

November 5, 2014

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners George Swaney, George Morrison, Kurt Karst, Natalie Black, Margaret Wimborne, Darren Josephson

MEMBERS ABSENT: Donna Cosgrove, Brent Dixon, James Wyatt

ALSO PRESENT: Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler, Current Planner Brent McLane and interested citizens.

CALL TO ORDER: Chair Swaney called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

Minutes: No Minutes to approve.

Public Hearings:

1. Conditional Use Permit for Lighting of Skate Park at Tautphaus Park: Parks and Recreation Division, City of Idaho Falls. McLane presented the Staff Report as part of the record. Wimborne asked if the lights for the tennis court and baseball diamond were also on a timer and what hours they are on. McLane deferred the question to the applicant.

Swaney opened public hearing.

P.J. Holm, Parks and Recreation, 520 Memorial Drive, Idaho Falls, Idaho 83402. Expressed that the users of the facility have asked for lighting for skate park for years. Donations have become available and have made the lighting obtainable. Other lights surrounding skate park (i.e. tennis, baseball) are halogen lights and directional. The lights planned for skate park are the newest LED lighting, 30' high and directing straight down. Safety is the biggest issue as well as equity between all user groups. Black asked if there are any plans for future expansion. Holm responded that there was a phase 2 when this portion was built. There are still plans, but nothing in works currently. The City of Idaho Falls will be doing a master plan for Tautphaus Park as a whole within the next year and a half. Wimborne asked again about the surrounding lights. Holm indicated that the tennis courts are on a timer with a push button. The baseball fields have an on/off switch, but did not know if it had an automatic timer.

Hearing no other comments Swaney closed the hearing.

Wimborne moved to approve the Conditional Use Permit for Lighting of Skate Park at Tautphaus Park. Black seconded the motion and it passed unanimously. Morrison moved to approve Statement of Relevant Criteria and Standards. Wimborne seconded the motion and it passed unanimously.

2. Rezone from C-1 (Limited Business) and PT-2 (Planned Transition Overlay) to C-1 for the Expansion of a Convenience Store (Common Cents).

Black indicated that she received a notice of Public Hearing due to her proximity to the store and as such recused herself. Beutler presented the staff report a part of the record. Swaney asked about a lighting plan for the new store and also asked about electronic signage, and whether it is anticipated. Beutler deferred to applicant for lighting and signage issues, indicating that they had not discussed those aspects of the site development. Morrison asked about the buffering in the alley way. Beutler stated that it would depend on how the site was laid out as to how they would utilize that alley. No buffering is needed where there is a driveway access. Buffering would be needed adjacent to store. Wimborne asked why removing the overlay would cause issues down the road for other property owners, if they could just approach the commission to remove the overlay the same as Common Cents. Beutler indicated that the other properties are zoned residential except for the R-3A on corner of Boulevard. The overlay gives them the ability to potentially redevelop with commercial uses. Wimborne clarified and Beutler agreed that by removing the overlay for this specific parcel, it is not restricting anything that any neighbor does in the future. Karst clarified and Beutler agreed that the only parcel that would be adversely affected in regards to potential to develop under the PT Zone is the adjacent piece of property to the east. Karst again asked about electric signs and lighting and if there are different requirements in the PT zone as opposed to underlying C-1 Zone in regards to electronic signage or lighting. Beutler indicated that electronic message centers are not allowed in the PT Zone. Karst asked if the applicant is aware of that. Beutler reiterated that they had not discussed signage with applicant. Wimborne asked about the hours of operation and if the overlay is removed if the store could be 24/7. Beutler indicated there are no limitations in the C-1 zone. Karst asked if there are limitations placed on it currently. Beutler indicated that because the store was in place prior to the PT zoning, it does not have to follow the PT performance standards, the redevelopment of the site requires that it come into compliance. Cramer commented that the Commission should keep in mind that when considering a re-zone, the Commission should not consider the specific proposal for the site. The Commission is not looking at the proposed remodels and site adjustments as much as whether the zoning makes sense for the area and scheme of the zoning pattern. Additionally Cramer indicated that there is no conditioning that can be put on the rezone. Tonight is not to discuss the layout, rather discussing the zoning of the site. Karst asked Cramer his opinion on whether the PT zones have been of any value. Cramer indicated that the PT Zone has stringent performance standards and can be difficult to develop in, but in the areas where it has been used heavily such as 17th Street it has served its purpose by protecting adjacent residential uses.

