

July 20, 2021

7:00 p.m.

Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Brent Dixon, Arnold Cantu, Joanne Denney, Lindsey Romankiw, Margaret Wimborne, Gene Hicks, George Morrison.

MEMBERS ABSENT: Natalie Black

ALSO PRESENT: Assistant Planning Directors Kerry Beutler, Naysha Foster, Caitlin Long, and interested citizens.

CALL TO ORDER: Brent Dixon called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Wimborne moved to approve the Minutes from July 6, 2021, Denney seconded the motion and it passed unanimously.

Public Hearing (s):

1. CUP 21-006: CONDITIONAL USE PERMIT. Conditional Use Permit for A.H. Bush Elementary School for Led Message Board.

Wimborne recused herself due to her roll with the School Board.

Dixon opened the public hearing.

Applicant: David Lee, YESCO, 1347 Jenna, Chubbuck, Idaho. Lee is representing A.H. Bush Elementary who is seeking to install a new LED display on their building to help provide needed and necessary information to students and parents. Lee stated that being able to communicate with the public as soon as possible is important and the display will follow the sign ordinance regulations and requirements. Lee stated that the sign will be placed on the wall next to the school entrance. Lee stated that the sign is programmed and updated by the school, and they will have control of the messages displayed.

Hicks asked if CUPs were going to go to Board of Adjustments now. Dixon indicated that there are different types of CUPs.

Long presented the staff report, a part of the record.

Dixon confirmed that there is no video allowed on the sign, Long agreed.

Support/Opposition:

Carl Robison, 865 Summerfield Drive, Idaho Falls, Idaho. Robison asked if a cost analysis benefit been calculated for this. Robison stated that he assumes that if it is going to cost more than it is going to benefit then the cost will come back to him as a taxpayer.

Dixon told Robison to take that up with the School Board as it is not an item for Planning and Zoning.

Dixon closed the public hearing.

Hicks moved to approve the Conditional Use Permit for an LED Electronic Sign at A.H. Bush Elementary, Cantu seconded the motion.

Dixon called for roll call vote: Black, yes; Cantu, yes; Denney, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.

Romankiw moved to approve the Reasoned Statement of Relevant Criteria and Standards, Hicks seconded the motion. Dixon called for roll call vote: Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes. The motion passed unanimously.

2. PUD 21-004: PLANNED UNIT DEVELOPMENT. Planned Unit Development for Aspen Point.

Dixon opened the public hearing.

Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont Drive, Idaho Falls, Idaho.

Roland represents Concordia Development. Roland stated that they are proposing a Planned Unit Development on 6.78 acres, with 138 units, 6 buildings of 2 story townhomes consisting of 42 units, and 96 condominium units on the property. Roland stated that they have 25.6% landscaping on the property which meets the landscaping requirements. Roland stated that the townhomes will have 2 car garages which will provide 78 garage spaces in the project. Roland stated that everything else meets the City Codes and requirements

Wimborne stated that the proposed density is lower what would have been allowed in the zone, and Wimborne asked why they asked for a PUD. Roland stated that there is a mixture with the townhomes and condos, and they will be keeping some of them and selling some, so that is why the PUD.

Dixon clarified that there are no public streets within the PUD and one access onto Sunnyside. Roland agreed that there is one access to Sunnyside and another access that ties to the property to the east that would have a shared access agreement. Dixon asked how many stories the condos are. Roland indicated that they are 3 stories and twin homes are 2 stories. and there is no height restriction in this zone.

Foster presented the staff report, a part of the record.

Wimborne asked if there are 4 – 3 story buildings on the condominiums, so there would be 22 units per building. Foster indicated that there are 24 units.

Morrison doesn't think the sidewalk to the street is an amenity. Dixon confirmed that the requirements is only 2 amenities, so they are still covered. Foster stated that Section 11-2-6 of the Ordinance does allow that to be an amenity.

Hicks asked about the parking and stated that there are 76 garage spaces but 96 apartments. Hicks asked if there is adequate 2 car parking for every unit in the development. Foster indicated that they meet the minimum standard that is required. Hicks stated that parking is a problem all over the City and he thought there was an understanding that there would be 2 car parking for any and all buildings, whether townhomes, single homes, or condos. Foster reiterated how the ordinance is written for parking with 1 stall for 1 bedroom and 2 stalls for 2 or more. Hicks indicated that based on that he will vote no.

Dixon asked how many total parking spots. Foster stated that there are 78 garage spaces, but she didn't list the number of other spaces. Foster deferred to applicant.

Brant Bonnett, 940 South 5th West, Rexburg, Idaho. Bonnett stated that each of the townhomes has a 2-car garage parking space that is attached, with 42 townhomes currently planned so 84 total parking spaces that are garaged. Bonnett stated that the rest of the development meets the minimum standard for the Code. Bonnett pointed out that the condo project has a blended type of produce so it is 2 and 3 bedrooms, and they would all need 2 parking spaces per unit, which has been met. Bonnett and Roland believe there are 274 parking spots.

