

May 5, 2020

7:00 p.m.

Planning Department

Council Chambers

Notice: Due to Governor Little's proclamation on March 19, 2020 and the Stay-At-Home Order given on March 25, 2020, the doors to the meeting were locked, but notice was given to the public on how to participate via any of the following ways: Submit comments in writing; participate via internet through a Webex meeting; participate via phone through Webex meeting; and watch the meeting via live stream on the City's website.

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

MEMBERS ABSENT: George Swaney, Margaret Wimborne

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brian Stephens; Naysha Foster and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Morrison moved to approve the Minutes of April 21, 2020, Denney seconded the motion and it passed unanimously.

Public Hearing(s):

1. PLAT 20-013: PRELIMINARY PLAT. Taylorview Homes Division 1. Foster presented the staff report, a part of the record. Dixon asked what the length of the street and asked what the maximum length of a street before a secondary access is required. Foster stated that the current proposed length is 1,367 feet, and a secondary access is required after 400 feet. Dixon asked if the temporary turn around meets the requirement for the second access. Foster indicated that it is a temporary turn around and until there is future development to the west, and when they develop to the west they will have to tie into an existing road. Cramer stated that the temporary turn around on its own does not meet the requirement of the Subdivision Ordinance, and a preliminary plat must show the connection to another road somewhere. Cramer stated that this is the first time they are seeing the diagram, and it does not comply with the Subdivision Code because it does not show how it will connect to a future street. Dixon asked if there is a maximum block length in the TN Zone. Foster indicated that 1300 is the maximum length. Dixon indicated that the length presented is over the maximum. Cramer stated that the road itself is over 1300 feet long because the road extends out to Holmes, however, the block measures just under 1300 (1200+). Dixon asked even with the two access points, at what point is the street too long, and needs to have an access in the middle. Foster stated that it is still 1300 feet that would require the second access. Hicks asked about the parking for the units. (someone commented) that they are 2 car garage townhomes. Dixon asked if they are talking about the building is because the lot sizes are too small unless its attached units. Foster agreed, that when the buildings are attached, they are allowed to have a smaller lot size than what is normally allowed. Dixon confirmed that this plat would only allow for that type of development. Dixon asked how that meets the definition of the Traditional Neighborhood that says a mixture of housing types. Foster indicated that this allows for something non-traditional, not necessarily

single family, and the TN Zone is the missing middle with the single family attached units. Cramer stated that the type of building is not the question, the question is does the plat comply with the Subdivision Ordinance, the minimum requirements of the Zoning Ordinance and the principles of the Comprehensive Plan. Cramer stated that TN Zone allows single family attached, and does not require a mix, but it does allow a mix. Cramer stated that tonight they are focused on Subdivision Code, and standards of Zoning Code and Principles of the Comprehensive Plan. Dixon asked if a rear alley is required. Foster indicated that it is recommended, but not required. Dixon stated that he feels it is a an R3 masquerading as TN. Cramer stated that single family attached like what is being presented is allowed in R1, R2, R3, R3A, TN and in each case, those minimum lot widths are waved if the units are platted as individual lots for single family attached housing. Cramer stated that if it were not for the dimensional issues, this could be done in an R1 Zone.

Black opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated that they want to go before City Council on May 14 for the annexation of the TN zone. Jolley reminded the Commission that these are single family homes and platted so they can be sold to individual home buyers. Jolley stated that Holmes is a principle arterial and these types of developments are recommended and encouraged to be along arterials. Jolley stated that the street is typical City Street width and the width has been worked out with the City Engineer, and the Engineer has no concerns with the street width. Jolley stated that they are likely going to go in 2 phases because once they build up to 30 single family residential lots, they would be required to have a secondary access regardless. Jolley stated that they had planned to do up to the 30 lots utilizing the temporary turn around and then as they plat continues to the west, they have potentially will have access to the street to the west and then potential access to the north to continue the second phase. The length shown for the road is 1309, but the block would be shorter, than 1300 feet. Jolley stated that these are platted as single- family units and would be allowed in residential zones, and they feel like this meets the intent of the Code.

Beutler and Foster read the written statements that had been submitted prior to the hearing:

Mark Ellison, Idaho Falls. Ellison opposes Taylorview Townhomes because of the current problem with parking and traffic flow on Holmes at the sports fields at Taylorview Middle School. Ellison believes a high traffic subdivision would create more of a danger.

Stuart Curtis, Idaho Falls. Curtis owns the land due west of Falkenrath. Curtis encourages utilities to be brought into the property and would prefer larger lots than the TR (TN). Curtis wants high quality and good landscaping.

Justin and Nicole Hall, S. Holmes, Idaho Falls. Hall very seldom is in opposition to development and his livelihood depends on development. Hall understands there is a need for more housing in the area. Hall stated that Idaho Falls has planned for development in the future. Hall indicated that all the subdivisions south of Idaho Falls have been required to widen the roads and put in sidewalks as well as curb and gutter making roads and neighborhoods safe. Hall believes this would create a dangerous road for all children trying to get to Taylorview Junior Highschool. Hall believes that the infrastructure and road work would need to be addressed first. Hall indicated that this use of land does not coincide with any of the developments near the proposed site. Hall stated that they are 10-20x the density of anything around the project. Hall

stated that there are plenty of places in Idaho Falls that this development would work. Hall stated that there is no green space for the community, and the assumption of the developer is that the greenspace will be provided by Taylorview Junior Highschool. Hall stated that this is not downtown an urban area such as Boise, Salt Lake, or Idaho Falls. Hall stated that he has heard that there is no public opposition to this plan, and that is not the case. Hall thanked the Commissioners for their efforts.

