

October 6, 2015

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners James Wyatt, Joanne Denney, George Swaney, Brent Dixon, Julie Foster, Darren Josephson, George Morrison.

MEMBERS ABSENT: Natalie Black, Donna Cosgrove, Margaret Wimborne.

ALSO PRESENT: 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.

CHANGE TO AGENDA: None.

Minutes: None.

Public Hearings:

1. Rezone from PB to R3-A: St. Clair Estates Division No. 12. Beutler presented the staff report, a part of the record. Morrison asked if the empty field to the south is County. Beutler stated that the property to the immediate south is single family homes and south of that is County property. Dixon stated that the proposed zone allows for residential and office buildings. Dixon asked if the current zone allows for the same office buildings, or are there differences in which office buildings would be allowed. Beutler stated it is very similar and is intended to be professional offices, which would include medical and dental clinics, government offices, and business and professional offices, including attorney and engineering firms. Dixon stated and Beutler agreed that R-3 only allows residential, and PB only allows professional offices, and R3-A allows for a mix of both. Dixon asked if there is a platted road in the current property. Beutler stated that this project was planned to be developed as 13 commercial lots and had gone through the platting process and the final plat was approved, but never recorded. Beutler stated there is a utility line that runs through the scar and that was intended to be developed as a connecting street through the property. Beutler added that because the plat has never been recorded, there is a utility line there, but no platted right of way. Dixon stated this property is listed as St. Clair Estates Division 12, and assumed that St Clair Estates is the residential properties to the west and the south. Beutler stated that St. Clair Estates includes all the way to Woodruff (St. Clair). Dixon asked if there was a preliminary plat that covered the property in question. Beutler stated there were several preliminary plats. Beutler went through the history of the preliminary plats throughout the years. Dixon is concerned that the property is landlocked on the west and the north and the only access to the property is from the east and the south. Dixon asked what the street classifications for the streets surrounding the subject property. Beutler stated they are all local streets.

Morrison opened the public hearing.

Applicant:

Blake Jolley, Harper Leavitt Engineering, 985 N. Capital Ave., Idaho Falls, Idaho. Jolley stated that his client is excited to be back in Idaho Falls to develop this property. Jolley stated that the R-3A zone is a great transitional zone between residential and commercial/business communities. Jolley stated that there are additional requirements in the R-3A zone such as landscape buffers. Jolley stated that the developer is intending to do a residential style development on this property. Morrison asked if Jolley was a member of the St. Clair Estates HOA. Jolley stated that he and his client are not members of the HOA. Josephson asked Jolley about the traffic flow. Jolley stated that with the estimated traffic flows the most likely travel path would be through Crestwood to the light, or go out to St. Clair.

No one appeared in support of the application.

Opposition:

Tina Bayou, 1862 Lexington, Idaho Falls, Idaho. Ms. Bayou stated that when this property is developed with 142 apartment complexes, there will be at least 300 cars coming from Delaware, turning left onto Lexington and going to their apartment. Ms. Bayou stated she bought in St. Clair Estates because it was a nice quiet, family subdivision. Ms. Bayou stated that the people coming from Delaware and turning left onto Lexington will shine their head lights into her home. Ms. Bayou stated that the children that play in the streets will be in danger. Ms. Bayou stated that the traffic will not go down Washington, they will come through the subdivision.

Larry Stockton, 1681 Daffodil, Idaho Falls, Idaho. Mr. Stockton agreed with Ms. Bayou and the traffic problem. Mr. Stockton stated that the average household in Idaho is 2.5 cars per household, so there will be 300 vehicles added to the area if they develop 142 apartments. Mr. Stockton stated Sunny Pine has no stop signs on the road out to 15th East. Mr. Stockton stated that in the neighborhood there are 132 children under the age of 11 and 56 of those children are under the age of 3. Mr. Stockton stated that the construction workers currently go out through the neighborhood as it is the only way to get to the main road. Mr. Stockton stated that the one exit point is a huge safety issue. Mr. Stockton stated that the 25 MPH speed limit will not be followed.

Tamara Clark, 1848 Brookview Dr., Idaho Falls, Idaho. Ms. Clark lives on the corner of Brookview and Delaware. Ms. Clark went door to door and talked to the neighbors. Ms. Clark had the differences between the two zones printed. Ms. Clark studied page 239 of the Comprehensive Plan. Ms. Clark stated the Comprehensive Plan states that high density needs to be on an arterial road or a collector road and all the roads in this area are local roads. Ms. Clark stated there is no great traffic route out of the proposed development. Ms. Clark stated the Comprehensive Plan repeats that they want to avoid traffic cutting through neighborhoods to get to the main streets. Ms. Clark stated that all the neighbors in attendance are concerned for the safety of their children. Ms. Clark stated that the kids walk from friend's houses and adding 600 passes of cars every day is to many. The area is not designed to handle that traffic load and that is why it was zoned the way it was. Ms. Clark stated that the area is currently zoned as Professional Business (PB) which is very limited. Ms. Clark stated that the neighborhood has a great relationship with the professional offices. Ms. Clark stated that the neighbors have invested in the neighborhood and want to stay in the neighborhood. People just moved in right on

Delaware and on Lexington and they will be 5 feet from the proposed development. Ms. Clark asked the Commission to uphold the Comprehensive Plan and maintain the current zone and deny the proposed zoning change. Ms. Clark stated that the traffic that would go out to Crestwood will be a problem, as Crestwood is a County road and cannot handle that number of cars. Ms. Clark stated that the high density residential should be planned on an arterial or a connector road and this proposal is right in the middle of a neighborhood with all local streets.