Foster reiterated that the applicant stated that there are 2 stalls per unit. Dixon again reiterated that there are 2 parking spots for every unit and the applicant stated that it is 274 spots, and the staff notes indicate 138 units, which would require 276 stalls, so they are 2 short, unless it is counted wrong.

Dixon confirmed and Foster agreed that there is not parking behind the garages or driveways on the units with garages.

Support/Opposition

Carl Robison, 865 Summerfield Drive, Idaho Falls, Idaho. Robison recently moved to Idaho Falls. Identifies as a Country bumpkin. Robison feels that 274 parking places and 40" of snow a year there will be a snow removal problem. Robison feels that they need to consider traffic issues with one exit onto Sunnyside. Robison stated that there is an abundance of rodents living in the trees, and from a health perspective, has any consideration been given to rodent control. Robison has lived in Portland, OR for 22 years and has seen how Portland has stacked people like cord wood in apartments and high density dwelling and he has seen what it has done to streets and people and the crime rate, and Robison hopes that they have considered the impact that this development will have on crime with having that many people together in confined spaces. Robison is satisfied that this does meet the dwelling requirement for density but suggested that the Commission might reconsider that statute from a density perspective in a future date. Robison asked them to consider garbage disposal and collection. Robison asked if they have considered cost benefit, with how much is this development going to cost the City and what is going to be the benefit and as a taxpayer, how much does he have to bear. Robison stated that through his calculations he projects that the developer will make approximately 6 million dollars. Robison hopes the City has taken that cost benefit into consideration and they won't put the cost burden of this development on the citizens of Idaho Falls.

Carl Parise, 3619 Grove Lane, Idaho Falls, Idaho. Parise has lived in Idaho Falls since 2015. Parise stated that this project has 136 units so that would mean that there would be about 300 people living on 6 acres and that will impact his neighborhood and change it from low density like it is now to high density. Parise is concerned about the impact of the traffic, privacy, and safety of his neighborhood, especially during summer months. Parise stated that traffic will have approximately 300 cars leaving the development around 8 a.m. and coming back around 5 p.m. so the City needs to address the increase in traffic. Parise stated that getting out from Grove Lane there is hard, and more people would increase the likelihood of a car accident. Parise asked the Commissioners if this concern can be addressed. Parise stated that privacy and safety during the summer months is a concern, and the project doesn't show any fencing on the canal side.

Parise stated that he has seen a lot of kids enjoying jumping in the canal during the Summer and not having a fence on the canal side would increase the risk of drowning for a kid that would live in the development. Parise asked if the trees that are along the canal on the west side of the property will be preserved. Parise stated that the Russian olive trees provide a nice privacy for the people living on Grove Lane. Parise stated that the density of the neighborhood will be increased and that will likely increase the discomfort of people living there with increased traffic, noise, and privacy violations. Parise asked how the City will keep proper maintenance on the infrastructure. Parise stated that the last 5 years they have seen the taxes increase 40% and have seen a reduction of the quantity and quality of the maintenance of the neighborhood, especially the retention pond in their neighborhood.

Dixon asked staff if the green space in Parise's neighborhood would be governed by an HOA. Beutler is unaware of a green space that would be covered by HOA, but he is not certain which green space is being referred to. Dixon asked if the canal is elevated and knowing what the canal looks like will be helpful to see if it provides a buffer. Foster showed pictures. Dixon asked if residential to residential has any buffering requirements. Foster stated that there is no buffering because the canal has 100' right of way. Foster stated that the extra height restrictions don't apply because the canal is its own parcel, so it is a parcel between this development and the neighbors to the west. Dixon asked about the neighbors to the east. Foster stated that the townhomes do not require extra buffering.

Michael Griffin, 3385 Grove Lane, Idaho Falls, Idaho. Griffin built on Grove Lane 20 years ago (2001). Griffin chose that property because they didn't think anyone would build behind them, and now they will have 3 story apartments looking into their backyard. Griffin stated that even though it complies with the City Code, the residents currently there will lose privacy in their yard and value to their property and Griffin wants to know how he will be compensated. Griffin stated that a town hall meeting in April was a different plan proposed. Griffin stated that the plan has changed since they talked to the neighborhood. Griffin stated that there were 2 buildings on the canal and 2 condos on the canal and the other 2 were inside the triangle, and now there are 3 buildings on the canal which will decrease the privacy even more. Griffin asked if there have been traffic studies done on Sunnyside. Griffin stated that the parking meets the minimum requirements, but what about visitor parking. Griffin feels there should be space for visitors in the parking lot. Griffin is concerned with the single entrance to Sunnyside, along with another entrance at a later date, and Griffin wanted to know what that entrance will be. Griffin also asked about the school bus pulling into the complexes to get kids, or does it stop on Sunnyside and back up traffic.