Swaney opened public hearing.

Perry Swift, District Manager for Common Cents, 925 Pocatello, Pocatello, Idaho. Current store is approximately 40 years old, the inside is small and run down. Most customers want a new store. The pumps do not have a canopy. There is no pavement which causes dust.

Tom Beuler, 330 E 13th Street, Idaho Falls, Idaho. Beuler stated that this is a win-win situation for everybody. Zoning makes sense. The convenience store is more than a store to the neighborhood. It is a community gathering place. Beuler hangs out at night with the employees when he cannot sleep. Community uses food stamps at store. Pushing the store back will help. Recreating the access points will help in safety issues. Beuler polled neighbors and everyone was in support of the new store.

Joanne McRay, 121 11th Street, Idaho Falls, Idaho. McRay represents an organization called F.I.S.H. that buys gas at the store for people who need gas. She is in favor of the new store.

LaMoyne Lindberg, 1083 South Boulevard, Idaho Falls, Idaho. Lindberg believes that the zoning needs to be approved. Swaney clarified that Lindberg was fully supportive of the rezoning to C-1 and

recognized that Lindberg would have to work cooperatively with the owners of the convenient store in terms of working out buffering for alley. Lindberg indicated he is fully supportive thereof. Karst commented that if rezoned to C-1 there may come a time in the future where other uses in C-1 zone could be located there and asked if Lindberg had a problem with that. Lindberg indicated over the years he'd seen many other businesses come and go and he does not have a problem with it.

Swaney closed public hearing.

Morrison moved to recommend to Mayor and City Council approval of rezone from C-1 and PT-2 to C-1 for the expansion of a convenience store. Wimborne seconded the motion and it passed 3-1. Karst opposed motion as he did not feel that the rezone to C-1 is appropriate due to the area of the lot and the uses allowed in C-1.

3. Annexation with Initial Zoning of HC-1 (Limited Business). M&B: Approximately 2.368 Acres. Cramer presented the staff report, a part of the record. Wimborne clarified and Cramer agreed that the only access for the property will be from Pioneer Drive, with no direct access to Sunnyside.

Swaney opened public hearing.

Willard Price, 697 E 1600 N, Idaho Falls, Idaho. Price indicated that this property was close to being annexed a year ago and Mr. Vandersloot had not made up his mind as to the direction he was taking on the property. Price withdrew his application for annexation to attempt to come to terms with Vandersloot. No compromise was reached. Mr. Price wants to move forward with this application.

Swayne closed public hearing.

Karst stated that he had reviewed the new application carefully and cannot come up with any reason for it being a detriment to the City to annex this property. **Wimborne moved to recommend to Mayor and City Council approval of annexation with initial zoning of HC-1 M&B: approximately 2.368 acres. Morrison seconded the motion and it passed unanimously.**

4. Annexation with Initial Zoning of C-1 (Limited Business). M&B: Approximately 3.394 Acres. Beutler presented staff report, a part of the record. He indicated that this is largely a housekeeping item annexing property that was mistakenly left out of previous annexation requests.

Swaney opened public hearing.

Applicant is the City.

Richard Vogle, Potandon Produce, Idaho Falls, Idaho. As an adjacent property owner, Vogle sees no reason to offer any opposition on behalf of Potandon Produce.

Swaney closed public hearing.

