

coal yard) and himself (the other two parcels). He introduced Alan Cunningham of Mountain River Engineering.

Alan Cunningham, Mountain River Engineering, 1020 Lincoln Rd., Idaho Falls, presented the proposal. The City's Comprehensive Plan designates this property as Business Park. They have met with City staff and expressed that they were interested in doing some kind of professional business development when the time came. They found that the Community Business Center zone reflects what they would like to do. Of the 12 plus acres included in this rezone proposal, 6.1 acres are owned by the Museum, for which Rex Meikle is a representative. The remainder is owned by Rex Meikle.

Richie Webb arrived at 7:10pm

Chairman Dyer asked Mr. Cunningham to point out on the projected map the intended accesses for the property.

Mr Cunningham said the parcel on Trejo is a subdivided lot. He pointed out the area on the map projected on the overhead screen. He clarified that the access across the railroad is a private access.

Chairman Dyer asked why the applicant chose the rezone to be to Community Business Center (CBC) zone, as the Light Industrial designation was done to accommodate its proximity to the railroad.

Alan Cunningham thought that if you have a more restrictive zone and then you zone it to a less restrictive zone, you can go back and have everything in the more restrictive plus the less restrictive zone. They thought that Light Industrial would allow for professional business, such as doctor offices. It does not. To have professional business in this location, the applicants were told by staff that it was logical to go to Community Business Center for a zone change. The applicant felt this would be in step with the Business Park designation of the Comprehensive Plan Map.

Chairman Dyer asked if they discussed a Professional Office Overlay.

Alan Cunningham said they had not.

Thaine Robinson asked about access to the back of the property.

Val Christensen said they are proposing to go to the southern border of the property with their right of way, and Jon Gregory's proposal on Handcart Lane would open up a road. Now there are openings to both sides of the property proposed.

Dan Hanna wondered if a Mixed Use Zone, which is at this time being composed by the City, would fit here.

Mr. Christensen stated that the Business Park classification in the Comprehensive Plan lists as allowable zoning districts the Technology and Office zone, and the Community Business Center zone. They could stay as Light Industrial by right even though it is not designated in the Business Park classification.

Chairman Dyer asked for staff input.

Val Christensen pointed out on the projected map the zoning of the proposal, and the zoning all around it. Across the street on South Yellowstone is the Community Business Center (CBC). He read the definition of Business Park as stated in the Comprehensive Plan. The location of the property is very close to BYU-I's campus. The property is an excellent place for businesses associated with office, call centers or other businesses that would employ students and others. There is not a large Business Park designation on the Comprehensive Plan Map.

Richie Webb asked Val Christensen to address the comment in the staff report regarding discouraging or limiting retail trade. Are there limits on retail in the CBC zone?

Val Christensen said there are no set limits on retail in the CBC. Retail trade is allowed. There is no retail trade currently in this area. There are professional office and other services.

Gil Shirley asked about the zoning to the east.

Val Christensen stated the zoning is CBC.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing and asked for Val Christensen's staff evaluation.

Val Christensen stated that Planning staff felt this zone change request conforms. The Building Department had no issues at this time. After working with the City Engineer, staff found the concerns were that the right-of-way would need to connect to the south end of the property from Trejo. This Trejo connection is very important. Mr. Christensen said the City Engineer felt that this proposal would increase traffic on Trejo. Possibly urban renewal would help to get a signal light in the location.

Chairman Dyer asked John Millar, City Engineer, if this issue of traffic generation and safety needs to be considered at the zoning stage or as development plans come forward.

John Millar felt that at this point, once they know what the proposed use will be in the location, long term planning would dictate that at some point it should be made a safer intersection. He said this issue would be looked at on a broader scale, not just at the point of rezone.

Mary Ann Mounts expressed to John Millar that she was concerned with the safety of that intersection; she drives the intersection at least 4 times a day. She feels it is dangerous and is especially bad at certain times of the day. The rezone applicant should be aware of the Commission's concern with any development in this area that comes before them and the traffic concerns it would

bring with it. It is not so much the amount of traffic as the design of the intersection. She stated it is very poor, and scary.