Dixon asked if a traffic study is needed for this development. Foster stated that this has been reviewed by the Engineering Department and they do not require a traffic study, and that is triggered at 200 trips per hour, and the Engineer did not feel there was one needed. Dixon asked if there is a deceleration lane included. Foster indicated that there is not one at this point and no restriction on left turn. Dixon asked what the practice is on major arterials for School Buses. Foster indicated that is up to the School District.

Julie Lawson, 338 E Sunnyside, Idaho Falls, Idaho. Lawson lives the same distance from Holmes as the canal, and that adds to her concern about the traffic. Lawson has issues going in and out of her driveway. Lawson indicated that she feels there needs to be a traffic study done as traffic has increased down Sunnyside, and the east and west corridors across town are lacking,

with Sunnyside and 17th extremely busy, and people are now starting to use 25th Street which is a neighborhood going 25 mph. Lawson was a teacher at Edgemont and their bus stops at the daycare center on Sunnyside 4 times a day. Lawson stated that a bus stopping at the day care for 30 kids will be different than the number of children that will need buses in 138 units, and Lawson doesn't feel a bus should stop on Sunnyside anymore if this development goes forward. Lawson stated that the community depends on the Commission to be their advocates to create a safe environment for travel. Lawson stated that 49th and 65th are only one way each direction and there is a lot of traffic and accidents happening. Lawson stated that the southern corridor from Sunnyside south has not been improved and there is a factor that needs to be considered regarding getting some of those improvements taken care of before they are overwhelmed with more people wanting to come to Idaho Falls.

Brett Rasmussen, 3433 Grove Lane, Idaho Falls, Idaho. Rasmussen stated the traffic is currently backed up on Sunnyside from 4 – 6 p.m. and during rush hour in the morning. Rasmussen stated that more cars trying to navigate in and out will be an issue. Rasmussen stated that somewhere in the zoning document it talks about residential neighborhoods, and they should be surrounded by other residential neighborhoods. Rasmussen stated that they currently live in an R1 residential neighborhood and when he moved in he didn't think anyone would build behind and if they did, they thought it would be other residences on the other side of the canal. Rasmussen is concerned that they are mixing high density housing with R3 housing with R1 housing. Rasmussen stated that he bought his property was for the privacy and trees along the canal, and he is concerned that what he has will be greatly eroded and he will no longer be able to see the sky in the morning, and watch the birds in the trees, but rather have a 3-story condominium in his back yard.

Dixon asked staff if per the Comprehensive Plan that talks about having higher density near major roads, does it indicate direct access onto arterials, or whether the access should go to a collector or does it say at all. Beutler indicated that the Comprehensive Plan and Ordinance reads that you can't have direct access from a single lot to an arterial, but you might on a large tract of land have access to an arterial. Beutler stated that the only access for this property is from Sunnyside and there is no alternative access to this property.

Declan Dietrich, 3370 Grove Lane, Idaho Falls, Idaho. Dietrich is concerned about traffic and the one entrance. Dietrich is unsure how they zoned the high-density property because he has lived in Idaho Falls for 30 years and all points of the compass has low density, and now they are going to put high density property right in the middle. Dietrich asked again how that got zoned. Dietrich talked about the amenities being ponds, but they are storm collection drains, and not amenities and they aren't used as amenities. Dietrich stated that he only sees 2 trash collection points for 134 units. Dietrich is concerned about the school bus. Dietrich stated that the school bus stops at the Day care on Grove Lane, and that is a quiet street, but getting kids out of 134 units on the bus will be a problem on Sunnyside. Dietrich again stated that the density next to this property is low compared to what is going in.

Jenni Griffin, 3385 Grove Lane, Idaho Falls, Idaho. Griffin echoed everyone else. Griffin asked about a reference to a side road to the east that will be an in and out. Griffin stated that it will go through a parking lot of a development for a bagel shop, and how can that be considered being an in and out road going through a parking lot.

Dixon asked staff if they can mention what cross access means and is the second access needed for emergency vehicles. Foster stated at this point there is no cross access, but rather a stub road to the east so when the eastern lot is developed that cross-access easement could go into place. Foster stated that fire does not require a secondary access because the condos are sprinklered. Dixon asked Foster to explain what cross access means. Foster stated that there would be an agreement between the property owner to the east and the developer or HOA for the access to extend into the property, shared use agreement, and that can be done with the plat, or it can be done in the future.

Randy Elwood, 3575 Grove Lane, Idaho Falls, Idaho. Elwood has lived on Grove Lane for 30 years and his house was the first in the development. Elwood said they dreamed of the time when Sunnyside would be 4 lanes, and now it is scary because it is 5 lanes. Elwood is concerned about the tree line on the east side of the canal and the developer has indicated that the intent is to leave the trees alone, and that will hide some of the condominiums on the other side of the canal, but Elwood doesn't think there is anything in place to prevent them from cutting trees once they get started. Elwood has heard that the top of the canal on the west side be turned into a bike trail with the intent of paving it in the future. Elwood stated that the presentation that the developers gave in April had a proposal at that time a possible bridge from the middle of the condominiums across the canal giving the homeowners on the other side access to the canal to walk or bike. Elwood stated that he is concerned that people would walk across the bridge, walk to Grove Lane where their car is parked and get out easier to Sunnyside.