Brad Reinhart, 1525 Summer Way, Idaho Falls, Idaho. Mr. Reinhart stated his home is next to 15th East, so he sees the traffic coming in and out of the subdivision at the northern most entrance. Mr. Reinhart stated that as you drive into St. Clair Estates there is a sign and trees and you cannot see on the other side what is coming down the road and the extra traffic flow would make it dangerous. Mr. Reinhart stated that Crestwood will not support this kind of increased traffic flow. Mr. Reinhart stated that the hospital and community park that are along Sunnyside will be affected negatively by the added traffic from the proposed development.

Deanna Halford, 4033 Delaware, Idaho Falls, Idaho. Ms. Halford stated that her concern is the traffic and noise. Ms. Halford stated that the proposal could increase the neighborhood population by 75% in a small space. Ms. Halford stated that the look of the apartments that have been built before are not consistent with the housing in St. Clair Estates. Ms. Halford stated there is no upside for anyone living in the area. Ms. Halford asked the Commission to not approve the application.

Andrea Stefenson, 1655 Shady Pine, Idaho Falls, Idaho. Ms. Stefenson's home is located just off Brookview on the north entrance. Ms. Stefenson talked to several mothers in the neighborhood and speaks for them. Ms. Stefenson read her concerns: Ms. Stefenson stated that the neighborhood has 100's of young children and safety is the top priority. St. Clair Estates was not developed to have high density apartments. Ms. Stefenson stated the streets are not set up with proper safety precautions in mind (i.e. stop lights, dividing lines, speed bumps, cross walks). Ms. Stefenson stated there have been several accidents already at bus stops and any more traffic without those safety precautions in place would be bad. Ms. Stefenson stated the neighborhood would become a high traffic area. Ms. Stefenson stated they purchased a home in St. Clair Estates to live in a quiet place without major through streets. Ms. Stefenson stated that other apartments in Idaho Falls all have direct access to bigger streets. Ms. Stefenson asked the Commission to take into consideration the major traffic that would go through the neighborhood.

Ryan Harris, 1715 Daffodil, Idaho Falls, Idaho. Mr. Harris stated that he is concerned for the education of the children in the neighborhood. Mr. Harris stated that he was the project manager for District 91 when they were passing their bond and he helped coordinate and schedule the research on class sizes. Mr. Harris stated that one of the studies identified that if there are too many students in a given classroom it negatively impacts the children's learning and their ability to comprehend. Mr. Harris pulled the data from the US Census Bureau in 2014 and it indicated that in Bonneville County the average household is 2.9 people which would indicate that there is potentially 1-2 children in every single unit that is being proposed. Mr. Harris stated that the proposal shows 142 additional units and a conservative estimate would be 50%, which would be 71 additional students that would be added to the elementary school (Ammon Elementary). Mr. Harris spoke with John Pimm at the School District and he is over all of the buildings and safety of the children. Mr. Pimm mentioned that Ammon Elementary school has a capacity of 425

students and in speaking with the secretary at Ammon Elementary School, (Alexis Finlayson) there are currently 417 students at the school, so there is only an additional 8 students that could be added to that school. Mr. Harris stated that John Pimm told him that there is no proposal of any sort to replace or add any sort of a school within the next 10 years that would facilitate the children in St. Clair Estates Subdivision. Mr. Harris stated that a lot of the schools are at capacity and they would not know what to do with the students, but might have to take them to different schools, such as Tiebreaker Elementary (2-3 miles away). Mr. Harris stated that can emotionally impact the children from changes and not being acquainted with people from their specific neighborhood. Mr. Harris asked the Commission to leave the parcel zoned as PB which would not have an impact on the children and their education.

Michael Connington, 1944, Lexington, Idaho Falls, Idaho. Mr. Connington is concerned about the traffic. Mr. Connington stated he goes to work at 7:45 every morning. Mr. Connington stated that every morning the kids are headed to the bus stop and many of the children have a ball with them as they go to the bus stop. Mr. Connington stated that Monday morning he had an interesting situation and if he had not been a resident of the neighborhood and had a vested interest in the neighborhood there could have been an accident as kids ran out after their ball into the street. Mr. Connington stated that adding an additional 142 units and 300 people to the roads will be dangerous.