John Millar said there has been discussion of the area. If the funding is available, the intersection of Trejo and South Yellowstone would be signalized. There is also not adequate room for a safe left turn lane.

Val Christensen reiterated that a change to Community Business Center (CBC) from Light Industrial (LI) would likely create an increase in traffic; this is the reason he brought up this concern at the time of this rezone application. The Development Agreement would need to address traffic generated on to Trejo.

The Commissioners discussed the proposal.

Chairman Dyer expressed to keep in mind how the Commission had struggled at where to have the Light Industrial zone in the City when the Comprehensive Plan Map was redone. It was centered along the railroad corridor in this area because that seemed to be a likely component. When Light Industrial is created in an area, then you have it; however, if you ever try to create Light Industrial after the fact, there is always some surrounding use with which it may be incompatible.

Thaine Robinson said that he agreed with **Chairman Dyer**, but he feels the proposal does go together well with adjacent zones; it would not be spot zoning. They would just be eliminating the Light Industrial zone from that area.

Dan Hanna thought the rezone would be an improvement for the area, possibly bringing an increase in value for adjacent properties.

Mary Ann Mounts thought the proposal made sense for the area. She hoped the applicant was aware of what he may face with future traffic concerns.

Chairman Dyer said if the area goes to retail that could generate a lot of traffic, and along with the restricted access, could create problems in terms of future development. It would be further addressed during development proposals, but in this particular case, they are seeing what impact there may be.

Richie Webb referred to the comment in the Community Development staff report about discouraging retail trade in this area and asked if there was some way to restrict the uses.

Chairman Dyer said that restrictions are addressed in how the property is zoned.

Mary Ann Mounts asked if they could condition a rezone, as listed in the staff report.

Stephen Zollinger clarified that these are staff recommendations. The zone change is either granted or it is not. He stated that when the developers come in for building with a site plan, then the use could be addressed at that time. Staff will look at the issue when it is requested as the developer moves forward with plans.

Mary Ann Mounts motioned to recommend approval to City Council for a rezone (Rex Meikle), for the property at 563 Trejo, 512 South Yellowstone Hwy, and approximately 528 South Yellowstone Hwy, to change from Light Industrial (LI) to Community Business Center (CBC), in

light of the fact that it is more in line with the Comprehensive Plan, and that the applicant be aware of the recommendations as stated in the Community Development Department staff report. **Richie Webb** seconded the motion.

The Commissioners discussed the motion.

Mary Ann Mounts amended and clarified her motion, motioning to recommend approval to City Council for a rezone (Rex Meikle) for the property at 563 Trejo, 512 South Yellowstone Hwy, and approximately 528 South Yellowstone Hwy, to change from Light Industrial (LI) to Community Business Center (CBC). **Richie Webb** seconded the amended motion.

None opposed. **Motion carried.**

7:25 pm – Conditional Use Permit – Randy Landon – 234 West 1st South

Randy Landon, 2287 West 4200 South, presented the proposal. He owns the property in this proposal, the Willowbrook Apartments. There are currently 26 units. He would like to add two 4-plexes, each 2- bedroom apartments, for a total of 34 units in the complex. Therefore, he is requesting a conditional use permit. The new buildings would be on undeveloped land located on the northwest side of the property. He pointed out the property on the map shown on the overhead screen.

Mr. Landon pointed out the accesses per **Chairman Dyer's** request. They are now upgrading and redoing the parking lot. They have been a decent neighbor, keeping up the apartments and the landscaping. The units will be community (married) housing. It is time to finish the project.

Richie Webb asked about the number of parking spaces.

Randy Landon stated there will be two parking spaces per apartment in the complex.

There is a right-of-way between the Medicine Shoppe and Grease Monkey. They plan to put a gate there to block access as it would become a thoroughfare – as it was when it used to be open. It is not associated with the apartments. For the most part they want it blocked off due to safety issues.