Chandler and Madeline Smith. Smith stated that they are building their dream home in Kings and Court. Smith is pro-growth and development. Smith researched the proposed development for this site and have concerns. Smith is concerned with the number of proposed lots in a small space and will increase the traffic well beyond a normal neighborhood. Smith believes this development will have a dangerous impact on the safety of the neighborhood. Smith stated that the Castlerock and Holmes Crosswalk currently have a high volume of foot and bike traffic, making it a very dangerous intersection and adding 44 units to the South will increase this danger. Smith stated that it is strange that the proposal has no off-street parking, and that would create a headache for snow removal. Smith believes the roads are smaller than normal. Smith feels the development is out of place compared to any neighborhood within miles of this development. Smith has not talked to anyone that supports the current plan. Smith feels that this development is going through at a time when residents have been under a “Shelter in place order”, and it seems that this is being unfairly pushed through without proper opportunity to be heard on the matter. Smith is opposed to the current proposal.

David Koon. Koon stated that nearly 10 homes per acre is extremely different than the surrounding country style properties and will affect traffic as well as open the possibility of additional subdivisions like this in the area. Koon stated that if this goes forward the City will have a hard time denying additional requests for similar development. Koon stated that there are other areas more fitting for high density homes.

Richard Groberg, 620 Castlerock, Idaho Falls. Groberg stated that his subdivision is the latest development to the current development and his lots range in size from 1 – 2.5 acres. Groberg was flabbergasted when they heard the plan was for 10 lots per acre. Groberg stated that the development south and west of the proposed development were designed for 2 houses per lot, with covenants for middle-large sized homes. Groberg attended a meeting Friday with 25 neighbors to discuss the subject and none had received any notice of meetings prior to this May 5, 2020 meeting and many had concerns about the plat. Groberg believes the plat and zoning is detrimental to the existing developments near by and is setting the wrong precedent for the Holmes Ave. corridor. Groberg requested copies of the application.

Dave Higham, 4349 South Holmes, Idaho Falls. Higham stated that they live within 300 feet of the property and they were not notified, and they strongly oppose.

Toni Peck, Stonehedge Court, Idaho Falls. Peck has lived in the neighborhood for 15 years. Peck objects to the preliminary plat. Peck objects because the proposed density is higher than the surrounding neighborhoods; the plan is only viable if the through street is connected into the Rockwell edition or Stonehedge Court, and that would increase the traffic flow in the area. Peck believes this presents a safety hazard for the current residents and children at Sunnyside Elementary and Taylorview Junior High. Peck believes the zoning is inappropriate for the area; the increased number of residents will tax the already overflowing Sunnyside Elementary and Taylorview Junior High; the increased traffic on Holmes will increase traffic in an area that

already has daily near misses; no warning was given about this development during a time when a public stay at home order is in effect is inappropriate and prevents a true representation of the number of effected and concerned patrons; the narrowness of the street and the design of the neighborhood is inconsistent with the surrounding area and doesn't represent responsible City Planning and 5 acres should only seen 10 or so units, not 40+ units; the other individuals that have tried to develop land in this area were required to do much more than this development and appears to be favoritism. Peck stated that the development should not be allowed to progress and should be put through the due process to receive the feedback of the citizens.

Curtis and Christine Smith, 4417 S. Holmes, Idaho Falls. Smith's property is within 300 feet of the proposal. Smith has spent the last 3 years remodeling their home and improving their property. Smith has done it the right way by obtaining permits and talking with neighbors as most responsible neighbors do. Smith welcomes growth and development. Smith is disappointed in the current proposal and was shocked to learn that the process is as far along without proper notification to the neighbors. Smith did not receive notice about the zoning modification which is required by Code. Smith is shocked that this is moving forward during a "Shelter in place order". Smith feels disadvantaged as property owners with the project moving forward as the community has been focused on Covid 19 and City buildings have been closed to the general public and requested information has been hard to obtain. Smith feels allowing this to move forward with out property notice and during this time is a violation of due process for the property owners and taxpayers who will be impacted. Smith asked that the hearing for May 5 be continued. Smith doesn't feel that people have adequately had their questions answered. Smith stated that older residents have voiced concerns that they would go to City Hall in person because they do not have the technology or knowledge to appear the way the City is allowing, and all of those things are procedural problems that this City should be sensitive to. Smith feels more time is necessary and will allow for a full and fair hearing. Smith stated that the rezone for this parcel is bizarre and does not fit the country feel of the neighborhood, or resemble the new developments being built nearby. Smith stated that the proposed number of residents being pressed into a small space will increase the vehicle traffic, bike and pedestrian traffic. Smith stated that the plat doesn't meet the requirement of emergency and city services and the proposed street sizes seem small for the amount of residents; there is no second egress into the new proposed neighborhood, the proposal lacks appropriate off street parking and beautification. Smith would like the City to require such things for sustainability and pride of the community. Smith stated that it is not responsible to allow this many new residents in such a small area, that will have a negative impact on current homeowners.

Peyton Smith. Smith is building a new home in Belmont Estates and will be moving in August. Smith is pro development, but this proposed development does not enhance the rest of the neighborhoods. Smith stated that the density for the area is overwhelming. Smith believes the proposal is incomplete. Smith believes the road is too small, there is no off-street parking for residents which will cause difficulty for snow removal and street cleaning. Smith stated that lack of parking and space will put more pressure on Holmes and create more unsafe traffic hazards. Smith stated that the proposal has nothing in common with the homes in the area. Smith stated that the development does not offer play areas, off road parking and other features that are welcoming for healthy young families to live and grown. Smith has spoken with many people that are concerned with the proposal. Smith feels that it is unfair that this hearing has occurred during a shelter at home order and it is not a fair climate to proceed when people's attention has

been on the safety of their family and subsequent economic hardship. Smith does not feel the development will enhance the City or the neighborhood.

Lisa Baker, 715 Castlerock, Idaho Falls. Baker objects to the zoning request and proposed plat for Taylorview Homes. Baker is surprised that preliminary approval was given in the first place and she is requesting Planning and Zoning take a second look at the zoning and whether the project makes sense in the area. Baker is concerned with the annexation and zoning. Baker read from the City Code 11-3-3 TN Zone . . . Baker listed ways the zone does not fit the area, and reasons by the proposed plat doesn't meet the Code. 1) TN Zone doesn't fit area; 2) the area is not close to the central part of the City; 3) Zone is designed for walkable neighborhoods and allows for mixed use and that is not true for the surrounding areas; 4) the zone is required to integrate with established characteristics of the existing neighborhood and it doesn't; 5) the submitted plat proposal doesn't fit the zone as there is not a mix of housing style, the road is one long road without any grid pattern, and no alleys. There is no guest parking and there will be a problem with cars parked on streets. Baker is not opposed to townhomes but would like them approved for areas that make sense. Baker would like parking and green space within the development. Baker doesn't think the zone or development makes sense and shows zero compatibility and respect for surrounding homeowners. Baker does not feel that the rights of neighboring property owners have been honored because no one received notification of the original zoning approval meeting and this is against City policy.