Karst moved to recommend to Mayor and City Council annexation with Initial zoning of C-1. M&B: approximately 3.394 acres. Josephson seconded the motion and it passed unanimously. Karst asked staff if there is a mechanism to shorten the process without needing a rezone and removal of overlay, for a store such as the Common Cents that was dealt with tonight, in a demolition and rebuild of a business. Cramer indicated that the only two mechanisms that are in current ordinance are if the

building is destroyed by natural disaster, or a non-conforming building can be expanded to overcome unsafe conditions.

Swaney introduced new commissioner Darren Josephson.

Business:

1. Eagle Ridge Urban Renewal District.

Renee Magee, Executive Director, Idaho Falls Redevelopment Agency, 150 N. Morningside Drive, Idaho Falls, Idaho. Magee requested that the Planning Commission find that the Eagle Ridge Urban Renewal Plan is in conformity with the City's Comprehensive Plan. The plan is over 100 pages long and is drafted as a legal document, with projects and financial explanations for revenues and projects. Magee presented an overview of how an urban renewal district is created. Magee indicated there is a public hearing with City Council, scheduled on the plan for December 11, 2014. Part of this District is in Bonneville County and as such, the Bonneville County Commissioners have to agree to the District, and on November 5, 2014, the Bonneville County Commissioners signed the Inter-Governmental Agreement, consenting thereto. Magee gave a brief overview of the plan, including that the plan is proposing to reconstruct South Utah Ave., Pioneer road and a portion of Snake River Parkway. Additionally, the plan will bring water, fire hydrants, sewer and storm drain facilities to the area. Create amenities like landscaping; and improve the intersection of Pancheri and South Utah. The plan if approved is retroactive to January 1, 2014 and will terminate in 2034 (20 year Plan). Cost estimates total just under \$6.5 million and anticipated revenue is \$8.4 million. Karst asked what the anticipated revenue after the improvements are completed. Magee indicated the 8.4 are after the improvements are completed over the 20 year life span. Northern portion of area is in existing Snake River Urban Renewal District. Two properties in area declined to give consent to be included in District, thus, the flag pole look to the District. Black asked who determines what kind of landscaping, does it match Snake River Landing, or how is it determined. Magee indicated that the landscaping is usually determined by the developer submitting a proposal and then reviewed by City Staff and Urban Forester. Black clarified that it does not need to match the other section. Magee indicated that there have been discussions to that effect. Cramer indicated that the Development Agreement for the latest division of Eagle Ridge did include special conditions that Snake River Parkway be extended to connect with Pioneer Rd., and that include the same median with the landscaping as the existing portions of Snake River Parkway. That division of Eagle Ridge and the now propose annexation included a special condition to include the same type of median in Utah Ave. as well.

Josephson asked if the current landowners have the option at a later time to join in the district. Magee indicated that district can be expanded by 10%. This district is roughly 55 acres, so one of the parcels that did not elect to be in the district, could request inclusion. (Approximately 5.5 acres). Black asked what the benefit of the land owners opting in or reasons why they opted out. Magee said one party opted out because they intend to live there for the rest of their lives and have no interest in having the property redeveloped. Magee is not sure on the second property owner. The advantage, if you are inside the District, you can get assistance from the Redevelopment Agency to help you with the improvements that the City requires on such things as public right-of-way. Black asked if it is a hindrance to the Urban Renewal District with those properties not wanting to join the District. Magee indicated that it is no hindrance as no estimated revenue was given to development of either of those properties.

Karst moved to adopt the Resolution of the Idaho Falls Planning Commission Relating to the Urban Renewal Plan for the Eagle Ridge Urban Renewal Project for the City of Idaho Falls. Wimborne seconded the motion and it passed unanimously.

Miscellaneous:

Swaney poled commission as to attendance on joint Bonneville County Planning Commission and Idaho Falls Planning Commission on Wednesday, November 12, 2015. Morrison, yes; Black, no; Wimborne, yes; Josephson, yes; Karst, yes; Swaney, yes.

1. Bonneville County Planning Commission Report.

No report was given.

Swaney adjourned meeting at 8:45 p.m.

Respectfully Submitted,

Beckie Thompson, Recorder