Thaine Robinson wondered if there was sufficient room for large vehicles such as garbage or fire trucks to turn around.

Mr. Landon stated there has been no problem thus far.

Gil Shirley asked why Mr. Landon is planning two 4-plexes instead of one 8-plex.

Randy Landon said that finance-wise, two 4-plexes will be easier.

Gil Shirley felt that the applicant should meet with City Fire Department representatives about the project to ensure access and other concerns.

Chairman Dyer asked Val Christensen if there was anything he wished to add to help the Commissioners understand the proposal. The Commissioners had expressed concern about review by the Fire Department officials – location of hydrants and room for vehicle turnarounds.

Val Christensen said that the issue of fire hydrants will be examined at the time a site plan is submitted during the building permit process. He pointed out the fire access that staff, not including fire department staff, had examined. They consulted the fire code and felt the property was accessible, with turn-around area for the fire truck.

Stephen Zollinger said final approval on the site plan by the Fire Department would be done at the time of the building review.

Val Christensen said that proposed condition #1 in his staff review addresses a future concern of the complex either being tied together as one piece, or being sold off individually as lots. The accesses, parking, etc. are built to be part of one entire complex. If a piece were sold off, doing so might put what remains out of compliance. If pieces are sold off individually, they would require easements, lot size changes, etc., to bring them into compliance with City code.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Clint Galbraith, 64 South 3rd West. He owns the cabinet shop just adjacent to this property, across the railroad tracks on 3rd West. He is 100 per cent in favor of this proposal and feels it would be great for this development to be finished. He supports this proposal; it would be very good for the area.

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing and asked if Val Christensen had any further staff evaluation.

Val Christensen said the only concern is the lot line issue. Staff feels this proposal is a good use and a good way to finish the property's development. The property is zoned High Density Residential One (HDR1).

The Commissioners discussed the proposal.

Mary Ann Mounts felt this conditional use permit proposal was a good one.

Ted Hill stated that this is a good proposal that will help to fill in property within the City.

Gil Shirley reiterated his concern that the development should have fire department approval.

Thaine Robinson motioned to approve a conditional use permit for Randy Landon, for two 4-plexes to be built at 234 West 1st South (Willowbrook Apartments), to include the ten (10) proposed conditions of approval stated in the Community Development Department staff report (page 4), and to include one additional condition, #11- City department staff shall give their final approvals at the time of building permit site plan review. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Conditions of Approval

1. *The apartment complex must be tied completely together as one inseparable complex that cannot be sold off in pieces. Or individual lots must be created that work independent of each other. This would require easements, joint use agreements, lot size changes, etc..*
2. *Trash dumpsters/receptacles shall be located within the interior (behind front building line, but minimum is required setbacks) of the lot and shall be enclosed.*
3. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit.*
4. *Existing parking places located in the front yard setbacks to be removed and replaced with landscaping.*
5. *Buffers to be provided at west and east end of parking lot. Trees and bushes or a suitable fence is required.*
6. *Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance.*
7. *A pedestrian access shall be provided to connect the interior of the site to the public right-of-way without using driveways.*
8. *To encourage alternative travel options, i.e. bicycling, bike racks must be provided. Location of racks needs to be shown on revised site plan.*
9. *Buildings to meet design standards.*
10. *Storm drainage and other Engineering considerations to be reviewed and approved by the City Engineer.*
11. *City Department staff shall give their final approvals at the time of building permit site plan review.*

Unfinished/Old Business: None

New Business: None

Non controversial Items Added to the Agenda:

1. Mixed Use Zones – discussion

Chairman Dyer said the Commission and staff had worked on Mixed Use Zones draft language at past P&Z meetings, and then the issue was put aside. Now, they are again moving forward to address the language for the Mixed Use Zones ordinance.

Val Christensen provided the Commissioners with a Mixed Use discussion handout .