Taran Gunderson, 1680 Shady Pine, Idaho Falls, Idaho. Ms. Gunderson agreed with the other people on the traffic. Ms. Gunderson stated that her husband is a physician at Rosemark Women's Center off of Sunnyside. Ms. Gunderson's husband is concerned how the increase in traffic might affect the practice, as the nurses and employees of the office take the road through the neighborhood to exit because the traffic to get out to Sunnyside is always backed up.

Steven Boyce, Esq., 2010 Jennie Lee Drive, Idaho Falls, Idaho. Mr. Boyce is the attorney for the St. Clair Estates HOA. Mr. Boyce stated that in going through the proposals, it is clear that the neighborhood is uniformly opposed to this application. Mr. Boyce stated that he has submitted some of the HOA arguments in the letter that was submitted as part of the record. Mr. Boyce stated the staff comments on the final plat for St. Clair Estates Division 12, page 1, 2nd paragraph, it stated that a traffic study was conducted with the initial development of St. Clair Estates, the proposed residential use and previous commercial development should be somewhere in the number of trips generated and the 137 Townhome units will most likely have a.m. and p.m. peaks where the 13 commercial lots would generate trips more steadily throughout the day. Mr. Boyce stated that when it talks about a traffic study being conducted with the initial development, he believes that was approximately 15 years ago. Mr. Boyce submits that any traffic study done at that point or even in 2005 is completely obsolete at this point because there has been such an increase in traffic on Sunnyside. Mr. Boyce stated that according to those staff comments, it would be similar in the number of trips. Mr. Boyce stated that the staff comments on the rezone application on page 2, 3rd paragraph from the bottom, state that development of the property within the R3-A zone should not necessitate the need for a wider street, turning lanes, signals etc. and potential trip generations should be less than the originally proposed commercial use. Mr. Boyce pointed out that one is saying it will be the same and another page stated it should be less, and Mr. Boyce does not see any data to show how 13 professional buildings are going to have the same or less traffic than 142 residential units. Mr. Boyce stated that the professional buildings are generally not operating in the evenings and closed on holidays and

weekends. Mr. Boyce does not believe that data is there for the Commission to carefully consider the traffic issue. Mr. Boyce stated that the engineer did not address anything besides how the cars will “likely” go out. Mr. Boyce stated this development will route everybody through the residential neighborhood. Mr. Boyce stated this parcel of land is land locked. Mr. Boyce stated the streets are not designed for the kind of traffic that will be generated and the Commissions should consider that and deny this proposal. Mr. Boyce stated that he brought up issues with the CCR and would have to deal with them legally if it came to that. Mr. Boyce stated that page 2 of 5 on the rezone, states that the staff would anticipate little to no impact to the capacity of existing public services as a result of the zone change. Mr. Boyce asked how the public services will be the same for 13 professional offices vs. 142 housing units. Mr. Boyce stated that some additional research and study will need to be done to determine if this will create a traffic problem, not only for the residents, but for everyone using Sunnyside. Morrison asked what other properties in St. Clair Estates are members of the HOA. Mr. Boyce stated that initially all of St. Clair Estates was supposed to be residential but as building slowed down, further to the east some professional buildings went in. Mr. Boyce stated that at one point there was going to be townhomes that were finally built as single family residential. Mr. Boyce stated that the way the area is platted and the way the CCR’s are recorded and in effect, all of Division 12 is subject to the CCR’s and the CCR’s specifically state that the buildings are to be one residential home per lot. Mr. Boyce stated it creates an interesting legal issue that the developer will run into as Division 12 is within the CCR’s and those are recorded. Mr. Boyce stated that the residents are not opposed to the professional buildings. Morrison asked if there was any pressure put on the applicant to get approval of the architectural control officer. Mr. Boyce stated he does not know if there has been direct contact made with the applicant.

Maurice Miller, 1717 Sunny Pine, Idaho Falls, Idaho. Mr. Miller stated that he is representing both personal and business side. Mr. Miller stated that the roads will not support the traffic. Mr. Miller stated that unless a route can be directed to Sunnyside, the infrastructure will not work. Mr. Miller stated that he is a financial advisor with Edward Jones and has clients in the management system of Idaho Housing and Finance Board and whether you are talking government housing or private rentals, it will devalue the neighborhood as far as property value and that is a concern. Mr. Miller stated that they take good care of their properties and they don’t want to lose property value to have a bunch of rentals come in. Mr. Miller stated that if they cannot stick with the PB zone then look at single family housing. Mr. Miller stated that R-3A is a short sided fix. Mr. Miller stated that rentals are currently popular and are filling before they are built. Mr. Miller stated that he moved his mother to the area who is 73 years old and her house is on Lexington and the corner of the entry way. Mr. Miller’s mother paid \$200,000 for her home and she loves it. Mr. Miller asked the Commission to vote No against the rezone.