Stephanie Anderson, 3619 Grove Lane, Idaho Falls, Idaho. Anderson stated that to the east of Grove Lane there is a small rise on Sunnyside to get over the canal, and it makes the people trying to get onto Sunnyside it makes it hard turning left onto Sunnyside, and if people are turning west out of the development that will make it hard for people to see and could cause an accident. Anderson is concerned about traffic backing up on Sunnyside. Anderson is concerned that the people parking at the condominiums and parking in the open that a small child could get away from a parent and into the canal before the parent could stop them. Anderson stated that she has heard that the City will be building a path along the canal, and also that the City could cut down the trees. Anderson stated that if the trees are cut there would be no privacy between the condos and the people on the other side.

_____ **845** _____, **Idaho Falls, Idaho.** He sent an email to the developer. He wants to know about the tree planting plan that would be near his fence and what kind of trees will be planted. He also wants to know if there is a security camera behind the condominiums and suggested that would be good. He has a fence door to the area and the developer has agreed to replace the fences in the area, and he wants to know how they will treat his gate to the area.

Dixon stated that what they have in the staff notes doesn't give much detail that is visible, such as where the dumpsters are, is there landscaping between the buildings and the canal, can't see if there is fencing or lighting, etc. Dixon asked for a better view of the project prior to it going to City Council.

Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont, Idaho Falls, Idaho. Roland stated that the City has a traffic Engineer and that is their specialty and the Traffic Engineer follow the BMPO in the City and County and they did not require that the developer needed a traffic study. Roland stated that the trash collection goes through the engineering department, and they have reviewed the site plan and they didn't have any comments on the site

plan, and it will go through every department before approval and if they want anything added or changed the developer will meet those requirements. Roland stated that the property was zoned in 2018 as LC, and the developer is meeting every requirement in the LC Zone and they are going less density as they could go 35 units per acre, and they are only proposing 19 units per acre. Roland stated that they will likely have to trim some trees on the canal, but they don't intend to cut them down. Roland stated that the developer has flown a drone on the property and the trees are taller than the 3 story buildings on the property. Dixon asked if the trees are on the property or on the canal. Roland stated that the trees are both on the canal property and the subject property.

Dixon stated that this Commission is allowed to review where the dumpsters are and that is not just part of the staff review, so the fact that this Commission doesn't know where they are makes it hard for this Commission to review and that is the nature of requesting a PUD. Roland stated that they are shown on the site map even though it is hard to see.

Foster stated that the townhomes have actual garbage and there are two dumpsters for the condominiums.

Morrison asked if they had any discussions with the City about a right turn lane where that building abuts the sidewalk. Roland stated that they did not require a right turn lane on the access point, and it has not been discussed. Roland stated that if the City traffic Engineer would have required it, they would have commented on it.

Wimborne asked about the discussion regrading an earlier plan that included a bridge from the neighborhood across the canal into the Grove Street. Wimborne asked if that is still under discussion. Roland stated that they have never shown a bridge on the plan, but it was discussed, and the majority of the people didn't want a bridge going across the canal, so people didn't go that direction. Wimborne asked about fencing for the development landscaping.

Brant Bonnett, 940 South 5th West, Rexburg, Idaho. Bonnett stated that planning this parcel was a challenge with its odd shape, existing agreement requirements, 3 property owners that needed to be contacted. Bonnett stated that they are required to share an easement access with another parcel to eliminate the traffic on Sunnyside. Bonnett stated that they have had 6 meetings with most of the City staff members and have discussed this at length and one was held early on with all property owners that touch the project. Bonnett stated that they made early attempts to work with the Winters on the east and they had expressed they had a site plan and Bonnett agreed to work with the site plan and communications have ceased and they have now expressed a desire to not work with the developer. Bonnett stated that they are now pigeonholed, and they do not know what the long-term cross access will be but at some point, there will be a requirement mandated by the City for them to connect to the parcel and that access easement will allow for residents to access another point of Sunnyside. Bonnett has had several talks with the City Engineer and planners regarding the difficulty in planning connectivity. Bonnett is considering moving the drive isle on the property, but the required separation of 300' from another proposed driveway made them put it where it currently is. Bonnett stated that they have looked at moving to the center and there are tradeoffs, and the decel lane doesn't shrink much wherever they move it, and it still comes into the same traffic patterns. Bonnett stated that the place they planned it is because there are no garages that people are backing out of and so visibility is much greater than being boxed in by a garage. Bonnett stated that they are considering and working with staff to lose a green space and put signage to make it a safe exit

