane. Wallen stated that the street cross section in Bentley is the same as the 70' proposed right-of-way, so connecting Bentley from one side to the other is doable. Black asked the owner's opinion of the Connecting our Communities Plan and the trail along the canal. Wallen said it has not been discussed with the owner. Black asked if the path would work with the owner's plan. Wallen stated it is commercial property and considered valuable. He does not think the owner wants give it away. Black asked if it is part of what the water division has requested as it can be combined for dual use. Wallen stated that the water department stated they were going to go in the canal right-of-way. Wimborne asked and Wallen agreed that including the storm pond in the preliminary plat is not an issue. Dixon stated that the pathway would be in the storm pond or else in the canal right-of-way, so there would not be any additional land, just what would already be platted as the storm pond. Beutler stated some of it would depend on how the storm pond was constructed and what the slopes were. Beutler stated that when he spoke with Steve Ellsworth, Ellsworth & Associates, about the pond, he said they would have to look at the design and have further discussions with the owner to see if he is amenable to any proposed changes. Beutler stated that initially the owner was thinking of retaining the storm pond and being responsible for maintenance as part of the development, so it was a new concept to propose having the City receive the land. Wimborne clarified that there is no disagreement about including the storm pond in the preliminary plat, and the only issue is who would eventually own the storm pond and what would be done with it. Beutler stated that the questions can be answered as the other phases of the development come in.

No one appeared in support or opposition of the application.

Morrison closed the public hearing.

Wimborne moved to recommend approval of the Preliminary Plat for 38.131 Acres: Carlyle-Erma, Dixon seconded the motion and it passed unanimously.

Dixon moved to approve the Reasoned Statement of Relevant Criteria for the Preliminary Plat for Carlyle-Erma, Wimborne seconded the motion and it passed unanimously.

4. Annexation with Initial Zoning of HC-1: 5.832 Acres of the NW ¼ Section 16. Beutler presented the staff report, a part of the record. Black clarified and Beutler agreed that the application is only requesting the red portion to be annexed. Beutler stated it is 5.8 acres of the 38 acres in the preliminary plat.

Morrison opened the public hearing.

The applicant chose not to address the Commission.

No one appeared in support or opposition of the application.

Morrison closed the public hearing.

Black moved to recommend to the Mayor and City Council approval of the Annexation with Initial Zoning of HC-1 for property located east of and adjacent to Woodruff Ave, south of Lincoln Road; 5.832 Acres of the NW ¼ Section 16, Josephson seconded the motion and it passed unanimously.

6. Recommend Approval of New Numbering System for Zoning Ordinance to Make Consistent with Other City Codes. Beutler presented the staff report, a part of the record. Dixon asked what the downside of the new numbering is. Beutler stated that the downside was that there were a few formatting issues that they have worked through. The benefit is the attorney's office would maintain the code, so any time there are ordinance amendments or language amendments, those changes will get incorporated into an ongoing box that will show the changes and you can go back and research when the ordinance amendment happened. Staff has that ability now, but it is spotty depending on whether or not someone made a note of the change. Black asked and Beutler agreed that this will make things more efficient. Beutler stated that it will all be in the code, so you can go to one place on the website and it is all in one location under "zoning ordinance", and will be entirely the same as it is now, just renumbered. Black asked if it will cost the City more money. Beutler stated it should not, as it is all being done in house and should be fairly simple.

Black moved to recommend to the Mayor and City Council approval of the New Numbering System for Zoning Ordinance to make consistent with other City Codes, as presented, Wimborne seconded the motion and it passed unanimously.

Business: None.

Miscellaneous: None.

Morrison adjourned the meeting.

Respectfully Submitted,

Beckie Thompson, Recorder