Chairman Dyer said there already is proposed language, in a draft dated June 18m 2009. Val Christensen is aware of this draft and will review it.

Val Christensen stated developer Jon Gregory would like to do a mixed use project when the zoning is ready.

Jon Gregory, P.O. Box 1296, Blackfoot, gave the Commission a site plan, just for the purpose of discussion of a possible mixed use project. He is currently going through obtaining approval of a Comprehensive Plan Map change application for property located on Handcart Lane across from G's Dairy Delights. He stated his possible plan would be to take a piece of ground there and have it be both commercial and residential, but not in the same building. The commercial is already there (the dairy). The residential would be built (2 bedroom, 1 bath units).

Dan Hanna wondered if retail could be on the bottom level of the building with residential above it. Additional retail would also strengthen the existing retail.

Val Christensen said that the Comprehensive Plan could be modified for the Mixed Uses and other zones.

Chairman Dyer said in the past the City would be the applicant to bring forward a proposal to get the Comprehensive Plan Map changed.

The Commissioners discussed various aspects to be included in the Mixed Use Zones language.

Mixed Use 1 would focus on uses that are compatible with residential. Mixed Use 2 uses would focus on more commercial.

Density for commercial and residential was briefly discussed.

There continues to be a demand for residential within the City. Mixing commercial and residential would benefit both uses. Shared parking may be a possibility, where a business may use the parking by day, and the residents would use the parking in the evening.

The Mixed Use Zones will allow more flexibility.

Dan Hanna commented that the Hemming PRO Zone is an ideal mixed –use concept.

In the Development Code 926 revisions that are currently going through City Council for adoption, it would be required that the City would determine unit density when dealing with single student housing complexes. The maximum would be 6 students per unit.

Val Christensen said that mixed use actually already exists in the PEZ zone.

Chairman Dyer said that it could be stipulated that in the PEZ Zone there are no density restrictions - density would be determined on a development by development basis.

PEZ Zone 2 requires parking (50%), which would limit density.

It was determined that there would not be a Mixed Use 3 Zone. That would in effect be handled by the PEZ zone, with the density to be as much as is possible and with the possibility of taller buildings. Mixed use zone language could make reference to the PEZ zone, and the PEZ Zone language could also address this issue, so that they are appropriately linked.

It was clarified that there will be 2 Mixed Use Zones (Mixed Use 1 and Mixed Use 2), plus what the PEZ Zone will support.

Commercial parking standards would be applicable. The language could address the residential units in the zone and the sharing of parking. Specific uses could be stipulated as allowed to share parking.

Vertical and horizontal mixed use would both be looked at. Main Street mixed use would have to be vertical.

Percentages of residential and commercial in a mixed use zone were discussed. A minimum could be set, as long as there was some degree of mix.

Val Christensen suggested possibly allowing a higher minimum, with a conditional use permit needed to go lower.

The Commission discussed that 30% for Mixed Use 1 would be a minimum, with the conditional permit allowing an applicant to go down to 10%. Mixed Use 2 would possibly be 20% minimum, also with a conditional use permit to allow an applicant to go down to 10%.

The language could say that these limits will apply to either commercial or to residential, whichever is the minimum.

Professional office needs to be included in Mixed Use zones.

Building height limits - the draft document states 30 feet or 3 stories whichever is less, or 45 feet or 4 stories, whichever is less. Depending on the density, heights would be limited.

The draft Mixed Use zones document lists design standards. The Commission will further examine these standards.

Val Christensen will put together Mixed-Use Zone language from the Commission's input given tonight, adding it to the existing draft Mixed Use Zone document. .

The Mixed Use Zones discussion will continue at the next P&Z meeting on September 17th.

Compliance:

Compliance Officer Natalie Powell said that garage sale season is almost over. People have been encouraged to use boxes on street corners with garage sale information written on them, rather than posting signs on telephone poles or street light poles, etc.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

Mixed Use Zones – September 17th P&Z meeting

The meeting adjourned at 9:12 pm.