point. Bonnett stated that when they first looked at this project they looked at it like a business and part of their process was to consider the community, however the most profitable strategy was to plan the highest density and so the original plan had 4 story apartment complex with over under parking and they were able to meet all the code requirements and get 220 units on the site, and they had a buyer from Utah who was willing to pay for it, and before they exited with that strategy they decided the ramifications of long term use they didn't want to have their name attached to it and thought it would be a detriment to the Community. Bonnett stated that they have replanned the development for 100 less units than the original plan. Bonnett stated that there are traffic studies already in place and that the traffic study that was initially done would permit 5000 more vehicles before anything is changed. Bonnett is capable of requiring a right in right out at any time on this project and the developer has no opposition to that. Bonnett stated that they thought the uphill battle would be the people on the east side of the project, not the west side because the development is immediately next to them and they thought the canal would act as a buffer and the canal is at least 4' high from the base, and the trees act as a buffer and are taller than the building being proposed, and that is why they put the condos up against that side. Bonnett stated that they do not have plans to cut trees down where possible, but if for safety or other reasons they might have to. Bonnett stated that there is a legitimate concern for the safety of children and condos do house young families, so they are working with the landscaper to put fencing or adequate landscaping to deter the ability for children to access the canal. Bonnett stated that most of the property owners to the west of the project have gates that they access this property to get to the canal and walk the trail, and they had expressed interest in a foot bridge, so they proposed it to the meeting and that idea was nixed. Bonnett stated that there is currently a day care running out of Monarch Daycare and Bonnett texted the Grays and asked how many current enrolled students attend the daycare and they have 80 students which represents about 60% of the proposed density is already coming and servicing the daycare at peak hours of the day 8 and 5. Bonnett stated that the townhome project has their own trash cans and they are required by the CC&R's to store inside their garage and the remaining 96 units will be serviced by a total of 6 large dumpsters. Bonnett stated that the snow removal will be pushed all in one direction to multiple retention basins that are planned so the dog park will be a limited use in the winter due to snow. Bonnett stated that the townhomes each have a visitor parking space in between every single unit for guests, and the condos will likely not all have 2 cars. Bonnett hopes the school bus pulls into the development and the drive isles meet the requirements for fire code which would be larger than a bus, so the ability to pull through the project should be feasible.

Dixon asked about the fencing on the east side. Bonnett stated that they will be putting up fencing and they have spoken with most neighbors and the man who called in has a current gate opens from Bonnett's property into the adjacent property and the safety hinge is on Bonnett's property. Bonnett stated that if the neighbors want access as a short cut to the canal, they will install fence and gates for neighbors and will turn the man who called in, turn his gate around. Bonnett stated that there is no legal vehicle for them to access the property, but there is an open agreement to let them access the property and other amenities.

Dixon asked about lighting plan for the development. Bonnett stated that the lighting for the property is on the actual buildings and the lights will be on a timer to light pathways. Dixon asked if the parking is lit. Bonnett stated that there will be lighting on the back sides of garages and on the backs of units that shine from the building to the street.

Beutler wanted to clarify processes. Beutler stated that he did verify the parking and his count shows 276 required parking spaces and the development proposes 283 parking spaces. Beutler stated that this property was zoned C2 and R2 in the County before it was annexed, and when it was annexed, it was given the LC designation which is similar to C2, so this property was always designated for commercial/higher density uses. Beutler stated that a traffic study wouldn't be utilized to limit density. The zoning designation has a minimum density that is allowed, and the traffic study would be used to determine if off site improvements would need to be made, such as turn lane restrictions or a decel lane. Beutler stated that Public Works and the City Engineer have reviewed this and have not seen the need. Beutler stated that there are limited access points on Sunnyside, and they are trying to maintain the spacing of the Access Management Plan, so having a single access with full turning movements to the property is safer than having multiple access points because it will centralize where the turning movements take place. Beutler stated that they have worked for years with the property owners to determine the appropriate access and shared access to make it all function and work and that is why the drive isle connection will be connected to the east so the properties can function as they develop.

Dixon asked if the Traffic Engineer physically went out and looked at the elevation of the canal and whether it presents a hazard for visibility. Beutler stated that the Engineer is very familiar with the crown of the road and the curvature of the canal. Beutler stated that they are not concerned, and the access location currently is going to be safer, and the only safer location would be to line it up with Chaparral across the street. Beutler stated that the property owners were unwilling to work together as a group with the 10 different properties between the canal and Springfield, and so the City cannot eliminate their access and they still need access as individual property owners, so they had to go to shared access points on property lines and that is the situation they have today. Bonnett stated that they had this conversation with Winters, Tirrell's, and Grays and only thing that made sense was the drive isle that allows all the businesses and people to have secondary access. Bonnett stated that to accommodate they moved the buildings closer to the street than what they would have wanted.

Beutler clarified that the City cannot dictate to the School District the way they operate the bus system.

Beutler clarified that the canal company in this area owns the canal right of way, it is not an easement, but rather a title ownership of the canal, so the trees along the canal, a bridge, future shared use path on the west side, those all are only with permission from the canal company and that is not something that this Commission can dictate. Bonnett stated that they are working with an arrangement with the canal company for maintenance plans on the trees.

Beutler clarified that there is no buffering requirement on the west side of the property because of the canal, but on the east side there is a buffer requirement with a minimum of a 10' landscape buffer with trees every 20' and a 15' buffer between the structures and the fence. Dixon again asked for better details on the plan for City Council.

Wimborne stated that through the School District they have new developments come online and once they come online the Transportation Director reviews them and figures out routes and stops to ensure safe transportation. Wimborne indicated that she will usually share the preliminary plats, plans, proposals, PUDs with the Transportation Director so he has a heads up.

Dixon closed the public hearing.

Morrison stated that he does not like accusations of the City operating for financial gain or to increase the tax base and that is not how the City does work and not how the City Council does work. Morrison is going to advocate for not using the storm drain retention areas as a common area and has brought that up often in the last couple of years. Morrison feels this plan is more exacerbated than most of the past plans. Morrison stated that even though it meets the requirement it is not a responsible use. Morrison feels that this should have a right turn lane onto Sunnyside that might have to cut into the last apartment. Morrison feels that this is a lot of cars and people, and the traffic moves fast on Sunnyside, and because of the lack of a right turn lane, Morrison will oppose this PUD.

Hicks agreed with Morrison. Hicks agreed with Dixon that the package for this Plan is incomplete and there have been a lot of things come up that the package should contain. Hicks has always been against single access points for developments. Hicks doesn't like a pending arrangement for a second access, and that should have a fixed date and coincide when the property will be occupied. Hicks stated that there is not enough guest parking in the development, and because of all those things Hicks will be opposing this application.

Cantu listened to the concerns of the neighborhood and agreed with the concerns about traffic on Sunnyside and entrance into the development will be bottlenecked.

Dixon reminded the Commissioner that the owner of the property does have the right to develop per the zone, and this is a PUD, so it gives the Commission more review than normal to address and comment on these items.

Romankiw understood the concerns of the neighbors. Romankiw hopes the trees on the canal stay, but that is not part of the plan before the Commission. Romankiw stated that this Commission has a limited ability to review things and they have to follow the rule of law and they can't decide if they like something or not, they have to decide whether it complies with the Ordinances. Romankiw feels that the developer has been careful to make sure things comply with the ordinances, and the density is well below the allowed density for this zone; and the parking requirements and setbacks all comply with the zone, and so that limits the Commission on what they can do. Romankiw agrees this is a weird shaped parcel. Romankiw hopes the concerns of the neighbors don't come to fruition when the development occurs.

Denney has been going back and forth on this project, but ultimately the City needs more middle housing and not everyone can have a house and a yard. Denney does have concerns about single access, but is ok with the parking, and if the Commission has problems with how many parking stalls there are, then they need to go back to requirements and adjust for guest parking in the statutes. Denney stated that the trees that might have to be removed will likely be replaced. Denney is ok with this development.

Wimborne has heard the issues that have been raised, and most of them are the kinds of issues that come up with projects like this in-fill project are proposed. Wimborne stated that this property has been empty for a long time and the neighborhood has grown up around it, and now

there is a developer looking to make use of the parcel. Wimborne agreed with Denney that there is a need for different kinds of housing in our community, especially as housing becomes harder to find. Wimborne applauded the developer for holding a neighborhood meeting and the Commission does encourage the developers to hold those meetings. Wimborne feels the trees are a critical piece of the buffer that goes along with the canal. Wimborne know the developer doesn't have control over all of the trees because some of them are not on the developer's property, but she is encouraged by the discussions the developer has had with the City about turning the canal into walkways and pathways. Wimborne stated that this project does meet the standards that are in place and the zoning is similar to what it was zoned in the County, so while it has sat vacant for a long time, at any point a similar County development could have been built. Wimborne urged the developer to work with the City Staff to make adjustments about concerns that might have been raised, and the Commission, if they have concerns with parking and density, the Commission needs to go back to the Ordinances, as they cannot hold a developer to another set of standards because we don't like part of the project.

Morrison appreciated the comments of Romankiw and Wimborne and agrees with them. Morrison has a concern with the right turn lane, and he feels that the commission can ask for that in the motion to require a right turn lane, and that is why this comes before the Commission. Morrison would like a motion that includes a requirement for a right turn lane. Dixon asked Morrison to clarify if he is talking about a deceleration lane off of Sunnyside, or right turn only out of the development. Morrison indicated that he is talking about a deceleration lane on the west side of the driveway to slow down to make the turn. Wimborne indicated that she has concerns about traffic and the impact but is reluctant to include something like that in a motion, as she is not a traffic engineer, and the City Traffic Engineer has reviewed this project and her experience when the Commission has made recommendations like that is they solve one problem and create another problem. Wimborne stated that that there are pieces to the street and canal that the members of the Commission don't understand. Wimborne stated that the concern needs to be raised and maybe staff can take that back to the traffic department, but not include it in the motion. Dixon reminded the Commission that they are gathering information to make a recommendation to the City Council and the Mayor and City Council makes the final decision. Dixon stated that all the concerns that are being brought up will be in the Minutes that can be approved at the next meeting and the Mayor and City Council can review the minutes for their consideration.

Beutler stated that whether the Commission includes in the motion a decel lane or not, Beutler wanted to clarify that the Commission doesn't have the ability to dictate to the Public Works department the function of Sunnyside Road, but if that is a concern to the Commission, they could include a recommendation that the developer follow up with the City Engineer and have a discussion regarding whether or not that would be appropriate or whether that is needed and the developer would follow the recommendation of the City Engineer, but just a motion to require it would be beyond the scope of the Commission. Dixon stated that if it is one the developer's property and not on the road right of way then they can suggest anything they want with the final decision being made by City Council. Kirkham stated that the Commission has the power to put conditions on the PUD and the City Code sets out what conditions the Commission can put, including: conditions that minimize adverse impacts to adjacent property; control sequence and timing of development; control the duration of the development; require maintenance of the property; exact location and nature that the PUD has; require landscaping; restrict the operation

of a commercial business (none proposed); and add other conditions that are necessary to preserve the condition of the zone. (Most of those conditions are spelled out in the zoning code). Kirkham stated that you can put conditions on the developer's property, but you are limited in the type of conditions. Kirkham stated that his recommendation to the Commission would be, that if they place a condition it needs to be tied back to one of them articulated in the Code. (i.e. this condition is to minimize an adverse impact – then list the condition). That makes the condition clear and the tie back to authority clear to City Council or a judge.

Morrison attempted a motion, Kirkham stated that the motion has a condition within it that is not a requirement. Dixon attempted to restate the Motion for Morrison, Morrison agreed and restated the motion.

Morrison moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Aspen Point with the condition that the developer revisit with Traffic Safety and provide additional information at the time that it goes to City Council, Denney seconded the motion. Dixon called for roll call vote: Cantu, yes; Denney, yes; Hicks, no; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed 5-1.

Hicks indicated that he voted against the motion because of the reasons he had stated previously.

Morrison is pleased that this property is being used, however he wants it to be as easy as possible for the future residents.

Dixon called a recess from the meeting until 9:15 p.m.

3. ANNEX 21-008: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of LC.

Dixon opened the public hearing.

Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont Ave, Idaho Falls, Idaho. Roland is representing Concordia Development. Roland indicated that they are asking to be annexed into the City with the LC Zone attached to the property. Roland stated that this property is on the corner of Skyline and Pancheri and consists of 7.23 acres. Roland stated that the zoning around the property is A-1, LC, A-1, HC, R1, so Roland feels LC is a good fit for the area and the City.

Foster presented the staff report.

Wimborne asked what the current County zone is used for. Foster indicated it is A1 and used for agriculture.

Dixon asked about the niche off the high school that is R1. Wimborne. stated that it is school property that is currently being used as a head start that is accessed from the school's parking lot.

No one appeared in support or opposition.

Dixon closed the public hearing.

Wimborne feels this is clear cut and this a category A Annexation.

Wimborne moved to recommend to the Mayor and City Council approval of the Annexation of approximately 7.23 Acres of the SE ¼ Section 23, Township 2 North, Range

37 East, with initial zoning of LC, as presented, Morrison seconded the motion. Dixon called for roll call vote: Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.

4. ANNX 21-009: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R3.

Dixon opened the public hearing.

Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho. Roland is asking for annexation into the City 27.413 acres with the proposed zone of R3.

Long presented the staff report, a part of the record.

Hicks asked if the fingers shown on the map, are roadway. Dixon indicated that they are roadway, but the one to the north is not included. Long agreed that it was a last-minute communication.

Dixon stated that they will have both sides of the road on the property going east, but not for the second half, so what will that mean for road development. Long stated that the City surveyor has designated what right of ways are to be included that that is not City property. Dixon asked again what that will do for development of the road. Kirkham indicated that the right of way indicated on the map is the entire right of way and the portion that looks like it shuts down and the reason why it is not annexed is because that is the end of the right of way and the right of way is wider to the west than it is to the east. Dixon asked if the road can be developed to full City standards. Kirkham stated that there are 2 ways to do that: 1- if the City determines to expand the road and initiates condemnation proceeding to expand the road; 2- if the parcel that is a county parcel now, and if it ever annexes into the City and chooses to redevelop then part of that redevelopment process would require to improve the road like the parcel to the west that the church is on. Kirkham stated that the City is annexing in the entire current right of way. Dixon wanted it mentioned for the record so they can figure out a better way to do what they are doing.

Support/Opposition:

Lauren McClure, 2982 N 5th West, Idaho Falls, Idaho. McClure is adjacent to this property. McClure stated that talking about widening the road will affect her property. McClure asked for clarification on what is getting widened and what is not. McClure stated that they have been told for years that it will be widened, and it would take out a whole section of property, so would that property be taken from them. Dixon stated that the area to the north that is the subject property, if it gets annexed, then both sides of the road would be annexed into the City north of her property, not where she lives, and at that point the City would have the ability to have the developers develop that land to the City standard for that road which is probably 2 lanes in each direction. Wimborne clarified that all that is before the commission is annexation and zoning and if Ms. McClure has issues or concerns with what the annexation means for the road down the way, she needs to contact staff for information that pertains to those discussions. McClure stated that she has concerns about traffic if this is a multi-family development of 27 acres.

Dixon closed the public hearing.

Morrison moved to recommend to the Mayor and City Council approval of the Annexation of 27.413 Acres of the NW ¼ Section 7, T2N, R 38 E, with initial zoning of R3 with the

airport overlay as presented, Hicks seconded the motion. Dixon called for roll call vote: Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.

5. ANNEX 21-010: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of LC.

Dixon opened the public hearing.

Applicant: Kurt Roland Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho. Roland is asking for annexation of 37 acres that butts up against I-15 and Pioneer Road over near the Event Center. Roland is asking for annexation with a proposed zoning of LC.

Beutler presented the staff report, a part of the record.

Dixon asked why there is medical services in this area for the Comprehensive Plan. Beutler stated that the medical services designation is not seen often, but likely the idea was to have medical services on both sides of town, not just on the east, and diversify the medical service industry and close proximity to the Interstate.

No one appeared in support or opposition.

Dixon closed the public hearing.

Dixon asked if this is the development of Snake River Parkway and towards the Event Center. Beutler stated that this area is not part of the master plan for Snake River Landing, but in close proximity.

Wimborne feels this is straight forward.

Wimborne moved to recommend to the Mayor and City Council approval of the annexation of 37.094 acres of the NW ¼ Section 26, Township 2 North, Range 37 East, with initial zoning of LC with the airport overlay, as presented, Romankiw seconded the motion. Dixon called for roll call vote: Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.

Business:

6. PLAT 21-024: FINAL PLAT. Final Plat for Park Place Division No. 7:

Applicant: Justin Scott, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Scott is presenting the Final Plat for Park Place Division No. 7. Scott stated that this plat includes 31 lots, with one being along the Gustafson Canal, access from Fox Run Drive and Maggie Drive, and the plan is turn over the canal lot to the City to be used for a future pathway. Scott stated that the same thing was done on Park Place Division No. 4, so the developer is continuing the same pattern.

Dixon asked if the access to the drainage basin/park is a couple houses down off Fox Run. Scott showed that it is south of Jack Lane in the SW corner of Division 7. Dixon asked about Division 4 and if that is the part to the south on Maggie Drive and whether that will be developed first. Scott indicated that Park Place Division 6 is in works with the staff and getting reviewed and has

been approved through City Council. Scott stated that the plan is to get that one done first and completed prior to Division 7.

Hicks asked how the subdivision is being laid out in a way to convey the traffic to Maggie Drive, even though it is connected to Fox Run Drive. Hicks asked what the driving force is to send traffic to Maggie Drive rather than Fox Run. Scott stated that this has been part of the discussions with Park Place Division No. 4, that south of this area Fox Run turns into a county road and so Maggie Drive is being set up as the main residential collector for the development for future growth to the north. Scott indicated that the idea is to direct people towards Maggie Drive and future development going north will encourage people towards Maggie and away from the county road.

Dixon explained that because Maggie is wider than the average City road (70') there will be the desire to go to Maggie, with easier turning on and off of York because it is at the top of the hill rather than the bottom of the hill, but some traffic will still go down to the County road.

Beutler presented the staff report, a part of the record.

Romankiw moved to recommend to the Mayor and City Council approval of the Final Plat for Park Place Division No. 7, Denney seconded the motion. Dixon called for roll call vote: Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.

Miscellaneous: Beutler presented that they are reaching out to the community through another survey is on Imagine.IF and has been getting good feedback, and they sent a personal invite to the 300 emails and have currently 175 responses. Beutler indicated that the survey will have a close date of August 14. Beutler stated that August 27 they will be holding a public open house to come back to the community with display boards listing action items that they heard from the public and make sure that the public felt heard and that the City is addressing the concerns correctly. Beutler stated that they still want the plan complete and to the Commission in October. Beutler asked if there could be a second work session in August on the 17th or if another day would work better. Beutler will have Ann Peterson send out a survey to find a good date for Commissioners to meet and have a work session.

Comprehensive Plan Update.

Next meeting possibly August 17, 2021.

Dixon adjourned the meeting at approximately 10:00 p.m.

Respectfully Submitted

Beckie Thompson, Recorder