Scott Ferguson, 1562 Sunny Pine, Idaho Falls, Idaho. Mr. Ferguson stated that he recently moved into the neighborhood 2.5 months ago from Rexburg. Mr. Ferguson stated that he served on the Planning and Zoning Commission for the City of Rexburg. Mr. Ferguson stated that while he was on the Planning and Zoning Commission they were balancing the needs of the University and were having to rip into communities that had been established for a long time for student housing. Mr. Ferguson stated that the guiding principal for the Commission was the comprehensive map. Mr. Ferguson stated that roads get built 20-30 years ago according to the Comprehensive Plan. Mr. Ferguson stated that the goal is to say what zones will work on the

plan. Mr. Ferguson stated that every time the Commission would consider a zone change, the feeling was there must be a compelling reason for the change. Mr. Ferguson stated he moved into the neighborhood because it was exactly what he was looking for. Mr. Ferguson stated that other homes he looked at had apartments and multi housing complexes close by and they chose not to live there. Mr. Ferguson purchased a home according to the Comprehensive Plan. Mr. Ferguson stated that if the project moves forward the Commission should give the community a compelling reason why the rezone should take place.

Jessica Riley, 3845 Delaware, Idaho Falls, Idaho. Ms. Riley stated that there has been a lot of discussion on traffic. Ms. Riley stated that all things will be disrupted by increased traffic, noise levels and lower property values. Ms. Riley stated this rezone would have a significant impact on the everyday quality of life for a huge block of citizens.

Heather Reinhart, 1525 Summer Way, Idaho Falls, Idaho. Ms. Reinhart had everyone who was opposed raise their hand (everyone raised their hand). Ms. Reinhart stated that she took a picture of Washington where some of the traffic would come out. (Ms. Reinhart will email the picture to Staff so the picture could be placed in the record). Ms. Reinhart showed the picture to the Commission. The picture showed the traffic was backed up and parking along the sides.

Morrison stated that if anyone has new issues to bring to light other than traffic, then they can talk.

Brittney Brower, 3129 Delaware, Idaho Falls, Idaho. Ms. Brower stated that the daycare in the neighborhood would be put at risk.

Sofia Lopez, 1579 Brookview Drive, Idaho Falls, Idaho. Ms. Lopez (a minor) stated she is one of the kids and goes outside and plays with her cousins. Ms. Lopez stated that when one of the balls goes in the road and the children have to chase after it she does not want to have to worry about increased traffic.

Alana Nelson, 1796 Strawberry Place, Idaho Falls, Idaho. Ms. Nelson stated that she researched and called public works and between the area of Merlin and Channing from 2010 – 2014, there were 34 accidents in that area on Sunnyside and increasing the amount of cars will cause more accidents. Ms. Nelson stated that public works stated that in the area of Channing Way there are 25,000 cars that pass through there every day.

Kyle Guess, 1903 Lexington, Idaho Falls, Idaho. Mr. Guess moved in 2 weeks ago and did not have this issue disclosed to him. Mr. Guess' back yard is on Lexington and Kentucky. Mr. Guess believed the neighborhood was quiet when he purchased it and would have reconsidered the purchase if he'd known there would be a 2 story apartment complex in his backyard.

Nicolas Wetzel, 1680 Sunny Pine, Idaho Falls, Idaho. Mr. Wetzel (a minor) is worried about the children's safety. Mr. Wetzel stated that the construction site is close to the daycare and it is hard to teach children with the noise of the construction. Mr. Wetzel stated that the elderly people at Elk Creek will have a hard time sleeping with the construction noise. Mr. Wetzel stated that the vehicle lights from the people living in the apartment complex could wake up children. Mr. Wetzel stated that several kids in the neighborhood like to ride their bikes to KJ's, and with the increased traffic it could cause accidents.

Natalie Beck, 1801 Brookview, Idaho Falls, Idaho. Ms. Beck works at 3470 Washington Parkway. Ms. Beck is representing the business owners. Ms. Beck stated that the way the street is set up there is no painting along the curbs and this year there have been multiple accidents on a weekly basis. Ms. Beck stated that as business owners they have discussed what to do for the problem. Ms. Beck stated that her child goes to Creations of a Child Daycare and Ms. Beck would be scared of security problems by putting 142 frequently moved in and out of apartments behind a daycare. Ms. Beck stated that the people in St. Clair Estates have had frequent break-ins in the last 2 years and security is a big issue and the increased people will jeopardize the neighborhood security.

Applicant:

Blake Jolley, 985 N. Capital Ave., Idaho Falls, Idaho. Jolley stated that there is a list of concerns and they are good concerns and concerns that the developer has as well. The developer is trying to do a win/win for the community. Jolley stated that the developer has a good track record of developing places in the community that were previously weed patches. Jolley stated that there is a traffic problem in that area. Jolley stated that the zone is PB and reading out of the ordinances of the City of Idaho Falls: *General Objectives and Characteristics. The objectives in establishing the PB Professional Business Office zone is to provide for business and professional offices, governmental and cultural facilities and other uses of semi-commercial nature. This zone is characterized by relatively high traffic volumes and wide variety of office type buildings.* Jolley stated that the office buildings in the area do produce high traffic volumes. Jolley stated that the latest version of the Trip Generation Manual indicates that a 6,000 sq. ft. office building will produce 24 p.m. peak hour trips; that multiplied by the 13 commercial lots equals 312 trips per hour. Jolley stated that the project will be town homes for sale, not rent. The Trip Generation Manual for a PUD on a 12 acre site is 50 peak hour p.m. trips. Jolley stated that the numbers are fairly low. Jolley stated that the Trip Generation Manual indicated that for the proposed number of units, the number of trips in the peak hour in the evening is 121 p.m. trip ends per hour for the whole development. Jolley stated that no matter where you are at in town there will be noise. The developer does a good job with increased landscaping and always puts a 6foot privacy fence around the development and plants mature trees to help buffer the noise that can come from any development. Jolley stated that the properties to the west were proposed to be attached single-family townhomes at one point. Jolley stated that the developer has a big concern with the safety of everybody in the area. Jolley stated that he lives in a country setting and the concern of his children playing near the street is the same as in a neighborhood because his kids throw balls across the street. Jolley stated that the safety of children and school sizes will be taken care of. The City of Idaho Falls is going to grow. Jolley clarified that St. Clair Estates Division No. 12 has never been recorded. Jolley placed the name St. Clair Estates Division No. 12 on this plat because it seemed as though it would be the next division in the area, but the plat has been looked at, and it will not be considered as St. Clair Estates Division 12, it will have a different name and title to it. Jolley stated that the concern of 25,000 cars traveling up and down Sunnyside road each day, shows the growth of the City and that number will not decrease. Jolley stated that the developer is going to make 48% of the property landscaped. Jolley stated there will be 9/10 of an acre park inside the property and multiple tot lot and play areas for individuals to play in. Jolley stated that the density of an R-3A can be as high as 35 units per acre, and at this point with the project as slated, it is 11.29 units per acre.

Morrison closed the public hearing.

Swaney stated that there are two applications and throughout the discussion they have been talking about both applications, both the rezone and the PUD without getting into the details of the PUD. Swaney stated that he would propose for the purposes of the next public hearing on the PUD, the Commission stipulate that all testimony provided for the rezoning will apply to the PUD. Swaney stated that there seems to be no support in the community for this rezone. Swaney stated that with no public support for the rezone, he does not think it is complicated to understand that the Commission should recommend to the City Council and the people who are in attendance that after the Commissions' recommendation to deny the rezone goes to the City Council, they need to attend the City Council hearing and provide the same level of expression. Swaney stated that Harper-Leavitt has done very nice projects and taken many areas on arterial roads and developed them and done a good job, but this project is not that. Swaney stated that his proposal is for the Commission to deny the rezone request and not recommend approval to the City Council.

Dixon stated that the Commission needs to have a basis for their decision other than public opinion. Dixon stated that one of the items in the staff report says (pg. 2, 3rd column in table) that the R-3A zone can be utilized as a transition zone between low density residential and commercial uses. Dixon read from the Comprehensive Plan (2000): *Higher density housing such as apartments are adjacent to collector and arterial streets. With careful site planning, higher density housing and offices may be a buffer between commercial and industrial land adjoining residential uses.* Dixon continued to read: *Commercial includes offices.* Dixon stated it is interesting that offices are a buffer from commercial. Dixon stated that offices may be used as a buffer, and in this instance they are talking about buffering from offices. Dixon stated that the higher density housing and offices being a buffer and one of the problems that they've had with the R-3A in general is it seems like lower density residential does not mind being next to offices, but they want to be buffered from higher density residential. Dixon stated that in the Comprehensive Plan states that offices can be a buffer from some other uses, such as general commercial or industrial. Dixon again read from the Comprehensive Plan: *Higher density housing should be located closer to service areas and those streets designed to move traffic, such as arterial streets and collectors with access only to the collector street. Apartments and townhouses are located adjacent to arterial collector streets for two reasons (1) larger lots necessary for higher density housing offer opportunity for building layout setbacks and buffering with berms and fences to minimize the impact of street noise; (2) If apartments and townhouses are located close to arterial streets, traffic from apartments will not move through neighborhoods.* Dixon summarized from the Comprehensive Plan regarding how to design a neighborhood and stated that the arterials and collectors should be on the edges of the neighborhood. Dixon continued to read from the Comprehensive Plan: *Arterial corners shall support higher density housing.* Dixon stated that the Comprehensive Plan shows that higher density housing should be along the arterials at the edge of neighborhoods, not in the interior of neighborhoods so the traffic does not go through the neighborhood. Dixon stated that this site is located on the edge of medical service center, which is office buildings and low density residential, with no high density residential in the area. Dixon stated that all of the streets in the neighborhood are classified as local streets. Dixon disagrees with the statement at the bottom of page 1 of the staff notes that state the R-3A zone is consistent with the objectives of the

Comprehensive Plan and zoning in the area. Dixon stated that the PB is consistent as it is next to professional offices and medical services center. Dixon stated that low density residential would be consistent. Dixon stated that high density residential is not compatible and is not shown on the Comprehensive Plan Map for the area. Dixon stated that the site is an interior area that is not on any kind of collector or next to an arterial. Dixon added that the only thing that the rezone would do is go from allowing office buildings to allowing both office buildings and high density residential. Dixon stated those are the reasons that he is against the proposal.

