

June 2, 2015

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners George Morrison, Brent Dixon, James Wyatt, Donna Cosgrove, Margaret Wimborne, Darren Josephson, Joanne Denney, George Swaney.

**MEMBERS ABSENT:** Natalie Black

**ALSO PRESENT:** Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler, Brent McLane, Assistant City Attorney, Michael Kirkham, Esq., 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:** There were no modifications to the Agenda.

**Minutes:** Wimborne moved to approve the minutes of May 5, 2015, Dixon seconded the motion and it passed unanimously.

**Business:**

**1. Reconsideration of Avalon Subdivision.** Cramer addressed the Board and summarized the past proceedings in this matter as follows: March 17, 2015 Avalon Preliminary Plat was denied by Commission; April 7, 2015 Applicant of plat presented a reconsideration and the Board reversed its decision with conditions; May 5, 2015 Applicant resubmitted the preliminary plat with the changes requested by the Board and the Board approved the plat and written decision. Two requests for reconsideration of the May 5, 2015 decision, were received by staff and are included as part of the record. Cosgrove asked for clarification of which documents (i.e. subdivision ordinance, zoning ordinance) constituted law vs. guidance, in particular the roll of the Comprehensive Plan in the decision making. Cramer stated that the Comprehensive Plan is not law, it is a policy document that is intended to guide decision making. The subdivision ordinance and zoning ordinance are law. The proper order is to create a Comprehensive Plan and within that Plan identify standards that can be made in order accomplish the goals of the Comprehensive Plan, then the ordinances should be modified to reflect those standards. Cramer added that in the Subdivision Ordinance it does state that when considering a preliminary plat your criteria is to review the preliminary plat against the Subdivision Ordinance and the Comprehensive Plan.

Morrison acknowledged he sent an email to the Commission prior to the meeting. Staff and the City attorney requested he read the email into the record so all communications were part of the public meeting.

**Jim Johnson, 398 Hallmark Dr. Idaho Falls, Idaho.** Johnson stated he was representing Hallmark Estates. Johnson stated that Hallmark Estates consists of 16 lots with 15 homes. Johnson stated that each of the 16 lots is just larger than 1 acre. Johnson presented a slide that illustrated the 7 housing additions in the 1 mile square that surrounds the Avalon Subdivision. Johnson's slide illustrated that 4 of the additions have lots that are 1 acre or larger (Estate Lots). Johnson stated that now is the time for something to be done based on the Comprehensive Plan. The Comprehensive Plan reads: Develop a zone accommodating existing homes on lots of 1 acre or larger. Johnson stated that Avalon will now surround one of these lots and the ordinances and the law does not address this. The Comprehensive Plan does not say anything about lots that large. It does not offer any protection for lots that large from smaller housing, parks or anything else. Since there is no protection, the ordinances should be changed so it allows protection for the large lots and allows buffering around the large lots. Avalon has not done that, and so it should be rejected upon that point. The Comprehensive Plan states: 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. Johnson pointed out that it does not state high density housing it says higher density housing. Johnson quoted the Comprehensive Plan and stated: Arterial corners should support higher density housing, quasi -public services or community neighborhood and commercial services. Johnson displayed a slide show that showed the Avalon Subdivision Preliminary Plat as proposed. Johnson pointed out that the smaller lots in one section are not located near the road designed to move traffic, instead the smaller lots are next to Hallmark, which are the largest lots in the area. The layout of the plat should be changed and the preliminary plat should be rejected. Johnson stated that a buffer around the area would help against the small housing. Johnson displayed a slide show that he called "cut and paste" and in this slide Johnson rearranged the plat to show the way he believes the Preliminary Plat for Avalon should have been presented. Johnson quoted from the Comprehensive Plan and stated: Neighborhood and community services should be buffered from a residential neighborhood by fencing and landscaping. Johnson stated that the Preliminary Plat does not show any fencing or landscaping around the drainage ponds, and as such the Plat should be rejected. Johnson stated that the City needs parks. Johnson stated there are over 200 houses planned in the area and a park should be included. The drainage pond could be turned into a park by simply adding some equipment and buffering from the houses next to it. Johnson stated that the Plat needs to be rejected until things are corrected. Johnson stated that Joe Moore asked him to express, on his behalf, his dissatisfaction with Avalon for creating additional traffic in the neighborhood. The streets in Hallmark have no sidewalks and so the children will be walking on the street, the added traffic will create safety concerns.

**Bill Freeze (?), 355 Hallmark Dr., Idaho Falls, Idaho.** Freeze asked why there is a Comprehensive Plan and what is the meaning of it. When he purchased his land 10 years ago, it was purchased based on the Comprehensive Plan. Freeze stated he spoke with the City Attorney who advised him that it was a legislative issue as the standards for the R-1 have been met. Freeze stated that there needs to be another zone in situations such as this, where you are dealing with one acre or larger properties. Freeze located his house on the Preliminary Plat. Freeze stated that Commissioner Black, in the first meeting, stated that there is no continuity as it does not make sense to put the higher density next to these houses. Freeze stated there are 4 houses and a drainage pond/park that touch his property. Freeze stated that maybe there can be some

additional buffering. Freeze stated that the developer said he does not need the roads in Hallmark for construction, as he has access from 65<sup>th</sup> and Holmes. Freeze asked if the bollards can be reconsidered in the roads so the construction crews do not tear up the County roads. Freeze asked if in the future the City Council and the Commission can get together and look at these issues, such as allowing Mike Hicks to sit on this property undeveloped and avoiding paying taxes, and was able to change the whole picture from what it looked like 10 years ago. Possibly there can be a legislative change that does not allow a developer to do that. Once a plat is filed it is done in stone. Freeze stated that the vision for the City and ultimately the credibility of the City could be in question, when the future buyers might look at this case and say what happens 5 years from now when this Preliminary Plat gets completely turned upside down. Freeze believes the policy needs to change.

**Tracy Tremelling, 462 Sunterra, Idaho Falls, Idaho.** Tremelling stated that the Comprehensive Plan states (pg. 59 “Our Plan for Growth”): *Revise the zoning ordinances and other development regulations as necessary.* Tremelling stated that has not been done. Tremelling stated that there has been a shrug of the shoulders, but the Comprehensive Plan states that if there is an issue and conflict, you have the ability to go back and revise the zoning ordinance. Page 59 of the Comprehensive Plan states: *To reduce land use conflict, existing land uses are recognized as a starting point for future development patterns.* Tremelling stated that all the surrounding lots are bigger lots, when the lot sizes are averaged together there is a one acre average. The area is all growing together and is not stagnant. There are new houses every day and this area has been established with bigger homes. Tremelling quoted from the Comprehensive Plan (pg. 36 “Growth and Development): *Need to manage growth to maximize distribution, to create linkages and to improve the attractiveness of the community.* Tremelling stated that putting a \$150,000.00 on 1/4 acre lot, next to a home that is \$500,000.00 or more is not attractive, it looks like no one has done any planning. The area has been established in bigger homes. Tremelling continued to quote the Comprehensive Plan (pg. 36): *We will have to refine these policies as they are implemented and we will have to return to the community and ask for continuing evaluation of these policies.* Tremelling stated that the community has come to the Board, and the community does not think the policy is working. R-1 does not work. The Comprehensive Plan as a guide is saying that if the area is started this way, it needs to continue this way. The Comprehensive Plan (pg. 32 “Implementation Strategies”): *Work with the residents of the neighborhood to develop a plan for their neighborhood.* Tremelling stated that has not been done. Tremelling continued to quote from the Comprehensive Plan (#2 pg. 36): *We may have to revise our ordinances and city policies to protect their neighborhoods.* Tremelling stated that section applies to this situation. Tremelling stated that he purchased his home based on the Preliminary Plat (Phase 3 Sunterra) that existed at the time. The lots were 1/3 acres. 71 people purchased their property for Phase 1 and Phase 2. Tremelling stated that once phases are completed then there needs to be weight to the preliminary plat as people have made an investment based upon that plat. Comprehensive Plan (pg. 32): *Part of this process is working with the residents to see if existing zoning reflects the goals of the neighborhood and the community.* Tremelling stated that Avalon Village does not reflect what the neighborhood wants. Comprehensive Plan (pg. 40): *Implementation Strategies. Unresolved opposition to land use development projects does not help us move towards our goals, nor does it provide a predictable environment for investment and growth.* Tremelling stated that there needs to be a

