

April 5, 2022

7:00 p.m.

Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Brent Dixon, Joanne Denney, Lindsey Romankiw (via Webex) George Morrison (via Webex)

MEMBERS ABSENT: Arnold Cantu, Margaret Wimborne

ALSO PRESENT: Assistant Planning Director Kerry Beutler; planner Caitlin Long and interested citizens.

CALL TO ORDER: Joanne Denney called the meeting to order at 7:15 p.m. (Technical difficulties)

CHANGES TO AGENDA: None.

MINUTES: Dixon moved to accept the Minutes of March 1, 2022, Morrison seconded the motion and it passed unanimously. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, yes. Motion passed unanimously.

Public Hearing(s):

1. ANNEX 22-002: ANNEXATION/INITIAL ZONING. Annexation and initial zoning of R2, Mixed Residential:

Denney opened the public hearing.

Applicant: Brad Brown, 719 W 4350 S, Riverdale, Utah. Brown stated that the more he has read into the general plan Imagine IF he believes it was thoughtful and deliberate and took concerns of the neighbors deliberately and has good planning, like preventing unnecessary sprawl, and health concerns like access to affordable housing and safe neighborhoods. Brown stated that those points are strong and with this application they are trying to hold to that. Brown stated that they want to design what people want and have tapering and buffering between large lots to denser lots. Brown feels that this location has large lots and some smaller lots with the twin homes above this property and then this will be R2. R2 fits the general plan, and this is appropriate and good use for the land. Brown stated that they did have some neighborhood concerns about the road access that would lead to Hidalgo Drive. Brown stated that they have an easement, but due to the concerns of the neighbors and good flow through the project, they have been working with Kent Fugal and Lance at the County to get an access point onto Holmes and that would require a traffic impact study that they are currently working on. Brown stated that this will be a good addition to the community.

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

Dixon asked what the average size of the lots in the County along 49th South, south of the parcel. Beutler didn't know the size and estimated over an acre. Dixon asked about the nearby City residential. Beutler stated that there is a mix and the typical lot sizes for the subdivision are 8,000 square feet – 12,000 square feet. Beutler stated that immediately adjacent to this property there is a proposal for smaller lot sizes on twin homes. Dixon stated that some of the area is zoned RP. Beutler agreed that south of 49th South is zoned RP, and farther to the north and west of the school property is RP, with the school zoned RP as well. Dixon asked what the minimum lot

size for RP. Beutler stated that the minimum lot size is 12,000 square feet. Dixon stated that currently in the area is a lot of large lots. Beutler agreed but directed him to Belmont Estates and some of the other existing City subdivisions, they are smaller than 12,000 square foot lot sizes.

No one appeared in support or opposition.

Denney closed the public hearing.

Morrison feels that this is a good fit for this intersection and is in favor of the proposal.

Dixon read from the staff notes under housing that talked about residents in Area 5 prefer new homes and a new subdivision with large yards and distance between neighbors. Dixon continued to read that some wanted to see more diverse housing, but many voiced that different types of housing would not feel that it would fit into the neighborhood. Dixon indicated that when he reads that it sounds like the neighbor want R1, not R2. Dixon asked why they are trying to fit R2 into an area that has larger lots with no R2 nearby, and it feels like spot zoning. Dixon doesn't understand why they would want to change it and put in R2. Dixon stated that R1 has a maximum density per acre of 6, and R2 is 17 units per acre, and that is almost 3x as dense. Dixon stated that there is nothing walkable in this area and he doesn't see the drive for the higher density.

Denney re-opened the public hearing.

Denney asked the applicant why they are asking for R2 when there is so much residential estate properties in the area.

Applicant: Brad Brown. Brown stated that the General Plan talks about the variability of housing and the comments from the neighbors voiced a need for variation. Brown stated that they need to do that correctly, and not with spot zoning. Brown stated that a lot of time and thought went into where and how this area should be designated in the Comprehensive Plan and this zone fits within that designation. Brown feels this is an incremental step in the direction of the Comprehensive Plan. Brown stated that this will be an isolated community that you cannot see from the roads, it won't change the fabric of the area of the neighborhood for those driving past. Brown indicated that this development will provide for the desires of the Comprehensive Plan of having the diversification of housing.

No one appeared in support or opposition.

Denney closed the public hearing.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation of approximately 1 acre of Section 16, T2N, R 38, with initial zoning of R1, Morrison seconded the motion. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, no. The motion passed 2-1.

Romankiw opposed the motion because she feels that R2 would be a good fit for this area, and it is a good transition zone between R1 and a more urban area.

2. ANNEX 22-003: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R2 with Airport Overlay Limited Development Zone.

Denney opened the public hearing.

Applicant: Barry Bane, 2295 N. Yellowstone, Idaho Falls, Idaho. Bane presented 5.6 acres on the corner of Bellin and Pancheri and is requesting annexation and initial zoning of R2. Bane indicated that this property has an in-fill feel to it, and part of it is a County island, with the exception of the County properties to the north. Bane indicated there is R1 in the area, R2, PB and Commercial, so it is a mixed-use area. Bane feels this proposal fits the comprehensive Plan to be able to have a walkable neighborhood. Bane stated that the property would have a walking path along Pancheri that would connect to the existing path, and that will help the walkability and bike ability of the property to the surrounding schools. Bane stated that this is on the edge of General Urban and Suburban. General Urban has a variety of housing types, including small single units, tri-plex, 4-plex, courtyard, bungalow, etc., and suburban states that the area contains a variety of housing types such as single unit, accessory dwelling units, duplexes, tri-plex's, etc., and they should contain a mix of housing types, price points and sizes, and should not be exclusively detached single family dwellings. Bane indicated that this area does have a mix, with duplexes to the east, single family detached surrounding the parcel, multi-family PUD and townhomes to the west, so R2 will fit the Comprehensive Plan and will fit the existing use of surrounding properties. Bane stated that this property has easy access to roads without going through existing subdivisions. Bane stated that Bellin is a major collector and Pancheri is a minor arterial, so allowing this higher density on the corner would be good to get people out to the streets. Bane stated that any R2 structure built on this property would be required to have the setbacks and buffers that are required to be against R1 which is a 25' rear yard setback, and other landscape buffers and requirements. Bane has talked to engineering about access and spacing of access from the intersection and they feel that they can meet the requirements. Bane stated that access of the lots would not be coming off of Pancheri or Bellin. Bane stated that this would be hard to do as R1 because it could not meet the City's Access Management Plan for having each driveway come off of Pancheri or Bellin, so the proposed R2 would allow for one entrance and one entrance out spaced the farthest away from the intersection. Bane stated that this focuses on infill for the City, using existing utilities and controlling sprawl. Bane stated that they are looking for a medium density.

Dixon asked how far back from Pancheri would the access point be on Bellin. Bane indicated that it is 210'. Dixon asked how deep the property is. Bane was unsure of the depth of the property. Beutler indicated that it is 300+'. Dixon stated that if Brandon Drive extended through to this property, it would put Brandon too close to the intersection. Bane agreed that Brandon would be too close. Dixon stated that would support Bane's comment about not being able to have a road with houses on either side.

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

Dixon asked if there is a light at Bellin and Broadway. Dixon stated that Bellin north of the subject property will go to a County profile with no curb and gutter or sidewalks because there is County on both sides. Dixon asked if there is a provision to upgrade that road if it remains County. Long indicate that the developer is required to update the road along their property, but beyond that nothing. Dixon confirmed that Pancheri is widened in that area. Long indicated that a part of the road is widened in that area.

Support/Opposition:

Weston Davis, Esq., 490 Memorial Drive, Idaho Falls, Idaho. Davis is present representing his parents Bart and Mary Ann Davis. Davis' parents were unable to be in attendance. Davis showed where his parents' property is on Bellin Circle. Davis is familiar with the area as he grew up here. Davis has advised planning and zoning commissions, so he recognizes the difficult task. Davis understands that the Commission doesn't have control of the applications that are made, but they do have control over what applications go out. Davis appreciated Dixon's comments in the last hearing. Davis stated that when someone makes a request for an annexation request, they don't have an entitlement to development, as it is an initial zoning application, so these can be denied without the concern of lawsuits being filed. Davis stated that the Comprehensive Plan needs to be followed and used as a guide. Davis stated that the application states a number of factors to which the Comprehensive Plan considers. Davis stated that the zoning that surrounds this property is A1 zoning. Davis' father attended the hearings when the portion west of this area was zoned. Davis stated that generally you would see high density moving towards low density. Davis stated that based on high opposition, the City of Idaho Falls recognized the need for a buffer between what is presently R2 and the 3 rows of lots to the estate property zoned RA1 in the County. Davis stated that if you go from R2 to R1 to R2 to R1 you sandwich all the people who have invested money into their property, and they are sandwiched between 2 high density areas and the residents to the north. Davis stated that the developer has to develop his portion of the property, but the entire road to the south will have to be widened because with 17 units per acre that is up to 95 units in the area, which can be permitted, with 200-300 residents, and 150 cars. Davis stated that the other issue is when you move north along South Bellin towards Reeds Dairy, you don't have a traffic light at Pancheri and Bellin, and who will pay for the signalization of the road. Davis added that the road moving north would need to be expanded and who will pay for the road expansion when both sides are County property. Davis stated that the traffic will be able to access Pancheri, but the majority will go to Bellin to get to Broadway. Davis feels this is creating an issue pertaining to traffic. Davis stated that all of the property owners have made investments to their property and when you move from high density to low density to high density there becomes a question of transiency and what does that teach people about the area when you aren't following general Euclidian Zoning Principles and moving from a high density to lower density. Davis feels that if the City starts bouncing around between R2, R1, R2, it will give a message to developers and residents. Davis feels the comments made by Dixon in the last hearing are comments his parents would share on this application. Davis stated that the development to the east is zoned R1 and is a beautiful development and is the type of development and density that wouldn't have an adverse impact on the properties to the north. Davis stated that the demands on public service, law enforcement, wouldn't be at such a level that the City would be behind the 8 ball as it pertains to the needs for development. Davis' parents are concerned about jumping over the R1 and unraveling the buffer that the City intentionally spent hours creating. Davis stated that this is a unique part of town and if that unravels the area will start to lose its identity and compromises the value to the properties. Davis stated that the application that has been made has no entitlement to develop that property as it is zoned A1 in the County, so amending this request to an R1 application does put pressure on the application to decide how to develop, but that is their choice in trying to develop the property in the first place. Davis has a concern as to what would be permitted if R2 is allowed, including multi-unit dwellings, day care, manufactured homes, PUD's. Davis stated that once you zone and open the door, those things are

permitted and that is where the City starts to get into hot water about property rights when something is zoned, and something is permitted. Davis wished that it was an R1 application as his parents would have a different view on the proposal. Davis stated that the City can require more of the developer to the extent the development does affect the overall area, including adjacent intersections and property to the north and west of the property. Davis requests that this application be denied and would encourage the developer to come back with an R1 zoning application.

Shante Anderson, 2677 Bellin Circle, Idaho Falls, Idaho. Anderson's property directly borders the subject property. Anderson supports the need for growth in Idaho Falls. Anderson doesn't feel that there is a need to immediately and temporarily house an incoming population through apartments or multi-unit complexes as the Idaho Falls needs single family dwellings or dual homes to allow for the growth of the population. Anderson stated that it will contribute to and build the community through more stable, permanent, and invested residents. Anderson is concerned with the annexation. Anderson agrees with Davis comments on the smoothness that would be loss from the City to the County land if this property was zoned R2. Anderson stated that the property north of the subject property is 1-2 acre lots. Anderson stated that the guidelines for R2 zoning are vague enough to allow the developer to do anything they want between single homes all the way up to 17 units per acre. Anderson stated that the developer could change their mind and increase the density of the housing, which was done on the property to the west of the subject property. Anderson stated that there have been more R2 housing reapplied for in the past years where they were originally going to do R1. Anderson stated that the zone of R2 provides the opportunity to do a wide range of things but doesn't provide any protection to the neighboring residents. Anderson asked the following questions: Will the developer perform a traffic impact study, as the 2040 study shows no anticipated traffic congestion between Pancheri and Broadway on Bellin Road. Will Bellin need to be widened and who will pay for the widening. Does the developer have any plans or requirements to improve the borders of the property to soften the impact of things like children walking to school and noise control. Will the intersection of Pancheri and Bellin be signalized in the future, and it is likely due to the 5-lane road on Pancheri leading to this intersection and it will lead to a congested intersection. Anderson stated that the limitations to the access point were in reference to a non-signalized intersection, and if the intersection is signalized then the requirement is that the access point would be at least 650' from the intersection. Anderson stated that the depth of the property from Pancheri and Belling, north to Bellin Circle is only 500' so there would not be enough distance to have an access point onto Bellin if there was a light. Anderson stated that on the south border of the property going west, 650' takes you nearly to the end of the property. Anderson asked if the developer would be required to meet this statute Idapa Code 39.03.42. Anderson asked if the developer will be required to meet the standard 2 access points into the development if the number of units built require it for fire engine access, and where would the approaches go to meet Idapa standards. Anderson asked if the developer would consider buying a housing lot to the west so that they can connect a road like Murwood into the neighborhood. Anderson is concerned about the blasting that will be needed for the lava rock, and she is concerned about the well water disruption on her property. Anderson asked if the developer would be required to do TSDL testing for suspended solids and minerals in the well water and before and after and be required to right and repair damage. Anderson is concerned about their water rights to the New Sweden Irrigation Canal. Anderson thanked the Commission and asked for them to deny the application.

Sara Bower, 780 S. Bellin, Idaho Falls, Idaho. Bower's property is on the edge of the property to the east. Bower looks forward to growth in the area. Bower recognizes there is a need for balance. Bower purchased her home with the intent for space. Bower would like to see R1 in that area so there is not so much jumping back and forth between densities. Bower is concerned for her property value. Bower asked the Commission to deny the application for R2.

David Kimball, 878 S. Bellin, Idaho Falls, Idaho. Kimball is the property owner. Kimball's grandfather built the house on the property in 1955. Kimball stated that when he was 16 years old there were no houses to the north, and they were just building structures towards Skyline. Kimball hasn't lived there but has seen the evolution of the property. Kimball stated that there are several issues that have been brought up. Kimball stated that the agricultural designation on the property is basically unusable because of the houses built around the property and in the last 6 years he hasn't been able to get anyone to come and harvest anything on his land because of the traffic patterns, etc. Kimball stated that in the discussion for R1 there was question about access. Kimball stated that this property is on a hill and putting different access points like individual lots, there would be issues with the access points. Kimball stated that there is a light on Bellin and Broadway. Kimball stated that on Bellin and Pancheri he is under the impression that when the City bought the property on Bellin corner from his father it was to be prepared to have a traffic signal, and they can easily do that when the decision was made. Kimball stated it is inevitable that his property will be annexed into the City at some point and the lay of the land they feel that R2 use would be an efficient use of the property. Kimball stated that to the east there is multi-family units, to the west there is single family home, then multi-family units. Kimball stated that development without doing multi-family development is challenging. Kimball has had people that wanted him to keep the property the same but didn't want to buy the property. Kimball is requesting that the Commission grant the application and zone the property R2.

Carl Bower, 780 S. Bellin, Idaho Falls, Idaho. Bower stated that when they left home at 5:30 today the traffic was backed up to two car lengths from Bellin Circle, and it is that way every day, and adding 150 cars will not make the traffic better. Bower is concerned that he can't leave his house between 5-6:30 at night.

Shante Anderson, 2677 Bellin Circle, Idaho Falls, Idaho. Anderson wanted to speak to points that Mr. Kimball the property owner made. Anderson stated that they compared the neighborhood to the east with its driveways and the dual homes with driveways facing inward on the development. Anderson asked if they can do the same sort of development done respectfully in that property under an R1 zoning with the driveways pointed inward without problem of having to access Pancheri or Bellin. Anderson stated that since there is already development started on a traffic light on the intersection of Pancheri and Bellin, then it should deem that the statutes for access points be distanced adequately from that signal, which as she understands, would eliminate the access point on Bellin to this property.

Ann Bingham, 715 Box Wood, Idaho Falls, Idaho. Bingham's home is in the "buffer" and when she bought her home 2 years ago, she appreciated what was behind her home with the properties lining Belling Road. Bingham bought her lot specifically knowing it would be quiet and that her backyard would be protected, and that her investment would be protected. Bingham bought on the west side because the west side has a quiet nature. Bingham knows growth will come, but she bought specifically looking at what the neighborhood could offer with the County

buffer. Bingham encourages the Commission to continue the quiet nature by not bringing more traffic to that intersection.

Brad Miles, 150 N. Main Street, Heber City, Utah. (Developer). Miles thanked the neighbors for their thought-out concerns and comments. Miles wants to try to mitigate the concerns of the neighbors. Miles wanted to clarify that the annexation is over 5 acres, but they are buying 4.675 acres x 17 = 79. Miles indicated that the City has design guidelines, landscape guidelines, open space guidelines, setbacks, landscaping, and in reality, they can never get 17 units to the acre. Miles stated that the R2 zone limits them to 4 units per building, so you cannot do a 9 or a 10 plex. Miles stated that with that limitation it will create a feel of lower density. Miles stated that they have been working through the process and they already know they cannot get 17 units per acre.

Dixon asked if the hill and elevation will impact the ability on how far back from the street they will need to develop. Miles stated that they have started some initial design and have done some testing to see how deep the lava rock is. Miles stated that they haven't gotten to design, and they are starting to understand the depth of the manholes that are across the street and where they can connect, and the depth of the manholes will drive what the finished grade elevation will be. Miles stated they are trying to bring the road in as far west of the hill as possible, so they can have some units above on the hill. Dixon stated that the R2 to the west has a drainage collection area between them and the arterial which gives more set back, and Dixon didn't know if there would be a requirement or ability to do something similar.

Applicant: Barry Bane, 2295 N. Yellowstone, Idaho Falls, Idaho. Bane stated that they would be required to have the regular setbacks from the road which are 25'. Bane stated that the elevation issues can be handled multiple ways, but they aren't sure how the design will play out yet. Bane stated that anything that is done will have to be looked at by City staff, engineer, public works, and complying with code and design requirements. Bane stated that they have looked at the Comprehensive Plan and it supports the R2 in that area with the general urban and suburban designation that talks about Bungalows, townhomes, duplexes, trip plex's, four plex's, and residential developments should include a mix of housing types, price points and sizes and should not be exclusively detached single dwelling units. Bane feels that the R2 does comply with that Comprehensive Plan. Bane stated that it also talks about Idaho Falls needing to understand the long-term consequences of its land use decisions, and it cannot continue to have policies which are overly favorable to large lot subdivisions, requiring new roads, and increased City boundaries, but rather more compact developments that utilize existing infrastructure, and this development does follow that. Bane stated that the City doesn't want a street to go through this development and have more roads to maintain. Bane stated that the streets through this development would be private streets and be privately maintained. Bane stated that they will be required to upgrade Pancheri and Bellin on their frontage. Bane stated that road upgrades come from traffic studies, warrant, and a road isn't just upgraded out of the blue. Bane stated that if a traffic study is required when they move on to the design stage of the development, they will do that study, and any upgrades that the traffic study indicates are necessary to do. Bane doesn't know if there is a light going in or not, and it has not been brought to his attention one way or the other. Bane stated that the engineer has not stated that a light would be warranted just by this development. Bane stated that they will have to maintain fire compliance through the site, and at their meeting with fire and engineering they have discussed the requirements and they will fully comply with all requirements. Bane stated that he cannot talk to blasting as they aren't to that

point yet. Bane stated that there is a canal to the east and prescriptive easements come with the canal and they will keep that canal running through the area, whether it is moved over, and they will work with the irrigation department on how to do that. Bane feels that the transition from high density to low density needs to come from intersections as well. Bane indicated that the Comprehensive Plan wants the higher and medium densities near intersections, so this does meet that requirement. Bane stated that all of the buffering to the north and along the west to the single-family residents will be put in place and all requirements will be complied.

Denney closed the public hearing.

Morrison thanked the residents for their input. Morrison stated that it doesn't matter what roads they build, there will always be more traffic. Morrison stated that there are many multi-family units in the area. Morrison stated that having open fields to protect your view, comes with a chance that there could be something built on it. Morrison feels that R2 is the best for this area.

Dixon feels that unlike the previous property, this property is actually on the arterial, on the corner, it does have higher density nearby, instead of everything being large lots, low density. Dixon understands the argument about buffering, but it is important to have higher density next to roads able to handle higher traffic. Dixon supports R2.

Denney asked what would trigger a traffic study. Beutler indicated that according to the Access Management Plan would come when there are going to be 100 or more trips generated by the development during the peak period, and that will come at the time of subdivision platting when they will know more of what type of development will be going in. Denney asked if a PUD can be built in an R1 as well as an R2. Beutler agreed and indicated that PUDs are allowed in all residential zones. Dixon asked if the underlying zone changes what they can do with the PUD and effect the overall density. Beutler stated that each zone district has an allowed density and with a PUD some of the zone designations receive an increase in density for example the R1 allows for 6 units per acre and within a PUD that density goes up to 8 units per acre.

Morrison moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of R2 with Airport Overlay Limited Development Zone for 5.09 Acres of SE ¼ of NE ¼ Sec 22, T2N, R 37 E, as presented, Dixon seconded the motion. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, yes. The motion passed unanimously.

3. ANNEX 22-007: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R1, Single Dwelling for a portion of the Gustafson Canal.

Denney opened the public hearing.

Applicant: City of Idaho Falls.

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

No one appeared in support or opposition.

Denney closed the public hearing.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of R1 for a portion of the Gustafson Canal, Morrison seconded the motion. Denney called for roll call: Dixon, yes; Morrison, yes; Romankiw, yes. The Motion passed unanimously.

Denney called a recess until 9:00 pm.

Denney called the hearing back to order.

4. PLAT 21-037: PRELIMINARY PLAT. Wasatch Apple Subdivision.

Denney opened the public hearing.

Applicant: Kaiden Fuhrman, Horrocks Engineers, 2194 Snake River Park Way, Idaho Falls, Idaho. Fuhrman stated that this was brought in February for annexation and zoning. Fuhrman showed the property as a vacant lot along Holmes Ave, south of Home Depot, and near the Apple Athletic Club. Fuhrman indicated that there is a zone line proposed as Jennie Lee Drive extends south to 25th Street. Fuhrman showed that on the west side there is LC and east side of Jennie Lee would be R2 residential. Fuhrman stated that the developer held a neighborhood meeting in October, and all residents within a 350' radius were notified. Fuhrman stated that they did get a lot of feed back from the residents. Fuhrman stated that with this 60 acre parcel they are proposing to do the improvements for this area with 7 buildable lots scattered throughout the acreage. Fuhrman stated that they are proposing that Jennie Lee Drive will be extended south to 25th Street, and Mojave Street will get developed to the west to tie into Jennie Lee Drive. Fuhrman stated that they are providing all the improvements and infrastructure along Jennie Lee Drive, they are doing the improvements along 25th Street and they will keep the iconic feel of 25th Street with the continuation of the landscape median and planning on providing any turn in lanes for the development. Fuhrman stated that they have completed a Traffic Impact Study on the property, and it is currently going through the City Engineering and Horrocks, and they are addressing anything that is warranted on the traffic impact study, including turn lanes, on the approaches as needed. Fuhrman showed Jennie Lee extending down and is designated as a major collector with an 80' right of way. Mojave has a 60' right of way, and 25th street will be expanded to the north to approximately 90' right of way. Fuhrman showed the approaches with 2 along Jennie Lee Drive and 4 approaches on 25th Street, and the approaches have been placed to meet the BMPO Access Management Plan and vetted with City Engineering. Fuhrman stated that Jennie Lee Drive will go straight through following BMPO's Access Management Plan.

Morrison asked about the 2 smaller lots behind Apple and what access do those lots have. Fuhrman stated that was brought up by City Staff and is being addressed. Fuhrman showed that the 2 lots on the north end will likely be joining the Apple Athletic Club so they will be providing access to the lot from Jennie Lee with an easement through the lot to the east, and when it develops out, they will receive access from the north from Apple Athletic Club.

Dixon asked about calming the traffic on Jennie Lee Drive, and a straight shot makes people drive fast. Dixon stated that earlier when they brought the annexation, they had discussed possible a bow to the west on Jennie Lee, and why have they made it a straight shot. Fuhrman stated that there were a few reasons, Fuhrman stated they were trying to line up with existing infrastructure, and there is a pathway to the south that goes into the Ridge Crest Development.

Fuhrman stated that they kept it straight so they can accommodate and lessen the traffic through the Jennie Lee Subdivision. Fuhrman stated that the closer and straighter shot that they were able to make Jennie Lee to convey the traffic more efficiently, and it will allow everyone to use it easier, and quicker than going through the neighborhood. Dixon asked what they are thinking of for the 7 lots. Fuhrman stated that it is all preliminary, and this is a preliminary layout. Fuhrman stated that the east side of Jennie Lee in the R2 zone would be residential, likely twin homes. Fuhrman stated that in the LC zone on the west they are thinking higher density residential in the middle, with commercial on the far west side keeping with the commercial belt along Holmes.

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

No one appeared in support or opposition.

Denney closed the public hearing.

Morrison is excited to see this get underway.

Dixon appreciates them maintaining the concept of 25th Street. Dixon feels that will help with the separation from the parking at the park. Dixon liked seeing the access points, and thanked applicant for the preliminary outline of what could be built.

Morrison moved to approve the Preliminary Plat for Wasatch Apple Subdivision, as presented, Romankiw seconded the motion. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, yes. The motion passed unanimously.

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

6. PUD 21-007: PLANNED UNIT DEVELOPMENT. Cassiopeia Town Homes.

Denney opened the public hearing.

Applicant: Barry Bane, 2295 N. Yellowstone, Idaho Falls, Idaho. Bane is presenting 3.01-acre parcel that is currently vacant, and zoned TN, and off of Cassiopeia to the north and Lola to the south. Bane stated that without a PUD the TN zone allows for 15 units per acre, and with the PUD they are allowed 17 units per acre, and they are proposing 16 units per acre for a total of 48 units on this site. Bane showed that they are proposing two access points into the site from Cassiopeia. Bane stated that initial concepts were to build town homes that would face the public street, and the only way to develop in the TN neighborhood would have all the homes facing north, and they did look at that, and it is an option, but the developer has decided to move forward with the PUD concept. Bane stated that the PUD concept will allow more common open space with the required 25% open space. Bane stated that a PUD gives the additional common space, and the buffers along the streets, so a PUD gains more landscape and open space in the development. Bane stated that these homes will face common areas, rather than facing out the public street. Bane stated that they have met the landscape percentage requirement, and are providing 2 amenities, with one playground area that needs defined more. Bane stated that they put a French drain on either side of the storm pond to help the water dissipate faster. Bane stated that they have common area in between that have patio style meeting common area. Bane stated that they will connect to the City Street for sidewalks on the north and south. Bane stated that

they will be required to upgrade Cassiopeia along the north, and there are some issues with the water department and culinary water, and they are working with that, and a storm water problem that they are trying to remedy. Bane hopes that doing the PUD so no homes face Cassiopeia will make the sidewalk safer for pedestrians. Bane stated that the lots are planned to be single family attached homes and each one will have its own lot and sold individually, and they have to do a PUD because the lots do not face a public street. Bane stated that they are asking for one variance. Bane showed that the units are off set every other row, and there is a landscape requirement off of the street and every other row of units would encroach into the landscape requirement by 5'. Bane stated that they did that so the buildings would be offset, and it would add some variation rather than rows of buildings all the same. Bane stated that they can change that, but felt it was a nice variation. Bane stated that they have talked with one neighbor that has a fence and a gate to access the back portion, and the developer has been trying to work something out so he can have an access. Bane stated that both access points are off of Cassiopeia and not off of Lola, as the PUD on Dodson Drive (private drive) had concerns of people using the private drive. Bane stated that the properties on Cassiopeia have back yards facing Cassiopeia, so the congestion would be less coming off the north.