Brett and Sheryl O'Connell, 447 E 49th South, Idaho Falls. O'Connell disagrees with the timing and feels it is wrong to slip this through while everyone is on a Governor ordered lock down. O'Connell stated that no one was made aware or have even heard of the plan until a week ago. O'Connell asked that they postpone until after the lock down is lifted and people can meet in person. O'Connell stated that a) the density of the project doesn't fit with the surrounding area; b) no one knows if these will be owned or sold off as rental units; c) where are all the occupants going to park; d) no exits or turn arounds for emergency vehicles; e) Holmes can't handle 88 more vehicles. O'Connell wants these issues addressed before this goes through.

Christian and Deborah Browning. Browning is against the development as it is proposed. Browning would like to know who the 11 property owners that were notified about the annexation as they live across the street and did not receive any information on this until the notice of the public hearing. Browning spoke to 9 of the property owners in the area and none of them received information of the annexation. Browning did receive the notice of public hearing and is opposed to the development especially if the project is high density housing. Browning doesn't feel the plat fits the zoning as it does not fit the homes in the area. Browning stated that the previous landowner was unable to develop the land for housing and he was told by planning that the parcel was too narrow to develop and needed to be 10' wider and the adjacent landowner Reece Naïve refused to sell. Browning asked why the parcel would be wide enough to build on now. Browning stated that there is only one entrance and exit and that limits all emergency crew and snow removal. Browning asked if there are plans to connect with other roads perhaps in Victorian Village. Browning stated that connecting to Victorian Village or Stonebrook would have an impact on those residents. Browning stated that a road extension would impact the 5 small farms that the road would need to cross through, and the entire plan needs to be available prior to the hearing. Browning would like the hearing moved due to the Covid Crisis and allow more people to participate and some senior citizens that do not have means to make their voice heard online and it is unfair to exclude them.

Michael and Jamie Ellison, 655 Castlerock Lane, Idaho Falls. Ellison is concerned that the rezone took place during the stay at home order and because they obeyed the order, they did not see any signs, and they were not given notice of the meeting. Ellison stated that the density is too high for the area. Ellison stated that this development will decrease property value for the surrounding homes, and they want to maintain their country feel. Ellison stated that the increase in traffic would endanger the school children that must cross Holmes. Ellison stated that 88 additional vehicles is too many and he is strongly against the development.

James and Alowa Humphrey, 4585 South Holmes, Idaho Falls, Idaho. Humphrey stated that they did not receive notice regarding the annexation. Humphrey stated that they built their home in 1974 and have enjoyed the country setting since then. Humphrey is opposed to dense housing. Humphrey stated that if Holmes has to be widened it will change things not for the better, and it would ruin their setting, and ruin their trees in the front, ruining their yard and set the house too close to the street. Humphrey stated that Holmes is already busy and allowing dense housing would only make it worse. Humphrey stated that the trees south of them are home to large hawks and they oppose removing the trees, oppose tax dollars being used to purchase frontage or put in a new road, or to change utilities. Humphrey is opposed to a wall of housing against the property line of the school yard and they disagree with taking land from the school. Humphrey disagrees with forcing the City to spend money to widen the road so the developer can make money. Humphrey disagrees with making unhappy neighbors for a developer.

Mike Groberg, 540 Castlerock Lane, Idaho Falls, Idaho. Groberg is opposed to the preliminary plat. Groberg stated that the planning commission should ask if the request complies with the City Ordinances; and does it make sense. Groberg stated that the Taylorview Homes plat does not meet the City Ordinances and does not make sense. Groberg stated that the purpose of the TN Zone 11-3-3 is for the central part of the City and other places where the gridded street pattern is desired. . . Groberg indicated that the property is not in the central part of the City and the TN Zone would not integrate with the established characteristics of the existing neighborhood. Groberg stated that TN allows for the smallest lot sizes of all of the zones and this zone has been requested in an area that has the largest average lot size in the City and is immediately surrounded by County with larger lot sizes and zoned R1 or RP. Groberg stated that that the plat doesn't comply, and the plat doesn't make sense. Groberg stated that GHG investment company owns an 11+ acre parcel just south of this parcel and have considered many development options, but have never considered requesting a zone for the historic district that would be 14x denser than the City lots in the surrounding area. Groberg stated that they need to have plans in place to serve the parcel with City utilities and it is his understanding that the County neighbors to the west of this parcel, have not agreed to the easement for the sewer and are strongly opposed to the idea. Groberg stated that a City street cannot be longer than 400' unless it is a through street, and the parcels to the west are opposed to the plat so the road heading west has no where to go. Groberg stated that the plat does not comply City Ordinances. Groberg stated that the City's notification requirements were not followed when the annexation and initial zoning requests were made to Planning and Zoning. Groberg stated that Ellison, Browning and Smiths are all within 300' of the parcel and were not notified of the request.

Joseph Ellison, 4475 South Holmes, Idaho Falls. Ellison is against the proposal to build high density housing on the small lot for the following reasons: 1) would like to remain in rural setting; 2) opposed to high density housing; 3) Holmes would need to be widened and they are opposed to assigning tax dollars to purchasing frontage or change the utilities so the developer

can profit; 4) there are large trees along Holmes that are on the National Historic Registry and the trees should not be removed; 5) taking or acquiring land from the school is a public concern to enrich development; 6) taking the trees down would destroy the habitat for a large hawk on the endangered species list; 7) does not agree with forcing the City to widen the road to enrich development; 8) doesn't agree with inconveniencing neighbors so someone can make money; 9) opposed to putting back wall against the property line of a school yard where a lacrosse team might throw a ball into a yard or through a window and would limit soccer and football practice. Ellison proposes a country estate housing model such as putting in 3 homes.

Gene Ellison, 4475 South Holmes, Idaho Falls. Ellison is opposed to Taylorview Homes for the following reasons: 1) Ellison did not get the first notice of the annexation and lives within 100' of the property; 2) there would be a traffic burden on Holmes; 3) there is no exit street on the development for emergency vehicles or a school bus to turn around; 4) congestion of parking in the development.

Marvin Smith, Esq. Smith objects to the proposed plat for Taylorview Homes and he is representing the objection of 110 people residing in the immediate area of the proposed plat. Smith requested a continuance and postponement of the public hearing as the current hearing is scheduled within the time period now identified as stage 1 of the Covid 19 guidelines and public and private gatherings should be avoided. Smith stated that many of the people objecting do not have the technology to connect by webex. Smith stated that the objectors who live in close proximity did not receive notice of the annexation and initial zoning due to the annexation being a category A annexation under Idaho Code 50-222. Smith stated that the objectors represented by this letter would request that the Planning and Zoning Commission continue this hearing so that certain items can be investigated and sorted out. Smith stated that the concerns of the development are as follows: a) the plat doesn't connect to a street network or have a turnaround of at least 90' and the proposed street exceed 400' and this poses a safety problem for emergency vehicles and for traffic flow on the street; b) the plat doesn't clearly illustrate the accommodate of off street parking and the parking on the street would pose serious problem for emergency vehicle, snow removal and traffic; c) zoning classification of TN is problematic and a review of the uses allowed would indicate that the TN classification has more in common with high density residential, as opposed to low density and medium density designations; d) the traffic patterns will be altered with this plat and the TN model is incompatible with the surrounding neighborhoods. Smith stated that the Castlerock and Holmes intersection will be impacted with the addition of 44 units; e) contrary to staff report this higher density housing will not have the affect suggested by staff and the impact of the development will be to move traffic through adjacent neighborhoods, given the congestion and Holmes and Castlerock. TN should have a walkable pattern, grid pattern, and rear alleys and contains elements of the form-based code allowing variety uses that will integrate with the existing neighborhoods. This zone and building pattern is ill advised and result oriented and this type of zoning does not work in the real world. Smith stated that based upon the lack of notification in regard to the annexation and zoning and further based upon the concerns outlined in this letter the 110 objectors would request the postponement of this hearing.

Jacki Highman, 4349 South Holmes, Idaho Falls. Highman did not receive notice about the housing development proposal. Highman is opposed.

Black reminded people to not repeat what was given in the letters. Cramer stated that notification procedures were followed. Cramer instructed that Category A Annexation per Idaho Code it allows the City to annex Category A properties unilaterally by Ordinance and there is no required public hearing, and there is no required notice and it is a Legislative matter that is considered by the Planning and Zoning Commission and then City Council. Cramer stated that this Commission considered the Annexation 2 weeks ago and recommended approval unanimously and it will proceed to City Council at some point. Cramer indicated that there will not be notice of the City Council hearing either, and people can watch agendas, or ask staff to notify them via email, and they will try to keep a list. Cramer pointed out that there has been no violation of notification requirements for an annexation and zoning hearing. Cramer added that the notification requirements for the Preliminary Plat were followed and that is why there are people on the phone, submitting written statements. Cramer stated he understands the frustration of the “Stay at home Order” but this has been a long hearing with a lot of written testimony and a lot of people making it to the hearing. Cramer added that people can still call in and they are following the Governor’s orders and providing as many options as possible.

Morrison asked if Cramer would give an overview of the TN Zoning as he feels it is misunderstood. Cramer stated he would do that after the remaining testimony.

The Following people appeared via webex/telephone to testify:

Curtis Smith. Smith wrote a letter. Smith stated that he has checked with some of the landowners that the road would have to continue through, and it sounds that developers are never going to be able to connect this road to anything in his lifetime. Smith stated that the simplest reading of the TN Zone he does not feel this preliminary plat meets it, and there are no characteristics of this long line of housing that even comes close to the established existing neighborhood for miles. Smith is concerned that there is no green space, no alley ways. Smith likes the developers and believes there is a better plan. Smith does not feel that they are using common sense if they can’t see the difference of this plat and what the TN Zone should look like.

Marv Smith, Esq. Smith submitted a written statement. Smith stated that there is a 1309’ road with no secondary access that has 44 units fronting a road that is 50’ wide. Smith stated that public streets and rights of way are to be measured from property line to property line and the definition of block in the Ordinance is a track of land bound by streets, alleys, parks, cemeteries, right of way or other public boundary lines. Smith stated that a residential block length should not exceed 1300’. Smith would urge a remeasurement under the definitions of block. Smith stated that a permanent dead-end street cannot exceed 200’ and this road is 1300’. Smith stated that streets that are temporarily dead ended may be permitted with a distance of no greater than 400’ if they have a turnaround, which a turnaround is now shown on the plat, but the street is still 3x the allowed length. Smith stated that the 50’ wide street is compatible with a rural setting and so putting in a classic central city zoning classification in a rural setting with a 50’ wide street. Smith stated that the standards are for safety to allow emergency vehicles access. Smith added that the congestion of Castlerock and Holmes is at a danger level and to add the congestion of this development is unthinkable. Smith stated that if they do get a western exit for the street, they will then be taking the road in the subdivision to access the schools and the churches that are located within, instead of taking Holmes entry.

Collin Hunter. Hunter stated that there is a high demand for affordable housing and there is not a lot available. Hunter stated that there are people that prefer to have more house than land that do not like to take care of a lawn. Hunter stated that demand is hard to meet in Idaho Falls. Hunter is in favor of this plat. Hunter stated that there is a townhouse set up less than a mile away on Holmes and also townhomes throughout Waterford with similar ownership of land. Hunter believes there is concern with the level of traffic but doesn't think that can be avoided as the population will continue to grow and Idaho Falls should plan for that. Hunter believes this development will attract small families and retired couples and could be highly desired in our area.

Julie. Julie stated that she can hear the personal preference complaints and that seems like most of the complaints. Julie is in favor of the development. Julie recognizes and agrees with Hunter as they are looking to have more affordable homes available. Julie stated that there will be a full-size road that will allow space and parking, there will be driveways in every home, they are single family homes. Julie stated that people that do not make as much money cannot buy a home that they feel is as nice and end up living in homes that cause more maintenance. Julie believes it is a fair thing to have homes like this made available to other people. Julie agrees that they need to prepare appropriately for growth. Julie feels this would add diversity to the neighborhood and opportunity for other people to live in an area that they would like to live in an affordable way. Julie stated that her husband is a truck driver and he looked at the measurements and believes there is ample room to turn around his truck in the circle or using a driveway of a home.

Deborah Browning. Browning wrote a letter and feels well represented. She is against the plat. Browning is not against housing but is against high density housing due to the traffic on Holmes. Browning believes there is a better plan.

Travis. Travis stated that he comes from a real estate background. Travis understands both sides. Travis values and likes the rural aspects of the area. Travis does believe that the challenge for this property is it is a unique plat of land, and so single-family homes like what is in Castlerock it would be a challenge on this land because it is not deep enough. Travis stated that he hears that people would rather the land just sit there and that does not bring value to the community. Travis stated that change is painful, but it is a unique parcel with very few ways to capitalize on the land and this is a great use. Travis stated that he understands the plan would be to build only a portion of the homes because there are some restrictions that it cannot be completed until there is a through street to connect. Travis supports this project and thinks it will bring value to the community and neighborhood.

Ray Falkenrath. Falkenrath is in favor of the development because it offers diversity that is needed in Idaho Falls. Falkenrath understands the concern with the congestion on Holmes, and the concern for school kids getting across Holmes. Falkenrath stated that this development is on the western side of Holmes, so the children in this development would not have to cross the street to get to Taylorview or Sunnyside which is a major advantage. Falkenrath stated that this will give people that otherwise couldn't afford a single-family residence in a lower price point the opportunity to get into the social and economic structure they would like to be in.

Chuck Johnson. Johnson stated that he is in favor of the development as it offers a great opportunity for a different type of home in this part of town. Johnson has family that does not want a big yard and the work that comes along with the yard. Johnson stated that he has seen

townhome communities that turned out nice and are perfect. Johnson understands it is different than the country setting, but Idaho Falls changes every year and there is growth going on south of town and Holmes will have to get widened at some point.

Paul Hamilton. Hamilton is excited to see an option considered in this part of town. Hamilton stated that this would be an excellent low maintenance option for his family.

Blake Jolley, Connect Engineering, 1150 Hollipark Drive, Idaho Falls. Jolley reminded the Commission that Holmes is a principal arterial and according to the BMPO Plan Holmes is planned to be a 5-lane roadway. Jolley stated that this project will only be allowed to build up to 30 homes per the Fire Code and that can happen with a temporary turn around that is approved by the Fire Marshall, and the second phase cannot take place until they acquire a secondary access. Jolley stated that each unit will have a 2-car garage which will allow for two spaces in the garage and 2 spaces outside the garage, and there will be parallel parking on the sides of the street. Jolley stated that the plat shows a 50' right of way and that was discussed with the City Engineer on how to handle the roadway and his recommendation was to do that with a 50' right of way that will fit the typical road width of any single family residential subdivision, and the additional 10' to get to the 60' would be acquired at such time that the development to the south took place. Jolley stated that 2900' to the north is a zero-lot line development and adjacent to the principal arterial. Jolley stated that they met with staff and City Engineer and the road should continue through and tie into Hedge Court at some point. Jolley stated that this road is stubbed to the west and is similar to the plat approved for the Manchester Estates project that stubs to the south into an adjacent property that is not owned by the developer but could provide future access and tie into vacant unplatted properties. Jolley stated that this is a unique piece of property and is 153' wide along Holmes and is difficult to work with and that is why it has stayed undeveloped. Jolley stated that the recent development of the TN Zone can allow property like this that has unique widths or aspects that make them undevelopable, that they can now be developed utilizing the TN Zone.

Black asked if it will be tandem parking in the driveway. Jolley stated that they do not have to ask for tandem parking as a request because the two parking spaces per unit has been met, and they have the ability to have two additional spaces outside of the garage. Jolley stated that there is the ability for parking on both sides, but as it develops out, the north side would be limited to where you could park, but the south would be wide open.

Hicks stated that he does not feel this plat fits the TN Zone description. Hicks stated that this is not New York, or Chicago and there is a lot of space, but he feels that this is too much stuff in too small of a space.

Cramer gave an overview of the TN Zone. Cramer stated that the only thing that is relevant pertaining to the zone, is whether or not the plat complies with the zone. Cramer stated that there has been reference to the purpose statement that the TN Zone is found in the central parts of town and other areas where walkability and the gridded street pattern is desired. Cramer stated that the TN Zone is new to the Code and was patterned after the older parts of town because those have been some of the most treasured neighborhoods in Idaho Falls. Cramer stated that in the 60's zoning came in and made those neighborhoods illegal, and those neighborhoods could never have been built again, until they rewrote the zoning code to allow the TN Zone. Cramer stated that the idea that it would only remain in the central parts of Idaho Falls was not the case, and it specifically states that they will be placed in other areas where walkability is desired.

Cramer stated that the location is in a walkable area to schools, to churches and surrounding neighborhoods. Cramer stated that the lot sizes comply with the Code, and that is the question on the plat. Cramer stated that all the zoning questions should go to City Council as this is a legislative matter, and comments can be submitted. Cramer stated that the question tonight is about the plat, and staff has pointed out that the plat does not comply with the subdivision code completely, but it does comply with the zoning, and most elements of the Code, but unless a connecting street is shown on another preliminary or final plat the plat does not comply, so if the Commission did approve it, it would have to be with the condition that the connecting street is made, at a block length that is less than 1300'. Cramer stated that they have talked about building 30 units, but if the 30' units go beyond the 400' you cannot build beyond the 400' without providing the extra street and that is an important safety issue. Cramer stated that if they cannot meet the conditions that staff has set forth, then a final plat would not happen as you see it today.

Black asked if they approved the preliminary plat and City Council did not approve the TN Zone what would happen to the plat. Cramer stated that they would have to do two things, and explore if there was another zone that could fit with whatever zone was approved, and if not the preliminary plat would have to be revised and brought back to the Commission, unless it fell within minor changes to proceed forward. Cramer stated that the Commission could make the condition that they approve it on a condition that the TN Zone is approved.

Michael Kirkham, Esq., added that essentially the Commission cannot approve a preliminary plat that would ultimately violate the zoning code, so if City Council does not decide to follow the recommendation for the TN Zone application, then the plat would need to be changed and wouldn't be able to have a final plat. Kirkham stated that even if the Commission did not include the condition of the zone being approved, the plat would need to be resubmitted or redone in order to conform to the zone that is ultimately applied.

Dixon read "The purpose of the residential zones for the traditional neighborhood this zone provides (not required) walkable, traditional, small lots, mixes of housing, grid street pattern with alleys. . ." Dixon stated it then says this zone "is" situated and he believes "is" is a requirement and it states it "is situated in a historic neighborhood within the central part of the city and in other locations where a traditional neighborhood character with a gridded street pattern is desired." Dixon asked if the "is" makes it necessary to have a gridded street pattern. Kirkham cautioned the Commission from looking at the purpose statement beyond what statutory purpose statements are which is more or less the background on what the actual rules are. Kirkham stated that the actual rules of the TN Zone are what follow after the purpose statement. Kirkham stated that whatever binding affect the word "is" has, it is immediately negated by the word "desired" because that is language that doesn't have any clear objective/direction on what that is and the purpose statement is illustrating the legislative idea behind having the TN Zone. Kirkham stated that the rules and lot size, setbacks, and other restrictions on the use are what are the part and parcel of the legislation and what puts the community on notice on what is appropriate in the zone.

Dixon read "the standards in this zone contain elements of a form-based code allowing a variety of uses that will be required to integrate with the established characteristics of the existing neighborhood. Dixon stated that there is not an existing neighborhood, but if there was an existing neighborhood would it be interpreted that the other would have to have those specific

requirements such as setback, etc., and used for fill in, rather than new development. Kirkham stated that it is the specific guidelines that follow the purpose statement that make up what is and what is not permitted in the zone. Kirkham stated that the purpose statement says there can be a variety of uses, but it doesn't create a requirement that the landowner use the property in a variety of ways. Kirkham cautioned the Commission from interpreting the purpose statement from meaning something beyond what is written in the black and white of what follows afterwards.

Cramer stated that the purpose is read correctly that integrating with existing neighborhoods is the idea, and even in the numbered streets there are vacant lots, and it would be inappropriate for a 4 story apartment building to show up in the middle of a 1 and 2 story neighborhood. Cramer stated that the standards further in the Code give limitations on height, bulk, placement, based on the block that the infill lot exists.

Black closed the public hearing.

Dixon stated that one issue with the plat is the one street road that is very long and could turn into another "Nathan Avenue", which they swore to never do again. Dixon stated that he has been looking at the satellite view of Google to get statistics and this road would have 44 units on one side, so if the other side developed similarly, they could have 88 units along this road. Dixon stated that Nathan Ave, has 31 units on one side and 33 on the other side. Dixon stated that all of the units will have driveways that people back into the road, and Nathan has a lot of side roads, so there is only 23 homes on Nathan with driveways on one side and 24 homes on the other side, where this development would have the potential for 88 homes. Dixon feels that they are in danger of creating a situation with way too many units on one road where people have to back onto a street that people drive fast on. Dixon stated that the driveways will be close like Henryanna Ave and there was always a parking problem because there is not enough room between driveways for cars to park so there is no extra parking for guests. Dixon doesn't feel that this plat works.

Kirkham reminded the Commission that this is a public hearing and is quasi-judicial and you can only consider things that were introduced during the public hearing and that are on the record, so if Dixon can make the same conclusions using the resources presented that is fine, but he should not go outside of the record and what is introduced to evaluate the issues.

Morrison understands they need housing like this in Idaho Falls. Morrison is concerned with the number of units in a row on a single street.

Denney wanted to know if there are any common or green spaces. Denney does want this type of housing for Idaho Falls but the solid row with no break and no green space is concerning.

Hicks agreed with Morrison and Denney.

Morrison stated that there is no green space because these are individual homes, and each home has a little yard in the back.

Black stated that motorhomes in the driveway are ok as long as they are not blocking the sidewalk, even though it blocks others view when they are backing out of the driveway. Black stated that TN was set for these odd shaped lots, and there is not a lot to develop here. Black stated that there were comments from public testimony that this land had tried to be developed

before but that it did not work for single family homes. Black stated that nowhere in town anyone wants high density housing, but it is desperately needed. Black believes the developer is trying to make use of the property and solve some problems. Black is concerned with the parking, the long road, and some of the other issues that have been brought up.

Dixon stated that the staff notes show other properties that are south running east west and are basically the same thing with frontage along the county road (horse properties) is likely how this property became. Dixon stated that the last meeting had South Point Division 10 and there was an issue of whether the City would require the developer to expand right of way from 60' to 70' for one or two of the roads on that plat, with the idea that they could be viewed as collectors, and this road could be applied the same way and this road is only 50' wide.

Romankiw stated that their job is to make sure the preliminary plat complies with the Comprehensive Plan and the Subdivision Ordinance, and this plat doesn't comply with the Subdivision Ordinance because of the road, and the lack of the secondary access, that is required after 400' and no turn around or connection to the west is shown on the preliminary plat. Romankiw stated that the plat as presented does not comply with the Subdivision Ordinance. Romankiw stated that they could approve the plat with the condition that the applicant address that problem, but she is concerned with approving a plat that does not comply with the Subdivision Ordinance on the condition that the developer make it comply. Romankiw does agree this type of housing is needed in Idaho Falls.

Morrison wants to wait until they see what the City does on the zoning.

Cramer stated that staff will modify the Reasoned Statement to match the decision. Cramer stated that per the Code, there are two options 1) conditionally approve the preliminary plat and advise the developer in writing of the conditions under which approval is granted and upon developers compliance with such conditions and the Directors written certification thereof, the plat is approved; 2) if approval is denied the Commission shall advise the developer in writing of the reasons for denial of the application. Cramer stated that if they vote to deny the plat, they will change the reasoned statement to reflect that and the developer would need to make changes to make it comply before the plat is brought back.

Cramer asked Kirkham if it is appropriate to postpone the decision until after City Council has made a decision on zoning. Kirkham stated that it is within the purview of the Commission. Kirkham stated that they can continue the hearing to receive additional information. Kirkham does not recommend that the Commission do that, but they can if they want additional testimony. Kirkham suggested that the Commission not make a motion of a conditional denial, but rather deny based off of a specific reason that is articulated that the plat does not meet something in the Code.

Romankiw moved to deny the Preliminary Plat for Taylorview Townhomes Division 1 because as presented, the Preliminary Plat does not comply with the subdivision Ordinance because of the length of the road, Morrison seconded the motion and it passed unanimously.

Dixon moved to accept the Reasoned Statement of Relevant Criteria and Standards with the change to No. 6 to read "The Preliminary Plat does not comply with the standards due to length of the road and the lack of Road and 2nd access as set forth in the Subdivision

Ordinance of the city of Idaho Falls.”, Cantu seconded the motion and it passed unanimously.

Dixon believes the block definition needs to include not only maximum length, but the maximum number of units or driveways or some other criteria that the commission can use to make sure they have safe situations. Dixon stated that his reasons for voting against this have to do with safety, but those things are not shown in the revised ordinances.

Business:

1. ANNX 20-003 Annexation/Initial Zoning of HC. McLane presented the staff report, a part of the record. Dixon stated that even though the applicant is requesting this, it seems like the public has an interest in the initial zoning that is applied, rather than the zoning being a fact before any public hearings occur on a property. Dixon asked if they are correctly interpreting that there is no need for a public hearing when they do an initial zoning. McLane stated that for Category A Annexation and initial zoning there is no requirement from State statute to have a public hearing. Kirkham agreed and stated that it is a legislative process and because its Category A it is upon the request of the applicant.

Applicant: Paul Hilbig, Developer for Bish’s RV. Hilbig stood for questions. Dixon asked about the access to the north end and whether it will come from before the canal crosses North Holmes. Hilbig stated that they have followed staff recommendation to create a joint access into the parcel they are going to plat and to the future northern property will have another access point off Recycle Road.

Dixon explained that this is an odd piece of land as the north end is sandwiched between the canal and the City Dump and to the north there is residential development and the north end aligns with the City Dump and some kind of a use that is different than the residential to the north makes sense. Dixon feels the south as HC makes sense because it is up against a US highway and a major intersection.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of HC for 96.053 Acres E1/2 Sec 6 T2N R38E, Hicks seconded the motion and it passed unanimously.

2. ANNX 20-004: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R3A (Residential Mixed Use). Beutler presented the staff report, a part of the record.

Applicant: Kurt Roland, Eagle Rock Engineering. Roland stood for questions. Dixon asked if PB would work for this property. Roland stated that PB would not work for what they are trying to do.

Dixon stated that he feels that there should be public hearing about this zoning because the people who live at Strawberry Place, Delaware Ave., and the Cul-de-sac at the end of Potomac Way would want to have a say if the idea is to develop apartments in this area. Dixon stated that surrounding in the area is PB, and the Comprehensive Plan shows medical, which is not apartments, and R3A is not an appropriate zone in this location.

Morrison agrees with Dixon.

Beutler stated that the City has consistently had R3A meet the medical services designation for the Comprehensive Plan. Beutler stated that further to the east is R3A and all of that in the Comprehensive Plan is zoned for medical services and it was all considered to comply at the time. Beutler doesn't see a reason now to go against that.

Black asked why R3A is recommended versus PB. Beutler stated that R3A was requested by the applicant because they would like the flexibility that the R3A Zone allows, which is both residential and offices spaces. Beutler stated that staff is comfortable and would recommend approval of the R3A and it doesn't constitute a spot zone and is not inconsistent with the Comprehensive Plan.

Romankiw asked where medical services fall in the allowed use table. Beutler indicated that it falls under professional services. Romankiw confirmed that R3A is the only zone where medical services are allowed. Beutler agreed that it is the only residential zone that medical services are allowed, and PB also allows for medical services, and some LC.

Dixon stated that there is property to the south east that has Bennington Drive coming in from the east. Dixon stated that particular area was the subject of several contentious meetings when there was a desire to develop apartments in that area, and the neighbors were ok with additional medical offices, but not with apartments and eventually that piece of property got zoned R1. Dixon feels that the property is similar to the subject property and it is the same neighbors.

Black stated that even if they did want to put apartments there, it is backed up to residential, and is not surrounded by office. Black is no sure why R3A would not be appropriate as it is consistent with the Comprehensive Plan.

Dixon stated that it is very similar to the other property and is against existing residential on 2 sides, and against existing medical offices on the other two sides. Dixon stated that he has a problem with this not being a public hearing because the public has not been notified that this property could be zoned.

Morrison stated that City Attorney has indicated that this is the way the process should go, and they shouldn't stand in the way of it moving forward.

Black agreed that once they move forward, they are stuck with the zone, and if someone comes forward with something that fits in the zone, it has been approved. Black believes a public hearing would be advantageous.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of PB to be consistent with the surrounding properties that are in the same medical services area of the Comprehensive Plan and to recognize the difficulties of the property near by on Bennington Drive where the neighbors were very much against an R3A designation where you don't know if it will be professional offices of high density apartments, Morrison seconded the motion. The Motion passed 4-2. Denney and Romankiw opposed the motion.

Denney indicated that she is opposed to the motion because she is open to possible apartments in that area, as they would act more as a buffer between the business area and the property is closer to Sunnyside than the Bennington property. Denney stated that if they were going to have apartments, this would be a good spot for them.

Romankiw indicated she opposed the motion because the R3A zoning would comply with the Comprehensive Plan and pointed out that the property is different from the Bennington property because the subject property has a road on the north border, and a road on the west border that already have commercial applications/businesses, where the Bennington property is surrounded by residential with one access to the South, and that makes the properties seem different.

Dixon stated that he doesn't disagree with the comments, but his issue is that there is no public hearing for this and without a public hearing the public has not had a chance to voice their comment and they will feel betrayed if they find out that it is all done. Dixon agrees there are differences in the properties, but he doesn't like the idea of assigning a zone that could be controversial without the public having any voice.

3. PLAT 18-028: FINAL PLAT. Sandstone Estates Division No. 2. Beutler presented the staff report, a part of the record.

Applicant: Steve Ellsworth, Ellsworth, and Associates, 253 1st Street, Idaho Falls, Idaho. Ellsworth stated that the applicant didn't realize the bridge was going to be a requirement at the time of development and has now decided to move forward with the project.

Hicks moved to recommend to the Mayor and City Council approval of the Final Plat for Sandstone Estates Division No. 2., Denney seconded the motion and it passed unanimously.

4. PLAT 18-034: FINAL PLAT. Hidden Bridge Subdivision Division 1. McLane presented the staff report, a part of the record. Dixon asked if this comes off 20th Street and then connects to Higbee. McLane agreed that it does create a U through there and has 2 exit points. Dixon asked if there is a minimum 25' lot width within the TN Zone and some of these lots are 21.5'. McLane indicated that the Zoning Ordinance allows for attached single unit dwelling waives the lot size requirement. Dixon asked if they are going to make changes to the plat to ensure they are not over the maximum density. McLane stated that they would have to make sure they meet the density requirements and staff will verify that. McLane stated that the copy of the plat the Commissioners have is the old plat and the applicant has revised the plat.

Applicant: Steve Ellsworth, Ellsworth, and Associates, 253 1st Street, Idaho Falls, Idaho. Ellsworth confirmed that the current plat that is under review with the City of Idaho Falls has been updated and is in compliance with the TN Zone.

McLane was able to pullup for the Commission to review the current plat that is in compliance with the Ordinances.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Hidden Bridge Subdivision Division 1, Hicks seconded the motion and it passed unanimously.

5. PLAT 20-012: FINAL PLAT. Grandview Storage 1st Amended. Stephens presented the staff report, a part of the record.

Applicant: Kurt Roland, 1331 Fremont, Idaho Falls, Idaho. Roland explained that the amendment is creating another lot from the original plat.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Grandview Storage 1st Amended, Dixon seconded the motion and it passed unanimously.

6. PLAT 20-014: FINAL PLAT. Teton Mesa Divison1. Stephens presented the staff report, a part of the record. Black asked what staff's concern with the Lomax. Stephens stated that there will likely be housing on the property and that will put traffic onto the road. Stephens stated that engineering is concerned with whether they will need an additional decel lane, so they will want some say in the planning and placement of the approach onto Lomax. Black stated that she has spoken to the street department about the divider and she thought the City would require a developer to put a roundabout in that area. Stephens stated that has been discussed and is not certain of the position of the City currently. Dixon asked what the restrictions would be on lot 2 that is the mixed zone. Stephens stated that they may need to come in and replat that into smaller lots depending on how they want to build, and previous plans showed that was storm water, but they will have address buffers at the time of development.

Applicant: Blake Jumper, The Housing Company, 565 West Myrtle Street, Boise, Idaho. Jumper stated that this is a unique request to subdivide the site and typically they would develop off of what they have to work with. Jumper stated that they received two separate awards of financing in 2019 and one of them is a competitive 9% tax credit award and the other is a 4% tax credit award from Idaho Housing and Finance and they are proposing a total of 72 units of affordable housing and all 72 units will be rent restricted to low income families. Jumper added that the site will include 4 18 plex buildings, a club house, a playground, and a large amount of green space. Jumper stated that they have to subdivide this way is because financing is from two different sources and they require that the property be legally split so there are two separate legal descriptions. Jumper stated that the R1 portion on lot 2 will not be used for any occupied buildings on that space, and that will be part of the green space and snow storage as well as a possible leisure area with trails and benches.

Black asked what the plan for access onto Lomax. Jumper indicated that they have had discussions with staff about many issues and some of those involve traffic off Lomax and 1st Street. Jumper stated that there were talks 8-10 years ago about doing some off-site improvements that included a round-about or other street improvements. Jumper stated that he feels that there could be a divider between Lomax and 1st to prevent people from turning from 1st Street onto the property. Jumper stated that they are a non-profit and don't do any market rate housing and they are building affordable housing and they don't have the budget that other developers have, and a round-about would sink the development. Jumper is happy to work with the City and staff to find a solution to make it a safe access off Lomax.

Hicks moved to recommend to the Mayor and City Council approval of the Final Plat for Teton Mesa Division 1, Cantu seconded the motion and it passed unanimously.

7. PLAT 20-015: FINAL PLAT. Bish's RV. McLane presented the staff report a part of the record. Dixon asked if there will be a problem with the access off of Lewisville Highway and Dixon feels like they are creating a problem they could avoid if the lots had been drawn different. McLane stated that it will require a shared access and sometimes the curves in the road create portions that become not easy to develop and it happens frequently and can be addressed and the access point to 5th East does provide enough distance as you go to the northern portion to provide an access point that would have cross access to the north as well.

Applicant: Paul Hilbig. Hilbig stated that they created the lot shape to accommodate the site plan for the remodel of Bish's entire site, so it is the size that fits the building and inventory that they require, and they own all the land around it. Hilbig stated that they allowed for the cross access on the north. Hilbig stated that the plan for the surrounding ground is unknown and the intent is to redo the Bish's RV development and further development will happen in the future.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Bish's RV, Denney seconded the motion and it passed unanimously.

Black adjourned the meeting at approximately 10:45 p.m.

Respectfully Submitted

Beckie Thompson, Recorder