Dixon moved to recommend to the Mayor and City Council denial of the proposal to rezone from PB to R3-A for St. Clair Estates, Division No. 12, Denney seconded the motion and it passed unanimously.

Beutler stated that this subject parcel had 3 items on the agenda including rezone, planned unit development as was being proposed under the R-3A zone, which is a separate action and separate hearing, the third item is a final plat for St. Clair Estates Division No. 12. Beutler stated that all three of the items relate to the 12 acre piece. Beutler stated that as a result of the recommendation for denial on the rezone, at this time the applicant is going to withdraw the planned unit development and the final plat. No action will be taken tonight.

2. Planned Unit Development. This application was withdrawn by the applicant.

3. Annexation of 1.127 Acres with Initial Zoning of R-1, and Final Plat: Yorkside, Division No. 2. Beutler presented the staff report, a part of the record. Dixon asked if there are any photos showing the elevation of the canal. Beutler stated that his best recollection is that there is not a significant elevation difference, but would defer to the applicant. Dixon asked if this final plat includes any of the adjustment to the size of the lots, especially along the northwest side of Casa Drive. Beutler stated there were some modifications and changes and that is the reason the applicant came back for the preliminary plat. Beutler stated that the issues were resolved working through the preliminary plat process and this final plat matches the preliminary plat.

Morrison opened the public hearing.

Applicant:

Rod Ellsworth, 253 1st Street, Idaho Falls, Idaho. Ellsworth stated the preliminary plat for this area was revised to adjust the lot sizes and the amount of lots along the street. Ellsworth stated that they got rid of 1 or 2 lots where the new cul-de-sac is located. Ellsworth stated they are adding a very small area of annexation to include the bottom of the cul-de-sac that was not originally annexed.

No one appeared in support.

Opposition:

Carol Anderson, 5263 Solstice, Idaho Falls, Idaho. Ms. Anderson's lot is across the canal from lots 11, 12 and 13. Ms. Anderson stated that her concern is similar to the St. Clair Estates concern. Ms. Anderson stated that this area is a big landlocked area with no real access to main roads other than to go through Southpoint or Sunterra neighborhoods. Ms. Anderson asked the Commissioners to look at the traffic issue and clarify where the traffic will go. Ms. Anderson stated that there will be 250 lots when the subdivision is built out and there is no way to get to a

main road except for 65th South and the road to 65th will not be completed till later. Ms. Anderson stated that she finds lots 11, 12 and 13 to be odd to be sandwiched in between to make it so she'll have 3 homes right behind her and would suggest they turn that into two lots instead of three.

Applicant:

Rod Ellsworth, 253 1st Street, Idaho Falls, Idaho. Ellsworth stated that the canals are raised above the field lines. Ellsworth stated that the west of the 3rd phase of the development would then connect into the adjacent subdivisions. Ellsworth stated that they are designing a way to get over the canal. Ellsworth stated that Division 3 of Yorkside has a connecting road across from subdivision to subdivision so when Division 3 is put together that will eliminate the traffic flow on the main street. Swaney asked what the traffic flow pattern will be currently with the plat that is before the Commission. Ellsworth stated that the City has required them to maintain a very wide street all the way to the intersection where it will neck back down to Solstice subdivision and there have been no comments with any problems with traffic flow. Dixon stated that there was a preliminary plat to the east of this land that would connect Casa Drive to South Holmes in the vicinity of LaPaloma Drive. Beutler stated that there are several subdivisions in this area that have been reviewed recently and will assist in the overall transportation system. Beutler stated that there will be a connection to Holmes. Beutler stated there is an approval for the Avalon Phase 1 that will provide a connection to Holmes. Beutler stated there are preliminary plats for the entire area all the way to York and traffic has been looked at by Public Works. Beutler stated that they are now requiring they provide residential collector streets and they are platted at 70' rights-of-way rather than 60', so there is a better traffic flow in residential neighborhoods.

Morrison closed the public hearing.

Swaney stated that the annexation and final plat meets all the requirements.

Swaney moved to recommend to the Mayor and City Council approval of the Annexation of 1.127 Acres with Initial Zoning of R-1, and Final Plat of Yorkside Division No. 2 as presented, Dixon seconded the motion and it passed unanimously.