Dixon asked how wide the drive lanes. Bane stated that the drive lanes are 26'. Dixon asked if there is any guest parking. Bane stated that the plan for guest parking is on street parking. Dixon asked how many parking spots are on the street. Dixon stated that typically PUD's have guest parking. Bane stated that each unit has a 2-car garage, and they feel they comply with the requirement of the parking and the on-street parking should be sufficient. Dixon thinks that some of the homes on Cassiopeia have rear access onto the street. Bane stated that they all abut the street, but all the driveways come off the north.

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

Dixon stated that Cassiopeia is not developed to City standards on either side of the road and asked what will happen on the north side of the road. Long indicated that the north side will have curb and gutter. Dixon recalls that it is slightly down a hill, but there was rear access driveway, and asked if the City intends to provide them with curb cuts. Dixon asked where the two-story buildings in the vicinity were located. Long showed the townhomes near the development off of Dodson, and a house to the east of the development. Dixon asked about the setback from the street being equivalent to the setback of the existing houses and how does the setback of 20-25' compare to what is existing. Long stated that the setback does match. Long did a random sample of the homes and most homes have a 25-30' setback in the surrounding area, and Long added that 20' is the maximum for a TN Zone. Dixon stated that the TN Zone states that it should for in-fill match what is on the block. Long believes that the proposed 25' setback does match.

Morrison asked if the curb gutter will just be in front of the development. Long stated that curb gutter sidewalk will be along the developer's property and curb and gutter would be on the north side of Cassiopeia.

Support/Opposition:

Randall Wheeler, 801 Saturn, Idaho Falls, Idaho. Wheeler is located on the northwest corner of Saturn and Cassiopeia. Wheeler thanked the Commissioners for the hearing so they can voice opinions. Wheeler indicated that several of the houses along Cassiopeia have driveways that

come out on to Cassiopeia. Wheeler stated that other than the Dodson apartments, the only other two-story building in the area is the old Harrington property which is on the southwest corner of Saturn and Cassiopeia. Wheeler asked where it is listed in the PUD and read “the established setback of a residential properties contiguous or across the street from the PUD shall constitute the minimum set back for the perimeter area of the PUD.” Wheeler stated that his setback is 30’. Wheeler added that across the street from the PUD to the south the setback is 40’. Wheeler stated that he had to get a variance for changes made to his property and they made him measure his setback from the inside edge of the sidewalk, not from the street. Wheeler asked where they are measuring from for this setback. Wheeler stated that if he has to follow the setback rule, then this PUD should have to follow the same rules. Wheeler stated that as close as he can read on the print, the setbacks from the inside edge of the sidewalk is 13’ or 21’ which is not the same as the contiguous properties. Wheeler stated that the landscape strip that goes between the sidewalk and the street should have a minimum width of 20’, and this PUD shows 7’, so that doesn’t match. Wheeler stated that if they do the PUD, they have to follow the rules. Wheeler stated that the common space that goes along the south edge of the buildings that run north and south. Wheeler read that “common spaces shall not include areas within any driveway, parking area, sidewalk contiguous to the public or private streets, required landscape strip, or buffer.” Wheeler doesn’t know how they can count along the south edge of the north and south buildings as common strip, because it is next to the road, and if that is not allowed, they do not make the 25%. Wheeler stated that this has been a thorn in the side of all residents since it started. Wheeler stated that he heard a statement that the owner/developer had contacted all of the surrounding residents to invite discussion. Wheeler stated that he was never contacted, and neither were many of the neighbors. Wheeler does want the property developed, but into single family homes. Wheeler stated that within ½ mile of this property there are over 200 apartments. Wheeler is concerned about the kids that walk down the street and adding 96 cars to Cassiopeia will be dangerous.

Ruther Byron, 1553 Beverly, Idaho Falls, Idaho. Byron grew up in her house on Beverly. Byron is opposed to the Cassiopeia Townhomes. Byron stated that it is difficult to get out on Skyline and Saturn. Byron couldn’t get onto Skyline turning left and would have to go down to Saturn and it would take her 15 minutes to get out of her neighborhood. Byron stated that now that Saturn is opened from Pancheri to Grandview it has increased the number of cars traveling on Saturn. Byron stated that the traffic on Skyline can be backed up from Broadway all the way to Shasta and sometimes to Grandview. Byron called the City Planning office and asked about a traffic study and was told it wasn’t required because it was zoned as high density. Byron feels that is short sided and turning a blind eye to an already huge problem. Byron stated that 96 cars are a lot. Byron has never been contacted by the developer for a meeting. Byron stated that when the developer talked, he had indicated that the people in the neighborhood were for the development. Byron is not for the development. Byron wants the neighborhood to retain its integrity and it is important to consider the current residents, rather than just the out of state developers. Byron asked the Commission to consider the current residents in making their decision.

Terry Dawson, 763 Colorado, Idaho Falls, Idaho. Dawson is concerned that there are already so many multi-family homes (apartments) within ½ mile of this development and if you extend just 2/10 of a mile you go up another 48 apartments that are being built. Dawson is concerned for the traffic. Dawson stated that Saturn is a school zone and heavily traveled with parents

picking up children from school. Dawson stated that traffic is backed up from Templeview to Saturn while they are trying to get kids picked up, and another 98 cars in that area will be too many. Dawson is concerned about children's safety.

Russell Leavitt, 1608 Charlene, Idaho Falls, Idaho. Leavitt would prefer an R1 single family units be built in this area. Leavitt stated that this is an open area, and it wouldn't impact the traffic as much. Leavitt stated that the area schools are full and not keeping up with the building.

Lee Mabey, 1563 Cassiopeia, Idaho Falls, Idaho. Mabey is next to the development on the northwest corner. Mabey is concerned that the development will impact the character of the neighborhood. Mabey agrees with Wheeler's comments on the setbacks not matching the character of the neighborhood. Mabey is concerned with the setbacks along the eastern side of his property. Mabey stated that there is a proposed 7' setback from the west side of his property and that is 18' of his house, and that is not consistent with the other properties in the neighborhood. Mabey feels the 7' setback is insufficient and out of character. Mabey stated that with 48 housing units there will be a substantial amount of traffic adjacent to his home. Mabey would propose that the setback next to his house be increased to 14', and that would give 25' from his house, and that is more consistent with the side yard distances. Mabey proposed to minimize the effects to the surrounding property by the entrance and exit roads being moved to the middle of the development instead of on each end. Mabey wanted to know how tall the wall between the two properties will be and added that the property loses grade quickly so there has been issues there that will need to be taken into account. Mabey has reached out to engineering and has not had a discussion yet. Mabey proposed that the new fence and retaining wall be built on the property line and that the retaining wall maintain the existing credit of his property and that said fence would be a minimum of 6' tall to reduce noise and Mabey would prefer the fence be constructed out of masonry or precast of some sort. Mabey wants to eliminate road noise.

Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho. Bane stated that since he has been involved in this current project they have not talked to neighbors. Bane confirmed that there was a previous owner that wanted to rezone this property to R2 and with that developer, Bane went out and knocked doors and talked to people, but that was not for this development. Bane doesn't think that they have ever said they talked to neighbors on this development. Bane agrees that there will be additional traffic. Bane stated that whether this is a PUD or traditional neighborhood, there will be additional traffic, and the PUD only allows 3 more units than what a regular TN without a PUD would propose. Bane stated that they are trying to limit the traffic and accesses to help keep it safer for pedestrians. Bane stated that a traffic impact study was not required. Bane stated that this property is zoned TN, and not R1. Bane stated that the development is considered single family attached homes, and not apartments. The homes are individually platted, zero lot lines, and being sold as single-family homes, which will allow for the middle market that people need right now. Bane stated that they do not feel that this is multi-family. Bane stated that the landscape buffer along the street, there is some confusion. Bane clarified that there is a landscape buffer, which is the 20' landscape buffer, which they are seeking some of a reduction in that buffer. Bane explained that the landscape buffer goes from the edge of the property line out. Bane stated that along City streets there are landscape strips of 7'. Bane continued that the landscape buffer is 20'. Bane stated that setbacks are measured from property line to property line, so from the right of way line to the property line. Bane stated that on the west side they do comply with the landscape buffer of 7' with a fence, and then the setback is from the property line to property line. Bane stated that in

essence the setback would be the 26' of road, plus the 7' of landscape buffer. Bane stated that they are complying with both setbacks and buffers. Bane stated that the TN zone has a 20' maximum setback, so they have tried to keep the integrity of the neighborhood by mixing it and offering some 25' which is consistent with some of the housing around. Bane understands the traffic and safety concerns, and they have met with City staff and City engineers and the traffic is going to be there whether this development goes forward or something else is built there. Bane stated that they have met and feels that it helps the pedestrian safety along Cassiopeia.

Dixon asked if the access on the west end could be moved to the middle, so it didn't affect Mr. Mabey's property as much. Bane explained that they cannot do that because of the fire code issue because they can only have 150' spacing to a dead end without an exit, and if they rearranged the access point it would make it over the 150' distance.

Denney closed the public hearing.

Dixon asked staff about the setback and how TN has a maximum set back and how does that reconcile with the fill in and try to match the setback with existing properties on the same street, and which one would control. Beutler stated that the TN setback would control, as even with PUD's the underlying zoning would be the base requirement. Dixon recalls one of the arguments for TN in this location was that the setbacks would need to match the setbacks of the properties that were already on the same street, but now they are saying that there is a maximum set back of 20'. Beutler stated that the TN is the basis to start. Beutler stated that the existing neighborhood was probably constructed with a 30' setback and in 2018 when they revamped the setback, the setback for that zone was reduced to 25' and then there are setbacks for the TN zone which is a varied setback, with a maximum. Beutler stated that in this situation the applicant is trying to marry the existing setbacks with what the TN would require, and that is how they got the varied approach, which staff supports. Dixon asked if there is a requirement for fill in that you match the setback of what is already there. Beutler stated that is the requirement of the PUD. Beutler stated that the way it reads "the setback shall reflect the general standards of the area and character of the neighborhood in which the PUD is located...established setback of properties contiguous or across the street would constitute the minimum setback. Beutler stated that it does want you to look to the neighborhood, but they are trying to maintain the character as well, and maintain the balance between the requirement of TN. Dixon confirmed that there is a conflict between the TN zone and the PUD. Dixon asked how they decide which one makes more sense. Beutler stated that is up to the commission, and the applicant has provided a concept of what they think is trying to meet that standard, and it would be up to the commission to determine if that is appropriate. Dixon confirmed that the setbacks are measured from the curb, and the landscaping strip prior to the sidewalk, plus the sidewalk, plus landscaping strip after the sidewalk to the edge of the property. Beutler stated that setbacks are always measured from the property line to the structure. Beutler stated that the dimensions on the PUD plan are taking from the property line to the building. So if it says 25' then that would be from the property line to the building.