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process in place where if you are going to abandon a subsequent phase of a subdivision. Comprehensive Plan (pg. 40): *Need to develop a process to move to resolution of issues early in the development process.* Tremelling stated that there could have been time saved if R-1 had verbiage that stated new development needs to be consistent with an established neighborhood if it is adjacent development. Tremelling stated that when Rockwell's representative was at the meeting, he talked about diversity and that the area needed much smaller homes to diversify. Tremelling stated there are 1/3 acre lots to 1 + acre lots and that is plenty of diversity. Tremelling stated that the nearest park is near Sunnyside Elementary and there is no continuous way to get to a park from the neighborhood. The Comprehensive Plan (pg. 39 "Our Plan for Residential Development"): *Bikeways should tie residential neighborhoods and schools.* Tremelling stated that there needs to be a turning lane when the development starts to fill up, and the traffic study needs to be revisited as that the population has come up in Belmont. Tremelling stated that the Comprehensive Plan gives the Board the reasons that are needed to overturn the decision on Avalon Village.

Dixon asked about the timing of the plats and history of the subdivision. Dixon stated that it appears that when Traditions was proposed it was prior to Hallmark existing, and Sunterra and Avalon were after Hallmark existed.

**Jim Johnson 398 Hallmark, Idaho Falls, Idaho.** Johnson stated that the Lennon's were the first house in Hallmark and that was over 11 years ago. Dixon asked if Johnson knew if there was any more plat for Hallmark beyond the 16 lots. Johnson did not know. Cosgrove commented that the graphic that shows the time lapse of the plats, shows Sunterra having single family attached on the southern end, and if that was true, then things have improved from the original vision of Sunterra. Cramer stated that the graphic that Cosgrove and Dixon were referring to, that shows, Traditions, Sunterra and Avalon that was presented in the first meeting, that was one of the things that had to be corrected on the record, as it was stated in the Staff Report that Traditions was approved in 2000, and when Cramer went back to find records, it showed that Traditions was submitted in 2000, but the Body recessed the hearing and it was never re-heard. Traditions was in 2000 and included the Hallmark Estates area. Cramer stated that in further research, he found that the Hallmark original plat that was only 14 lots was recorded in the County in 1997. Cramer is unsure if by 2000 nothing had yet been developed. Hallmark was originally recorded in 1997, Traditions was submitted in 2000, Sunterra Preliminary Plat was approved in 2004, and then Hallmark amended their Plat to split the two corner lots on the corner of View and Hallmark to go from one lot on each corner to two which brought the lots in Hallmark to 16. Dixon stated that Hallmark was platted in the County, nothing had been developed, Traditions was proposed but not approved, then the first lot in Hallmark was developed 11 years ago and about that same time Sunterra was proposed and approved and did not include Hallmark as part of the proposal.

**Martin Woodbury 378 Hallmark Drive, Idaho Falls, Idaho.** Woodbury stated that if you drive down Holmes, you will notice that there are berms with a vinyl fence on top that correspond with berms in other parts of the area and Woodbury believes the developer put the money into creating the berms and placing the fences with the intention of Hallmark being bigger than it is today. Cosgrove asked Woodbury for clarification that the berm is on the west

side of the road (Hallmark side). Cosgrove clarified and Woodbury agreed that the original developer of the County subdivision (Hallmark), because of the berm extension, always intended to have a larger development and for whatever reason sold the land.

Dixon stated that the speakers have raised two different points, one being the specific challenge and the other one is a more general question of how to accommodate the existing development as part of a fill-in development. Dixon stated that the Board has run into this problem where City and County meet. Dixon stated that there is a mix in this area of County and City developments. There is a pattern that the County lots are greater than one acre, and the City divisions are less than one acre. Dixon responded to the items that were brought up by the applicants of the reconsideration. Dixon stated that the existing zones do accommodate lots that are greater than one acre. Dixon stated that R-1 could be developed into 5 acre lots if they wanted as there is no maximum lot size, only minimum. Dixon asked Cramer to define "Higher Density" housing from the Comprehensive Plan. Cramer gave the definition for Low Density Housing and Higher Density Housing as defined in the Comprehensive Plan. Dixon stated that the density on this plat is 2.7 units per net acre. Dixon stated the drainage pond is looked at as a buffer because they do provide a set-back. Dixon asked if the developer offered to provide any park like amenities in the drainage pond. Cramer stated that he does not recall anything beyond landscaping. Cosgrove stated that the original proposed lot size was on average 15,600 sq. ft. which makes it very consistent to the lot sizes with Southpoint, Yorkside and Sunterra. Cosgrove stated that Avalon is within the law, and she does not see any legal or moral grounds to turn down Avalon. Swaney stated that developers are not assuming that they are going to have to develop their property according to broad and varied interpretations of the Comprehensive Plan. Swaney added that developers come and present their applications before the Commission based upon the ordinances that are hard and fast. Swaney continued to state that the ordinance is the standard that has to be used to establish a playing field. Swaney stated that the Avalon subdivision as presented and revised to accommodate all the ordinance requirements meets the ordinance. Dixon stated that Solstice is an example of City development with lots larger than one acre. Josephson stated that he was impressed with Jim Johnson's presentation and the slide labeled "cut and paste", as it shows that a little more accommodating could be done on this preliminary plat. Josephson asked if it is too late to propose the change to the preliminary plat. Cramer stated it is not too late to request that change. Wimborne stated and Cramer agreed that the cutting and pasting might not meet engineering standards and City recommended road layout and would need to be checked for compliance to the requirements. Dixon noted that it appears that the southeast corner there may already be a hole or drainage off of the field and that would present a problem for development of a structure.

**Martin Woodbury, 378 Hallmark, Idaho Falls, Idaho.** Woodbury stated that the hole referenced by Dixon, is a gravel pit that was used to develop the road when York and Holmes were put in the area. Woodbury stated that the developer has already started to fill that gravel pit and is over 1/3 full.

Dixon stated that if you fill a hole in it will have a different density than original ground, and as such you will want to use that area as a parking lot or something other than a structure, so there

is not settling problems. The current plan from the developer has that as the drainage basin, rather than as a building lot.

**Swaney moved to approve the Avalon Subdivision Preliminary Plat as originally presented, Cosgrove seconded the motion and it passed 6-1. Josephson objected to the motion as he understands that the developer is meeting the ordinances and meeting the conditions and legalities, but he feels like there needs to be more drafting done before it is approved.**

Cramer asked the Board to look at Reasoned Statement of Relevant Criteria and advise him of any changes that need to be made to the document.

Dixon stated that one thing to add is information of the “cut and paste” plan and why the Board did not consider it, to include, the gravel pit in the corner and the reverse frontage off of the arterial. Wimborne stated that her concerns with the “cut and paste” was whether or not it met the access issues and was in compliance with the requirements.

**2. Final Plat: Sunnyside Retail at Snake River Landing, Division 1, 2<sup>nd</sup> Amended.** Beutler presented the staff report, a part of the record. Cosgrove asked about any confusion with the naming of Pioneer Lane. Beutler stated that the previous plat also showed Pioneer Lane and with this revision and staff has asked that they make the change to Pioneer Road so that it is consistent. Dixon asked and Beutler confirmed that the improved access road into the car dealership is not a dedicated road and is a shared access drive. Dixon asked and Beutler confirmed that Lot 7 has no frontage onto a public road. Beutler stated that because it was originally a PUD and now it is a commercial zone and a commercial zone does not require a minimum width of frontage onto a public road. Dixon asked if there is a required cross access agreement. Beutler stated he is not aware of an existing cross access agreement for Lot 7. Beutler stated that Lot 7 is outside of the Plat boundary so it is not something that is being addressed tonight. Dixon stated that it parallels the item addressed tonight and that item being addressed tonight is between Lot 7 and a public road, so that is why it was brought up to determine if there was a cross access agreement needed. Beutler deferred the question to the applicant.

**Clint Boyle, Horrocks Engineers, 901 Pierre View Drive, Suite 205, Idaho Falls, ID.** Boyle represents the developers of the property. Boyle stated that this plat is a continuation of what has been seen in Snake River Landing. He stated that within this commercial zone you are not required to have frontage onto a public roadway and there is a recorded cross access agreement. The public works department has reviewed the cross access agreement to ensure that there is acceptable access to all parcels. Boyle stated that with all of the purchase and sale agreements there are provisions that indicate a cross access. There is an existing drive that runs along the south portion into the Teton Toyota site that all of the parcels will be able to utilize. This area came before the Commission approximately 2 years ago. Lot 7 (Teton Volkswagen) and Lot 8 were platted. This used to be a larger parcel. Now there are users interested in the proposed plat.

**Wimborne moved to recommend to the Mayor and City Council approval of the Final Plat Lot 8, Block 1, Sunnyside Retail, as presented, Dixon seconded the motion and it passed unanimously.**

**Public Hearing(s):**

### **1. Conditional Use Permit: Lots 1-48, Block 15, Crows Addition (Emerson High**

**School).** Prior to the start of the hearing Commissioner Wimborne recused herself due to her position with the School District. McLane presented the staff report, a part of the record. Dixon asked and McLane agreed that there is no proposal to make an island, only to stripe the road. Cosgrove asked what happens to the pedestrian sidewalk with this drop off. McLane stated that the sidewalk will remain intact. Cosgrove asked and McLane agreed that the driver of the car dropping off the student will be looking out their window at the sidewalk, not driving across the sidewalk. Cosgrove asked if there was a lighting plan. McLane stated that the lighting will remain as is.

Morrison opened the Public Hearing.

#### **Applicant:**

**Dustin Hislap, Design West Architects, 255 S. 300 W., Logan, Utah.** Hislap was representing the School District (Applicant). Hislap stated that the District is excited to improve the neighborhood as well as the school for the students. The main concern is getting cars off of the street. Both the north and south side of the building get congested with the cars. The Applicant is trying to meet the standards for new construction on a site, to improve the parking lot and also add the drop off on the south. Hislap stated the intention is to open up the views and architecture of the building. The intent of the drop off will also increase the open area of the front of the building as cars will not be parking in front of the building. The drainage will be kept on site. The existing trees are overgrown and mature, and they intend to bring in new columnar trees to keep the enhancement, but the trees will grow upright instead of broad. Hislap stated that the intent was not to have additional lighting on the site. The building does have existing lighting that will go out to the parking lot area and at the front entry as well. Cosgrove asked if the new playground will be approximately the same size as the existing two pieces. Hislap stated that it will not as most of the equipment on the north playground is out of date and not maintained by the District. Cosgrove stated and Hislap agreed that the southern playground area does not get expanded. Cosgrove asked if the preschool program has moved out. Hislap stated that he believes it has and there is only high school students onsite, and the park is only for the residents of the neighborhood, as the school does not use it. Cosgrove asked if using the opaque fence for buffering is working out. Hislap stated that there have not been any complaints. Dixon stated that he is concerned with the drop off area and the idea that the children would be getting off in the middle of the street, with only striping. Dixon stated he believes it needs to be an island with curb so that it is physically separated from the rest of the road. Hislap stated that the District's concern with an island would be winter plowing and the cost associated with an island. Hislap added that the car dropping off the child will be a car width off of the road. Josephson asked if there is enough room to do the standup portable plastic warning indicators to create an island. Hislap stated that could be a solution. Morrison had the same suggestion and is concerned about cars in the drop off line cutting in line to exit the drop off lane.

No one appeared in support of the application.

#### **Opposed;**

**Shannon Wilson, 328 5<sup>th</sup> Street, Idaho Falls, Idaho.** Wilson appeared in opposition to the application. Wilson stated that there will still be parents outside of the drop off area dropping off their children. Wilson has parents blocking the entire road and driveways, and Wilson has to ask them to move so she can get into her driveway. Wilson also said that adding 11 parking slots is not enough as there are at least 30 cars parked along the road in the day time. Wilson stated that the parking lot will become congested as drivers will try to come in and out of the exit. Wilson suggested having an entrance only and exit only so the traffic flows. Wilson stated that the drop off point should be located to the west where the daycare used to be where there is all grass and off of the road. Dixon asked Wilson if she believed that even if the drop off point was farther west near the grass area, would there still be people stopping in front of her house to drop off. Wilson stated of course there would be, but the configuration of using the grass instead of directly in front of the school would be a safer spot. Cosgrove asked Wilson if she lived there when it was a grammar school. Wilson stated she lived there since 2006, which was right after the transition. Cosgrove stated that the west side was the bus drop off. Wilson stated that there is currently a bus that stops in the middle of the street to let children off at the school.

**Dustin Hislap, 255 South 300 West, Logan, Utah 84321.** Applicant Hislap stated that the District acknowledged that it is only increasing the parking by 11 stalls. To stay in compliance with the City requirements and change the parking size and interior landscaping that is the maximum number of new stalls that are available. Hislap stated that the intent is to clear up the congestion on 5<sup>th</sup> Street. Cosgrove asked if alternative solutions have been thought of such as one half of the street be residential parking and the other half is for school parking. Cosgrove asked about Ms. Wilson's suggestion of an entrance and exit for the north parking lot. Hislap stated that option had not been looked at. Hislap stated that there would not be a significant increase in traffic in and out with the few extra stalls that are being added and the District didn't feel that it needed to look in the direction of an added drive to the east, and in adding an additional drive, could possibly lose more stalls without creating a bigger parking lot. Dixon asked if the District looked at the option of the drop off along Emerson where there used to be a bus drop. Hislap stated they discussed it and there is not a main access to the building from the Emerson side. The main doors to the building are in the front.

**Shannon Wilson 328 5<sup>th</sup> Street, Idaho Falls, Idaho.** Wilson stated that she has talked to the principal, and has been told that the school tells the students not to park on the south side of the street. Wilson stated that the problem with requiring the residents to have a permit to park, is it will be difficult for her when guests are over.

Morrison closed the public hearing.

Wyatt stated that he has utilized this facility to drop people off and he agrees it is a mess and chaos. Wyatt stated that the new configuration might not solve the problem, but it might help. Wyatt continued to state that to solve the problem it will take a much broader stroke. Cosgrove asked Staff about the CUP on the building and what is the procedure to alter the CUP to allow the changes to the playground equipment. McLane stated that this is a new application for a new conditional use permit. It is not an amendment to the existing CUP. There will be two CUP's on the property. Cosgrove stated that this area has always been a problem with the narrow streets. Dixon asked if the access to the parking lot is wide enough for traffic in and out at the same time.

Hislap stated that the entrance is large enough for two vehicles. Dixon stated that the plan on the parking will be an improvement. Dixon believes there needs to be something more on the drop off area besides striping. Swaney stated that it is not mentioned in the Relevant Standards and Criteria, but it would seem that it would be worthwhile to see if there is some other coordinated approach with the neighbors to alleviate the continued problem with parking. Dixon stated that the west part of 4<sup>th</sup> street still has parking on the north side, then there will still be one travel lane, and an official drop off which means cars will queue up and as soon as there are more than the amount of cars that can fit into the drop off area, you will have the street blocked. Dixon stated it might help if the parking was eliminated from the western half of the north side of the street and instead that area was identified as the queuing area so a few more cars can be accommodated.

**Dixon moved to approve the Conditional Use Permit regarding site improvements to increase the number of parking stalls and add a drop off area to Emerson High School, as presented, with the exception of a change that the striped drop off area on 5<sup>th</sup> Street be changed to an island where there is a physical separation from the travel lanes with some type of curbing or other physical barrier. Josephson seconded the motion and it passed unanimously.**

**2. Planned Unit Development: Lot 10, Block 13, St. Clair Estates, Division No. 13, 4<sup>th</sup>**

**Amended.** McLane presented the staff report, a part of the record. Wimborne asked about the access for emergency response vehicles. McLane stated that concern has been addressed. McLane stated there was a porte-cochere that was extended out to where emergency vehicles would have to drive underneath that to access the parking lot. Since the staff report was written they have reduced the size to allow a drive isle outside of that covered area. Cosgrove asked about the building being closer to the road with parking in the back, if that will look odd when the area is all built out with parking in front except this building. McLane said it is hard to say how the undeveloped area will build out. McLane stated that it meets the shared access requirements. Swaney pointed out that the area in Washington Parkway There is a wide variety of parking arrangements in the area. Dixon stated that this area was originally arranged and envisioned to have parking in the back of the building so you did not see the cars, and instead saw the buildings and landscaping. Wyatt asked if the property to the South had additional access. McLane stated that there is cross access to the south and all of the properties will have access to each other through the parking lots.