4. Zoning Ordinance Amendment: Beutler presented the staff report, a part of the record. Wyatt asked if the changes to the GC-1 Zone will match the County. Beutler stated that currently the GC-1 zone is very similar to the County's zone, but the changes will not match, it will be unique to the City. Dixon asked if the items that are being struck out and not moved to the I&M-1 will be included in another zone or is there another level of zoning for those items. Beutler stated that the intent would be that those items are not included. Dixon asked about the feed establishment, and suggested that it should be in town somewhere now that they are allowing chickens in town. Beutler stated that they are referring to large scale feed establishments. Beutler stated that the hardware store and farm stores could still carry feed. Dixon stated that on the fencing it says from the front lot line. Dixon stated that he has noticed that when you go around a corner, a side lot line ends up being next to a front lot line, so in pulling out of a driveway if the side lot is allowed to have a fence all the way to a lot line, then while you are not blocking the clear sight triangle of a street intersection you can be blocking the view of the street from someone's driveway. Dixon asked if there was anything to address that issue. Beutler stated that the intent would just be the chain link fence. Dixon acknowledged it is not addressed

in this particular instance, but is bringing up the problem so as staff goes through they could review and address the issue of when you go around a corner, you are now on the side line, but you may be the front line of an adjacent lot. Beutler stated there is a portion that refers to the sight triangle with driveways and alley ways and making sure it is keeping out of that, but is typically with sight obscuring material and in a front yard you are restricted to a shorter fence height, although chain link can potentially go right to the driveway. Morrison stated that hedges are also a problem. Beutler stated that staff can consider vegetation.

Morrison opened the public hearing.

No one appeared in support of opposition.

Morrison closed the public hearing.

Josephson asked if there are any I&M-1 zones currently in the City. Beutler pointed out the zones as the light grey. Josephson asked if those areas are developed. Beutler stated it is a mixture of both developed and undeveloped.

Dixon moved to recommend to the Mayor and City Council approval of the Zoning Ordinance Amendments as presented, Foster seconded the motion and it passed unanimously.

Business:

1. Final Plat: St. Clair Estates, Division No. 12: This item was withdrawn by the applicant.

2. Final Plat: Fanning Avenue, Division No. 2: Beutler presented the staff report, a part of the record. Dixon asked about the easement that is not on the plat. Beutler stated he noticed that and is certain that it is in part of the review comments and that will be added prior to going to City Council.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat: Fanning Avenue, Division No. 2, subject to the addition of the easement on the Plat, Josephson seconded the motion and it passed unanimously.

Morrison recognized the newest member of the Commission Julie Foster.

3. Sign Ordinance Discussion. Beutler presented the staff report, a part of the record. Dixon asked about the sign across from the Mall, that has a building with 4 businesses in and if it was in the Idaho Falls side, would each business be allowed a monument or would those be spaced too close together. Beutler stated that they would be spaced too close and so they would need to try to either have small monuments or join on one sign. Dixon asked about electronic message centers not being allowed as part of monument signs. Beutler stated that the intent is to allow for the electronic message centers on the free standing signs, but not on the monuments. Beutler stated that part of the intention of having the electronic sign was to allow each of the businesses some signage and advertising as the name plates get congested and hard to read. Beutler stated they will review the monument sign related to shopping centers. Wyatt stated that on the shopping center sign it needs to be 330 feet from any free standing sign. Wyatt asked if the neighboring property was there first and there is not an additional 330 feet to put a sign, do you not get a sign, or is it intended to be another sign on the same property. Beutler stated it is

intended to be radial space, so it could conflict with signs across rights of way. Beutler stated they looked at frontages for shopping centers to see if that 330 foot condition would work and it did not seem to have a conflict in the examples that they looked at. Wyatt stated and Beutler agreed that everybody should be entitled to signage for their business. Beutler stated they will review and make sure there is not a conflict. Beutler continued with his staff report on portable signs. Dixon stated that the idea of designating use based on what street you are on rather than what classification of street and/or zone that you are in, leaves out some major streets, such as Lindsay, Anderson, and Yellowstone. Dixon stated it would make more sense to state “along an arterial when the zoning is a commercial zone”, rather than stating specific streets. Dixon stated that if the ordinance was by street classification it would be more defensible and easier to maintain as the City grows. Beutler stated that the reason they chose the streets, is because that is where PB and RSC-1 are, as those zones are not along Lindsay (which is commercial and automatically is allowed to have the portable sign). Dixon stated that the table at the end in single family residential, it states that *only when the property is listed for sale*. Dixon asked about garage sales, political signs, etc. Dixon stated that a lot of the free standing portable signs are used for purposes other than stating that the property is for sale. Beutler stated that they will look at that issue. Beutler continued on with the staff report for “electronic message center signs”. Dixon stated that 7-9-42(D) states 4 seconds. Beutler stated he will change that item as they are trying to make it uniform. Dixon stated that in the residential area, it states *entrance signs not allowed*. Dixon stated that a lot of cities have neighborhood entrance signs such as Stonebrook, which is useful communication to people that are trying to find something and are often done in a stylish high quality manner. Dixon did not find the definition for entrance signs. Beutler stated they just added a new definition *sign located at the entrance to a property*. Beutler stated there were content issues with entrance signs. Beutler stated the thinking was regarding commercial development. Beutler stated they did not address subdivision specifically, but they might need to distinguish between residential and commercial. Wyatt stated that the residential subdivision sign gives it some identity and character. Dixon stated that in definitions they have *sign animated and sign flashing* and Dixon is unsure if that is used anywhere. Beutler stated it would be in the electronic message center if it were used. Dixon stated there were things in the electronic message center that said you had to use dissolve or fade, but nothing that stated you may not have a flashing sign, or an animated sign. Dixon stated that if there is a definition for it, it would suggest that it is used somewhere. Beutler stated that they will review that area. Dixon asked why they are stating no electronic message signs in the downtown area. Beutler said the community stated they did not want to see that in downtown. Dixon pointed out that on the athletic venue sign – 7-9-34, per the definition *signs placed on sports field fencing may be allowed provided the sign does not exceed the height of the fence* then Melaleuca Field is out of compliance. Dixon stated that the way it is defined is not consistent with that field.