Morrison showed appreciation for French drains. Morrison stated that traffic is never going to get less, always more, and there isn't anything to do about it, and schools are not anything that the City has any control over. Morrison has problems with the parking. Morrison stated that no extra spaces for visitor parking is a problem. Morrison feels that it complicates things to park on the street with plowing in the wintertime, and even though there are 2 car garages, people will

tend to park on the street as there are often more cars. Morrison likes the way the buildings look and thinks the project will fit in the neighborhood ok.

Romankiw understands the concerns raised. Romankiw understands the concerns on density, although there is high density near this. Romankiw stated that density on paper is one thing and once things are built, they aren't as bad as what you imagined. Romankiw thinks the development fits well and likes the design and the common space and is in favor.

Dixon went through high density properties in the area including Vega Circle (on a corner, near the interstate); south side of Mountainview; western side of Grandview. Dixon stated that all the higher density is off to the edge, and this property development is more in the middle of the property and in the past, they have talked about putting higher density on the edge, near the arterials and collectors, and lower density in the core. Dixon feels that this is counter. Dixon stated that when Dodson Drive went in, he wasn't concerned because it was 100' off of Saturn, and also it was next to the higher density to the south (trailer court), and it was on the edge of the neighborhood. Dixon stated that this development is in the core and surrounded by a lot of single family residential. Dixon feels that this is a difference that needs to be considered on the higher density in the core of residential, rather than on the edge. Dixon stated that avoiding traffic on Lola is a good decision on this development. Dixon stated that coming off of Cassiopeia does address Lola, and Cassiopeia has major roads on either end. Dixon is not concerned with the straight street, because the access is in the middle, so they won't go far if they are going west or east. Dixon stated that when they approved the development on Jennie Lee Drive that is behind the tire store, on the east side where they were up against existing single family, they made a point of making a drive lane, then guest parking to give an additional setback to minimize the impact on existing single family. Dixon stated that in this case, you are coming up a hill, and even though these are two story and the ones on Jennie Lee were two story, going up the hill will help with the setback, because most of this development will be lower than the houses to the west. Dixon likes the interior landscaping with the center walking isles. Dixon feels this is a good concept but does have a problem with no guest parking. Dixon feels people fill half of their 2-car garage so they only have parking for one car and the other one would be parked somewhere else because there is no driveway. Dixon asked if there is a standard for guest parking in PUD, but he would like to see that addressed in the future. Dixon stated that based on the proposal, he feels like it is more density that they should have in the core, but they are meeting all the requirements, and he can't see a reason to vote against the development. Beutler stated that he ran numbers on the parking. Beutler confirmed there is no requirement for guest parking, and they are required two spaces per unit which is being met. Beutler stated that doing the bungalow court design actually frees up a lot of on street parking on Lola and Cassiopeia. Beutler stated that figured out that they can park on Cassiopeia on the north side 22 cars on street, on Lola 11 cars on street, and Cassiopeia on the other side it would be less than the 22, but there would be some on street parking available.

Morrison says if we look in a year from now the street will be packed solid with cars.

Morrison moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Cassiopeia Town Homes, as presented, Romankiw seconded the motion. Denney called for roll call: Dixon, yes; Morrison, yes; Romankiw, yes. The motion passed unanimously.

Dixon asked staff to make notes that the Commissioners do have trepidation and concerns and those should be noted to City Council.

Business:

5. PLAT 22-006: FINAL PLAT. Fairway Estates Division No. 26.

Applicant: Kevin Alcott, 101 Park Ave., Idaho Falls, Idaho. Alcott showed the general location of Division No. 26. Alcott indicated that this Final Plat follows the preliminary plat and filling in from Division 28 that is currently under construction. Alcott reported that tonight he should be here showing pictures of the bridge, but there was a significant construction problem. Alcott indicated that the abutments are in place, the center pier is there, and during the placement of the deck of the bridge, there was a failure on the shoring, and they dumped \$300,000 into the canal. Alcott stated that at this point they cannot work in the canal anymore, so they will have the bridge built this fall. Alcott stated that there should be no concern as to whether they were going to build it. Alcott stated that the Idaho Canal has reduced the time that you are allowed to work in the canal. Alcott stated that his analysis is that they set some of the shoring on frozen ground and it thawed, and stressed the ends, and then you put ½ million pounds of concrete on something and it falls. Alcott stated that they have purchased a performance and payment bond which is in place, and it will ensure that the bridge will get finished. Alcott stated that they have asked public works to add the City to the performance and payment bond. Alcott stated that before many more houses happen the bridge will be in this fall.

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

Romankiw stated that this is her neighborhood, and the developer is doing a good job.

Romankiw moved to recommend to the Mayor and City Council approval of the Final Plat for Fairway Estates Division 26, as presented, Dixon seconded the motion. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, yes. The motion passed unanimously.

Next Meeting April 19, 2022 (2 meetings in April)

Denney adjourned the meeting at approximately 10:30 p.m.

Respectfully Submitted

Beckie Thompson, Recorder