**Applicant:**

**Ryan Loftus, 10727 North Yellowstone Hwy., Idaho Falls, Idaho.** Applicant Loftus stated that Dr. Ward, to the south of the applicant, does have his own access on to Potomac, however he will probably end up sharing with lot 4.

No one appeared in support or opposition of the application.

Morrison closed the public hearing.

**Dixon moved to recommend to the Mayor and City Council approval of the Planned Unit Development, Lot 10, Block 13, St. Clair Estates, Division No. 13, 4<sup>th</sup> Amended, as presented, Cosgrove seconded the motion and it passed unanimously.**

**3. Annexation with Initial Zoning of R-1 and Final Plat: Trumblee Acres, Division No. 1.**

Beutler presented the staff report, a part of the record. Swaney asked if the access on the eastern parcel will be abandoned. Beutler stated that the eastern access point will go away at the time of the road improvements. Dixon stated that the annexation portion that would be on the western lot comes close the existing structure that is remaining in the County. Beutler stated that the ownership runs immediately adjacent to the structure, so it does not meet setback requirements. The property that the barn is located on is within the county, and under separate ownership. If the property is annexed into the city in the future, they will become nonconforming when they were annexed into the city and would be allowed to continue as they exist.

**Applicant:**

**Blake Jolley, 985 N. Capital Ave., Idaho Falls, Idaho.** Applicant Jolley stated that the reason for the plat is the property owner is asking to build a garage. The reason for the two separate lots is for future planning. There are no plans for the second parcel. Dixon asked what the access to the existing structures that would remain in the County. Jolley stated that the access would come off of a different portion of the property. There is a third access to the property and that access would be for the County parcel.

No one appeared in support or opposition of the application.

Morrison closed the public hearing.

**Wimborne moved to recommend to the Mayor and City Council annexation with initial zoning of R-1 and approval of a final plat for property located south of and adjacent to West 17<sup>th</sup> South east of Ironwood Drive, Denney seconded the motion and it passed unanimously.**

**4. Annexation with Initial Zoning of HC-1 and Final Plat: North Holmes Business Rout, Division No. 1.** Beutler presented the staff report, a part of the record.

Applicant did not want to address the Board.

No one appeared in support or opposition to application.

Morrison closed the public hearing.

Dixon raised a concern of not leaving access to the property behind the parcels onto North Holmes, however there are other possible inlets that can access the property.

**Dixon moved to recommend to the Mayor and City Council annexation with initial zoning of HC-1 and approval of the final plat for North Holmes Business Route Subdivision, Division No. 1, as presented, including shared access, Wimborne seconded the motion, and it passed unanimously.**

**Miscellaneous:**

**1. Proposed Update of Subdivision Ordinance:** Beutler presented the updated Subdivision Ordinance and explained that the updated Subdivision Ordinance has been combined with the policy document, which offered the process that is necessary to work through the Subdivision Ordinance. The updated Subdivision Ordinance is presented with the edits/removal and additions listed in red and blue. Beutler stated that last week they had an informational meeting with the development community and survey firms to present the changes that will affect them, and have asked them for their comments and feedback on changes. Staff is taking comments and feedback through the end of the week, and then Staff will come back to the Board on the 16<sup>th</sup> of June and get any public comment regarding the changes and present any feedback and changes made as a result of the comments received. Cosgrove asked where the sections such as sidewalks went. Beutler stated that those sections got developed and moved into general subdivision standards. Wimborne asked if it is appropriate to submit questions and comments by email if she is not going to attend the meeting. The City Attorney stated that as long as those are questions that are directed to staff and not the entire Board as deliberation.

Morrison adjourned meeting at 10:00 p.m.

**Respectfully Submitted**

**Beckie Thompson, Recorder**