Representatives from YESCO were present at the meeting who had been invited to participate and comment on the working draft of the sign ordinance.

Jeff Young, Senior VP for YESCO: Mr. Young presented information regarding signs and the future of signage. Dixon stated that schools are a guest in a residential zone and require a special use permit to even be allowed in the zone, and therefore as a guest they need to consider how to be a good neighbor and are restricted from flashing and animating. Dixon stated that businesses have an interest in advertising, and people driving down the road should be watching the road

and anything that is animated will distract them from driving safely and that is why the Commission does not like animation on the sign. Dixon wants the frequency of the sign changing so that it is not distracting, but does provide a message. Young stated that he has 3 key studies that he would like to provide to the Planning and Zoning so they can look and review the studies carefully, because the safety question comes up a lot. Young stated that significant energy and expense has gone into trying to find an answer to the question “are the signs causing accidents and distractions”. Young stated that the texting studies done by Virginia Transportation Institute showed that texters are looking away from the road for 4.8 seconds and they establish a 2 second threshold of safety; meaning that if you are looking away for more than 2 seconds you are at a significantly higher risk of causing an accident. Young stated that the Tentala Study, the Virginia Transportation Study and the Federal Government Study they did through a group out of Berkley, show that glances at signs never go beyond 1.3 seconds so they are below the threshold of safety. Young stated that as they educate planners and City Councils across the Country they are showing that texting kills people and if signs were distracting motorists to the extent that they were unsafe, they would be illegal and the study shows that there is no statistical correlation between accidents or an increased level of safety concern when it relates to electronic signs. Dixon stated that where the technology has continued to improve it would be good if in the future they could prevent the scrolling signs. Dixon stated that they would have to grandfather what is already existing, but it would be good if the Commission could prevent any new ones from being built, because those signs require you to stare at the sign for several seconds waiting for the next word. Young would suggest that they put in the ordinance that scrolling signs are not allowed.

Mike Helms from YESCO Outdoor Media. Mr. Helms went over some billboard regulations with Beutler. Helms stated that currently the ordinance has radial spacing on billboards and is asking the Commission to leave the space at 750’, but rather than radial, just do it on the same side of the road. Helms stated that currently it is allowed to have 300 sq. ft. billboard sign, but if you are in 100’ of I-15, you are allowed 680 sq. ft. billboard signs. Helms stated that typically they build a 14 x 48 (672 sq. ft.) which is out on the freeway vs. on an arterial or surface street, they would build a 10 x 30 (300 sq. ft.). Helms stated that if any of the signs were converted to a digital billboard face, they would scale that size down, so that if you had 10 x 30 you can only convert 250 sq. ft. of that to digital, so you are shrinking the effective size of the face. Helms stated that the 680 sq. ft. signs are only allowed to change out 480 sq. ft. to digital. Helms stated that they are noticing signs that are not complying with that ordinance. Helms stated that the digital billboards in town are complying with what the industry self regulates for brightness and hold times. Billboards do not have animation, they change in a blink of an eye and they dim at night. Helms suggested that they do away with the radial spacing and have it be 750 ft. on the same side of the road, and then take the static face and replace it as is and not shrink the effective size down when changing to digital. Dixon asked what the purpose of framing the electronic part of a sign. Dixon stated if it was a static message board where you put the numbers and letters up, they would be able to change the whole thing. Beutler stated he does not know why the ordinance reads that way. Dixon asked why they are allowing large signs, but only allowing a small portion of the sign to be electronically changeable. Dixon stated the technology has continued to improve and the display in the electronic area can look just like the non-electronic area, so at what point should it be regulated differently if it does not appear different. Helms stated that the signs are built as a 10 x 30 or a 14 x 48, so it is a standard size across the board, so

if they were to come in and apply for a permit to change it to digital, they have to alter the face of the sign as well, because it was a standard size as ordered and typically you are not going to see a 250 sq. ft. face billboard being built, it will be built to the standard. Dixon stated that if you order a billboard, they come in 2 basic sizes. Dixon stated that he was flying into Pocatello and could see a billboard at Fort Hall and it was too bright, but it has now been dimmed. Swaney stated that in keeping with equity and fairness on the spacing of signs, it should be longitudinal on the same side of the street, and then get the right spacing.

Miscellaneous: None.

Morrison adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder