

May 7, 2019

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, Natalie Black, Gene Hicks, George Swaney, Joanne Denney, Brent Dixon, George Morrison. (7 present 6 votes).

MEMBERS ABSENT: Arnold Cantu, Lindsey Romankiw

ALSO PRESENT: Assistant Planning Directors Kerry Beutler, Brent McLane; Michael Kirkham City Attorney, and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Black moved to approve the April 2, 2019 minutes, Morrison seconded the motion and it passed unanimously.

Public Hearing:

1. RZON 19-005: REZONE. Rezone from R3A to LC for the East Idaho Credit Union.

Beutler presented the staff report, a part of the record. Swaney stated that after the revision of the Ordinance this is the first occurrence of the City creating a non-conforming use. Swaney added that this will likely not be the last occurrence where the change to the Ordinance created a non-conforming use and a need to rezone to an appropriate zone. Beutler agreed with Swaney and indicated that they did try to do a detailed analysis of the properties being rezoned by the change in the Ordinance, but some are going to be missed. Wimborne asked if an electric message sign would have been allowed in RSC1 Zone. Beutler agreed that the RSC1 Zone could have an electronic message center sign and they had planned to have one, and due to the rezone by the change to the Ordinance it was no longer an option to do an electronic sign. Dixon asked if the lot to the South with the gas station is now non-conforming should they look at a broader rezone. Dixon asked about the lot to the north with the dumpster and no structure and does the property to the north need to be rezoned with this parcel. Beutler deferred to the applicant.

Wimborne opened the public hearing.

Applicant: Marci Barker, 3931 Barosa Dr., Idaho Falls, Idaho. Barker is employed by East Idaho Credit Union and is present on their behalf. Barker indicated that the property to the north is an overflow lot, that is owned by the City and the Credit Union rents it from the City for employee parking. Barker is unsure if the dumpster on the property is for the Credit Union. Barker stated that the purpose for the rezone is for the electronic messaging sign.

Support:

1. Justin Steadman, 171 Colonial Way, Idaho Falls, Idaho. Steadman works for YESCO Custom Electric Signs and applied for the application representing East Idaho Credit Union. Steadman indicated that he agrees with the staff report. Steadman stated that the Credit Union has been planning the sign and budgeted the sign for many years. Steadman showed a picture of what the sign would likely look like (12' tall x 7.5" wide).

Wimborne reminded the Commission that this is a rezone, and not solely based on the sign.

No one appeared in opposition to the application.

Wimborne closed the public hearing.

Dixon asked if there is a way to expand the rezone so that when it goes to the Mayor and City Council it can include the gas station parcel to rectify that now non-conforming use, and not appear to be spot zoning.

Beutler indicated that they would have to discuss it with the property owners, but they wouldn't want to hold up this application, and if they expand the area, they would have to expand the notification range. Beutler stated that down the road they could address other parcels, but at this time they need to process YESCO's application in a timely manner.

Morrison indicated that this is a residential neighborhood with limited commercial and he doesn't think an electronic message sign would be a good fit for the neighborhood and will vote against this application.

Black asked if the Credit Union were to make any kind of change would they be required to do additional landscaping requirements to meet. Beutler stated that if they made an adjustment to the use and the change of use required a building modification or parking lot adjustment, then the new landscaping requirements would have to be met.

Swaney again refocused the Commission to the rezone because regardless of the application talking about a sign or the plans to put a sign in can always falls through and the property could be sold, and the new owner can build anything that is allowed in LC Zone. Swaney indicated that the LC does make sense on the two arterials.

Dixon indicated that the block between Hyam Street and Presto and between Laytah and Fremont is zoned R-1 with PT Overlay and has developed into credit unions, restaurants, and other businesses that are similar to an LC Zone. Dixon stated that the other side of Fremont Ave, that only has half block of PT-1 has no development, and north of Presto to Science Center has some residential properties that face the park, and then there is a group of lots that are R3A with no development. Dixon stated that the only development on the same side of the street as the Credit Union is the gas station across the street, and a restaurant next to the gas station. Dixon stated that along the road it was identified many years ago for transition and the things that have developed in the past years have been commercial, and not residential.

Dixon moved to recommend to the Mayor and City Council approval of the Rezone from R3A to LC for Lots 42-48 Less W 900.34 Ft. Block 6, Highland Park (East Idaho Credit union), Morrison seconded the motion and it passed 5-1. Morrison opposed the motion for the reasons previously stated relating to the area being residential.

2. PLAT 19-005: PRELIMINARY PLAT. Manchester Estates. Wimborne recused herself due to her roll with the School District and Black acted as Chairman for this public hearing. Beutler presented the staff report, a part of the record. Dixon asked if the Double Frontage lots will have to have sidewalk on both streets. Beutler indicated they will be required to have sidewalk on both sides and the sidewalk will be within the public right of way. Denney asked if a traffic study is needed for this development. Beutler indicated that the Access Management Plan identifies when a traffic impact study should be considered and the proposed development would be expected to generate more than 100 new peak hour vehicle trips, and reviewing the Institute

of Transportation Engineers manual that sets out the rates for trip generations the amount of trips generated for this development do not exceed the 100 net trips and so a traffic study was not required for the development. Dixon asked if the lots are comparable to the existing lots. Beutler stated that the average lot size is over 14,000 sq. ft. and that will be similar to the lots in the adjacent neighborhoods. Hicks expressed his concern about the lack of roads accessing the neighborhood. Beutler indicated that they have immediate access to the residential collector streets (Castlerock and Stonebrook) and the collectors are designed to handle more traffic than a typical local street and move the neighborhood traffic to the arterial streets. Black asked if there are plans to expand Holmes. Beutler stated that eventually Holmes will be expanded but when that will happen is unknown and the City would need to seek Federal funding to do the widening and they would widen from Sunnyside to 49th.

Wimborne opened the public hearing.

Applicant: Greg Hansen, Rockwell Homes, 4743 Tanglewood, Idaho Falls, Idaho. Hansen stated that they did a subdivision called Avalon and they did expand the road for the City in between Avalon and the subdivision to the East so it will be a 5-lane road. Hansen indicated that the property was acquired when Rockwell approached the School District as they could see there was a need for property for elementary schools. Hansen indicated that they meet with District 91 and District 93 and give them an opportunity to acquire land for growth. Hansen stated that the School District had determined that the plan to turn this property into a high school was going to be abandoned and the high school would be built some where else. Hansen stated that they were discussing sites for them to build elementary schools, and this land was brought up. Hansen indicated that it is difficult for the School District to buy property and even harder for them to sell property, so the best way is to trade property. Hansen stated that Rockwell traded with the School District for another piece of property. Hansen stated that they chose to do an RP Zone so they could match the lot sizes of the adjacent development. Hansen stated that the lot sizes in the development on average are 1/3 acre. Hansen stated that they worked with staff and engineering and put the roads as they recommended. Hansen stated that on Castlerock and Stonebrook they will create a nice walking area, where the backyards will have a 6' vinyl fence and then a 4.5' green strip, then 5' sidewalk, then 5.5' green strip up to the road and they will plant trees in the green strip. Hansen stated that the roads are busy and for safety purposes the people walking will be safer walking without driveways and the potential to be hit while people are backing out of their driveways. Hansen stated that the area will be turned over to the HOA to maintain the trees and grass. Hansen stated that the retention pond will be a green space for the subdivision that is maintained by the HOA. Hansen stated that they have elected to put a 10' walking path so there is a connection to the school. Hansen stated that the smallest house in the development would be a 3,000 sq. ft. home, 6-bedroom, 3 bath, 2 family room, 3 car garages.

Swaney asked if they have held any neighborhood meetings. Hansen stated that they did not schedule any meetings, but they were contacted by some neighbors and met at Hansen's office. Hansen stated that the majority of the concerns were things that he doesn't have a lot of control over, such as the overcrowding of the schools. Hansen stated that there was concern about the backyards facing the homes, which they did try to mitigate with an additional green strip. Hansen stated there was concern about traffic and where the roads within the development meet with the collectors, and Hansen indicated he explained they were working with the City to meet the requirements for roads and the location of the storm pond. Hansen stated that the neighbors had suggested doing cul-de-sacs instead of roads, and Hansen explained that the City doesn't like

cul-de-sacs. Hansen stated that they tried to present a plan that is comparable to the existing neighborhoods.

Dixon asked City Legal Counsel if they can discuss and clarify the land swap issue. Counsel indicated that State Code allows local subdivisions to sell and exchange property and he has not reason to presume that the ownership is in question and so that discussion on the land swap, would be outside of this Commission's scope to make a determination on whether the exchange was legal. Counsel advised the commission to not ponder on that issue.

Support:

1. Chris Ischay, 4239 Colonial, Idaho Falls, Idaho. Gauchay owns a lot in the area that he has put trees and rocks on. Gauchay stated that when his house was built in the Victoria Village Subdivision and he obtained the original plat from 1993 from when the school was going to be there and where the lots were going to be, including houses to the west of the church. Gauchay stated that the houses to the west of the church, this current plat calls for 19, and the original Castlerock lot called for 22, so there are 3 less lots on the 4-acre portion of property. Gauchay stated that he has always had concern for what his lot will look like on the Stonebrook side. Gauchay stated that when they opened up Stonebrook 13 years ago, and having kids walk down the street on their way to and from school, there is a concern that there is no sidewalk. Gauchay stated that the developer is suggesting putting in a 5.5' grass strip, a 5' sidewalk and a 4-5' buffer and that gives him no concern. Gauchay stated that as long as the development is maintained, he would support the application as proposed.

Black stated restated that the legal issue is not the Commission's purview, this Commission has no control over what the School District does with their enrollment and boundaries. Black stated that the application for tonight's meeting is the Preliminary Plat and if it fits in with the Ordinance.

Opposition:

1. Josh Chandler, 3780 Woodhaven, Idaho Falls, Idaho. Chandler asked for a show of hands on who is present to oppose the Manchester Estates Plat. Black reminded Chandler to direct questions to the Commission, and not to the audience. Chandler stated that he has helped write some of the letters. Chandler stated that the City will be enjoined from approving the plat shortly. Chandler stated that the legal issues do matter and they will come in to play. Chandler stated that he believes 53 homes will increase traffic by more than 100 cars during rush hour. Chandler believes the traffic impact should be studied and considered. Chandler stated that children on their way to school are getting hit in the road, and this subdivision will make the problem worse. Chandler stated that the Idaho Code 67-6513 allows the Commission to consider the school overcrowding including the availability of public resources in making the decision. Chandler stated that this area is many developments, including Stonebrook, Canterbury Park, Castlerock Lane, Victorian Village and all the developments has been required to face their homes toward the arterial streets so that they are one community and one neighborhood. Chandler stated that no alternate plat has been suggested. Chandler believes the homes should be turned and faced to the road to be part of the community so that the character of the community doesn't change. Chandler stated that if you take a box of paper clips and \$500,000 and trade it

for a piece of property, that is not a swap of property, that is a purchase and that is what happened with this property. Chandler stated that he is happy to work with the developer to find a solution that everyone can live with. Chandler stated that this Commission has the authority under Idaho Code 67-6510 to order that the parties mediate and meet with the developer prior to approval so that everyone is happy.

2. Jami Braithwaite, 3860 Woodhaven, Idaho Falls, Idaho. Braithwaite is the president of the HOA for Stonebrook. Braithwaite indicated they are over 30 years old and have over 316 homes in their development and they are all custom homes. Braithwaite asked for a delay in the preliminary plat discussion. Braithwaite stated that the school is at 140% capacity. Braithwaite stated that Sunnyside School is the only non-title one school in District 91. Braithwaite stated that real estate agents advertise property in the Stonebrook area as being in the Sunnyside Elementary boundaries. Braithwaite stated that there are no plans for a new school to be built, according to the steering committee that District 91 has put together, and no plans to rezone the Sunnyside boundaries. Braithwaite stated that there was a very near miss on the intersection of Cobblestone just north of this property. Braithwaite stated has become involved in the work to study the traffic, and has performed a preliminary traffic study, and District 91 continued the traffic study in 2017. Braithwaite stated that there was also a study done in 2008, and none of the recommendations that were made in 2008 had been done. Braithwaite is concerned that the no one can figure out whose problem it is, whether City of School District. Braithwaite stated that there are over 300 cars on Woodhaven and Stonebrook that go through the intersection within one hour. Braithwaite stated that the 2017 study indicated a need for extra signage, a crossing guard on duty during school times. Braithwaite has been to City Council meetings and was told it is a School District issue, and School District tells her it is a City issue. Braithwaite stated that 54 homes will add to the traffic issue. Braithwaite stated that the two auxiliary exits for the new development go through school zones and there is no other way out, except to pass through a school zone, during high traffic times. Braithwaite asked again that the Commission delay the preliminary plat discussion until someone addresses the traffic problems. Braithwaite stated that there is a lack of communication and transparency between the City, County and School District is unacceptable for elected officials in government and asked the Commission to take part in the conversation.

3. Ryan Huska, 208 E Woodhaven, Idaho Falls, Idaho. Huska stated that there are other communities on Daytona that have opened up traffic to come through, and that has increased the demand in this area. Huska stated that they are currently looking at this as an individual development and not as a community. Huska asked the Commission to consider it as a community and do something to create a smart development plan.

4. Jessica Zeller, 209 Castlerock, Idaho Falls, Idaho. Zeller stated that she was originally not opposed to the development, but is now vehemently opposed, after finding out a lot more information. Zeller stated that she spoke to the planning department and public works and numerous people in the City official's office and they have said the opposite things of what the developer has stated. Zeller's was part of the group with Jamie Braithwaite and was the person who interviewed all of the parents whose kids got hit (6 kids in 10 years). Zeller stated that the City officials and School District officials are not hearing them. Zeller stated that she is on the volunteer crossing guard. Zeller stated that they had 250 cars go through on average in a 10-minute period versus 30 students walking. Zeller stated that it far more than what is required for a crossing guard, but because there were only 30 kids, they said it didn't matter enough to give

them a crossing guard, and they didn't change the signage or do anything to fix the problem. Zeller stated that one of the things the developer said is that the adjacent neighborhood has houses with the backyard facing the street, but those are the only houses in a 2 mile radius, and they are the only houses that back a public entity (school and church) and are not facing other houses. Zeller stated that on Castlerock from Holmes until it turns past the church has a history of speeding and people being reckless. Zeller stated that the speeding is due to the wall of fences and then open space, so they don't slow down. Zeller thought the development would have houses facing the road and that would slow the traffic down. Zeller believes the proposed development creates a whole wall of fence along the two busy streets and will contribute to a problem that already exists. Zeller asked the applicant if there was any way to change the lay out of the homes such as cul-de-sacs and was told the planning department wouldn't approve it, although the planning department and public works told her that cul-de-sacs are approved all the time. Zeller believes there is a disconnect between what is being said and what is being done. Zeller stated that the trip calculator doesn't include busses. Zeller indicated that Sunnyside elementary is at a population cap, Longfellow is overpopulated, as well as Edgemont and they have to take them to Hawthorne which is across the City. Zeller stated that development needs to be done right and thoughtfully and consider the needs of the community that it is surrounding. Zeller stated that the traffic from 8 a.m. until 8:35 is a mad house. Zeller stated she has had high school kids speed around her and has witnessed kids almost getting hit. Zeller stated that one of the teachers heard about the new development and stated she doesn't have room for another box of Kleenex, let alone another student, and she doesn't know where the kids will go from the development. Zeller asked the developer about the service road, and whether there was any discussion given to taking the portion of the School District property and creating a road out of the development so that traffic doesn't impact the community. Zeller stated that there are a lot of issues not being addressed, and it doesn't seem like everyone is coming to the table to come up with a solution for everybody, such as cul-de-sacs, turn houses facing the road. Zeller stated that she interviewed 6 that filed a police report, but there are more that have been hit and haven't filed a police report, and those accidents weren't caused from driveways and people backing out. Zeller stated that the developer was not very welcoming on changing their layout and kept downplaying all the complaints. Zeller stated that the developer told her that they don't have control over a lot of the factors, but Zeller believes they do have control over the lot size, the size of the homes, the delineation of the homes in the development. Zeller stated that she won't get into how the deal between Rockwell and the School District went down, without an auction or announcement. Zeller stated that the safety issues, the overpopulation of the schools, and the traffic should make any one in the community have pause for concern. Zeller wants the developer to go back and redraw the plat, so it doesn't contribute to problems they already have. Zeller stated that the School District was gifted the property in 1993 for the future building of the high school and when the surrounding neighborhood didn't know about the high school they couldn't get it approved, then they should have put an elementary school on the property or expand the middle school. Sunnyside has 644 kids and is designed to hold 470. Zeller wants the neighbors to face her house.

5. Matt Larsen, 161 Stonerun, Idaho Falls, Idaho. Larsen stated he has heard great things about Rockwell and their ability to negotiate and change things that need to be changed. Larsen stated that he is surprised that Rockwell didn't talk to the homeowners before the meeting on this plat. Larsen stated that they didn't do a traffic study. Larsen stated that his wife started the volunteer crossing guards to prevent the kids from getting hit crossing the street. Larsen stated

that everyone is passing the ball and not taking responsibility. Larsen stated that he wants to know where the buck stops. Larsen stated that they want someone to be concerned about the traffic and the kids. Larsen stated that he is worried the most about the fact that they didn't talk to the homeowners in the area; a traffic study wasn't done; and the double frontage homes that don't match the homes in the area look and feel. Larsen stated that they have isolated this development by building the fence around the development. Larsen indicated that this development doesn't match any of the development around it. Larsen asked that due diligence be done.

6. Larry Agasan, 4340 Stonebrook Lane, Idaho Falls, Idaho. Agasan indicated that this development as currently platted is not consistent with the City's Comprehensive Plan. Agasan read from the City's Comprehensive Plan stating: "The City wants to have treed residential areas with a strong sense of identity." Agasan stated that the vinyl fence doesn't fit with the sense of identity and sense of community that the neighborhood has. Agasan stated that the double fronted lots do not fit with the community. Agasan stated he doesn't want to look at the backyards and a fence of his neighbor. Agasan read from the Comprehensive Plan stating: "Desire for walkability and pedestrian connections." Agasan stated that the double fronted lots will require people to travel to exit the new development to get to school. Agasan stated that the development might meet the letter of the law with the zone and ordinance but is not consistent with the City's Comprehensive Plan. Agasan read from the Comprehensive Plan "there should be parks sufficient to meet neighborhood needs". Agasan stated that the open space that currently exists will be taken away and replaced with a storm pond. Agasan knew something would be built in the field at some point, but it is not reasonable to ask the people on Stonebrook and Castlerock to look at a fence and backyard. Agasan believes the developer can come up with a plan that is more consistent with the rest of the neighborhood and doesn't have the double fronted lots.

7. William Kesley, 4370 Stonebrook, Idaho Falls, Idaho. Kesley does not want to look at a fence. Kesley moved in 1 year ago with the understanding that was school property and that knowledge was valuable to him. Kesley stated that he has a son that was run over in a cross-walk so this is a deep personal issue for him. Kesley stated that it is hard to watch infill to happen in an existing neighborhood and not have the existing neighborhood be considered, in particular the values of the homes. Kesley stated that he understands that Rockwell builds inexpensive homes and he is concerned about the value of the home to be established and whether the infill would improve or decrease the value of the homes. Kesley stated that no one seems to know what happened in the trade of property and the President of the School Board couldn't tell him, except that he'd try to find dates, as she cannot get the minutes. Kesley asked the developer to explain what guidelines would be established within the HOA. Kesley is concerned about the roads as Stonebrook had to have large pot holes repaired and what will they do to protect the road when the cement trucks and heavy equipment come for the development. Kesley would like to see a continuation of the bike lane that has been established. Kesley would like the developer to address the quality of home to be built. Kesley believes the gathering pond is concerning because it backs up against the play ground of a Junior High and there is drowning potentials. Kesley would like the developer to address the square footage price of the homes. Kesley is concerned about the lack of communication that has occurred in the process. Kesley stated that he served on the Twin Falls City Council for many years and has experience in these types of situation and does not believe that this proposal is good and will be a train wreck.

Kesley believes that the purpose of the wall is to get more lots and is for profiteering and not for community and value. Kesley requested that the Commission allow the citizens the rights to hold the builders accountable to ensure they upgrade the communities and deny this request and at minimum postpone this plat so they can address some significant issues.

8. Ryan Hareska, 208 E Woodhaven, Idaho Falls, Idaho. Hareska stated that he has requested all records from the School District in regard to the land swap and it was a quick decision. Hareska does have the information on how the property exchange was raised and the two properties that were first offered up. Black stopped Hareska and informed him it is not part of this Commission's pre-view. Hareska wants to have an open dialogue and understand how the decisions were made. Hareska is asking the Commission to delay the decision until people can see how the internal discussions are handled and decisions are made.

9. Stephanie Cook, 4120 Stonebrook Lane, Idaho Falls, Idaho. Cook invited the Commissioners to her home that is on the corner of Castlerock and Stonebrook. Cook stated that 30 minutes before school starts and 10 minutes before school ends and watch for 20 minutes. Cook stated that the quantitative data is 2 years old with the driving patterns in the neighborhood. Cook asked the Commission to sit in their driveway and gather their own information on the traffic problem in the area. Cook doesn't believe that 53 homes will only have 1 car per home, as Cook has 5 cars in her home. Cook asked the Commission to come to her driveway and picture a 6' fence and what it will look like to the neighbors. Cook stated that they heard the lots are ¼ acre lots and the average is 1/3-acre lot. Cook believes that their property value will be affected due to the smaller lot size.

10. Travis Zella, 209 Castlerock, Idaho Falls, Idaho. Zeller met with the developer. Zeller stated that after the meeting they did widen the green space. Zeller stated that he was pushing to have the homes flipped around to invite the new homes into the community. Zeller believes that a fence will not allow the new community to be brought in with them. Zeller is concerned that the developer is meeting the requirements, however their community has never been built on just meeting the requirements, and they have always been above the requirements. Zeller expects the developer to not just meet the requirements but to go above and beyond and bring the new community into the current community. Zeller would like some dead-end roads in the development and other things to reduce traffic. Zeller encouraged the developer and requested the Commission delay the decision so they can have a meeting with the developer to discuss how they are going to add more roads into the area as there are no plans to add any more roads to Holmes.

11. Garth Braithwaite, 3860 Woodhaven, Idaho Falls, Idaho. Braithwaite does believe it is important data to know how many people are here with the same concerns. Braithwaite stated that there was a high-speed pursuit that happened on April 25 on Castlerock that ended in the field, as the area seemed like an open road that someone could take to get away from the police. Braithwaite stated that he is not a fan of the wall, and not a fan of the double frontage lots. Braithwaite doesn't believe the material of the fence will hold up to Idaho's hail storms and winters. Braithwaite wanted to know about the development and whether it will be a "cookie cutter" development.

Black called a 5-minute recess.

Black called the meeting back to order.

12. Gene Halbert, 199 E Woodhaven, Idaho Falls, Idaho. Halbert called Rockwell homes with a concern and was told that the homes would be 2,500 to 3,000 sq. ft. but he is counting the basement, so really the homes are 1200 sq. ft. on the main floor. Halbert is concerned that the property value will suffer. Halbert was told when she bought her home that this would be a neighborhood with little traffic, good schools, custom homes. Halbert stated that the developer was not honest tonight when he gave the size of the homes. Halbert stated that Rockwell homes are mass produced and typically a minimum number of styles and colors to choose from. Halbert

13. Marion Boge, 190 Arden, Idaho Falls, Idaho. Boge was part of the volunteer crossing guards that helped with the initial traffic study and concerns with the amount of traffic in the neighborhood. Boge wanted to know who would be responsible for removing the snow off of the sidewalks that are built on Stonebrook and Castlerock.

14. Tracy Schribise, 4442 Stonebrook, Idaho Falls, Idaho. Schribise lives on the corner of Stonebrook and Leesburg. Schribise asked what type of traffic control will be installed. Schribise stated that there is a stop sign on the corner heading east on Leesburg, however no one stops. Schribise asked if the road coming out on Plantation will have traffic control.

15. Jami Braithwaite, 3860 Woodhaven, Idaho Falls, Idaho. Braithwaite stated that the 2017 traffic study was a long process to get the 4 crossing guards approved and now 2 years later there is only one currently working and the school says it's the City's crossing Guard duty and the City says it's the Schools crossing guard duty. Braithwaite asked if the new intersections will have crossing guards and determine who is to maintain whether it be the City or District 91.

16. Ramona Granite, 3870 Stonebrook, Idaho Falls, Idaho. Granite asked if the 15' additional green space added to the back of the lots has it taken away from the lots, and what is the size of the double frontage lots.

17. Josh Woodard, 176 Stonebrook, Idaho Falls, Idaho. Woodard stated that the traffic problems stem from construction in the neighborhood with re-roofing of houses and re-doing vinyl fences. Woodard recommended that the builder self-impose traffic speed limits on construction traffic and consider what it will do to the existing infrastructure of the road.

18. Arlen Beal, 3870 Nathan, Idaho Falls, Idaho. Beal stated that he has to have a 50' setback on Nathan drive and if the vinyl fence is removed the developer has to give up 50' and make the houses face the other way. Beal asked if there will be curb and gutter within the development.

19. Ron Kempkers, 121 Stonehedge Court, Idaho Falls, Idaho. Kempkers lives on the back of the development. Kempkers stated he has been contending with the farmer of this field since he built the house in 2007 as the farmer has destroyed everything in the backyard with water. Kempkers stated that they bought this lot because they were told it was owned by the School District and it will never be developed. Kempkers stated that he understands things change. Kempkers is concerned about the easement that the City doesn't maintain and that will need to be addressed during development; and Kempkers stated his home is 2851 sq. ft. on half acre and it barely fits, so a 3000 sq. ft home will not fit on the lots, and they are going to build 1500 sq. ft. home with a 1500 sq. ft basement.

20. Chance Sessions, 185 Arden, Idaho Falls, Idaho. Sessions is concerned about the fence being broken for use to access the back of properties. Sessions would like to know about the guidelines that Rockwell follows for houses, including roof pitch, rock, and trees.

Applicant: Greg Hansen, 4743 Tanglewood, Idaho Falls, Idaho. Hansen stated that they are concerned with safety and want to make sure this is a good neighborhood, but they do not control the traffic, and cannot control the intersections or the police patrol. Hansen stated that they are adding 53 homes and there will be added traffic in the area. Hansen opined that Rockwell did nothing illegal with the acquisition of the ground. Hansen stated that he was presented with a contract from the School District that was approved through their Board and they signed the contract. Hansen stated that they were trying to help the School District by giving them property to build more schools. Hansen stated that he knows of two properties the School District owns, one is 1.5 miles away next to Avalon and it is slotted for a school, as well as one near Ivywood which is 2.5 miles away. Hansen doesn't know the School Districts plans for those schools, but they do have the land for the schools. Hansen stated that growth is an issue and it comes from people who live in Idaho Falls, and their family and kids want to stay in the area. Hansen believes that the green space and the walk area will help the safety issue and will not have people backing out of the driveway. Hansen indicated that his daughter was hit on her bike in a subdivision by someone backing out of their driveway. Hansen opined that it is safer with the design as presented. Hansen stated that there will be a stop sign at each entrance/exit to the neighborhood. Hansen stated that the retention pond will be like a park with playground equipment and maintained by the HOA and it will have French drains so that it can drain the water more efficiently. Hansen stated that Rockwell has multiple subdivisions. Hansen stated that a one acre lot is 43,500 sq. ft.; if you divide that number by 3 it is 14,500 (1/3 acre); and the average lot size is 14,475 (1/3 acre lot), which are bigger than everything in the R-1 to the left of the development and comparable to everything to the north. Hansen stated that they intend to build 1500 sq. ft home would be the smallest home and that would be 1500 sq. ft up and 1500 sq. ft down for a total of 3000 sq. ft. Hansen stated that the homes are selling around \$300,000. Hansen stated that they are trying to give the public what they want and are asking for and people continue to buy their product. Hansen stated the homes in the Woodland Hills Subdivision range from \$700,000 - \$300,00 and will be comparable to what type of homes will be built in this subdivision. Hansen stated that they do not landscape the homes and they leave that decision up to the home owner, and the only requirement is grass and a percentage of flower beds. Hansen stated that the trees on the back side of the lots are determined by what the City of Idaho Falls approves, and Rockwell will follow those requirements. Hansen stated that they are following the Comprehensive Plan. Hansen stated that they have purchased the land and invested millions into the project, and they want it to be appealing to them and not an eye sore. Hansen suggested people talk to Blake Mueller about the impact of the value of another person's property and has only enhanced the property.

Black scolded the audience for being disrespectful.

Hansen stated that the additional 5' of green space will take nothing from the lots and the square footages shown on the plat are accurate. Hansen stated that there are requirements from the building department to be set back from the road a certain distance on the front, side and back yards and this plat meets all those requirements. Hansen indicated that they will have sidewalk, curb, gutter and green space in the front of the neighborhood. Hansen stated that the snow removal could be taken care of by the HOA if asked and it is a reasonable request to keep the

kids safe. Hansen stated that they are following the recommendation on the traffic study. Hansen stated that the HOA tries to have simple guidelines to maintain the subdivision and keep it looking nice. Hansen stated that they have worked hard with the City and have developed the preliminary plat in a way that meets with the recommendations of the City.

Black clarified and Hansen agreed that they believe it is safer for the houses on the outer edge to face inward, so cars are not backing out.

Black closed the public hearing.

Black asked the attorney if she misspoke when she said she couldn't consider the over crowding of schools. Counsel indicated that the State Legislature has authorized cities and counties under the Local Land Use Planning Act to adopt an ordinance to deal with class and planning and within the ordinance the City can mitigate the effects of subdivisions that also include school districts and those can be mitigation items; and further in the same ordinance the city needs to adopt fees to deal with the mitigation efforts and the city does not have a subdivision ordinance adopted to mitigate school district issues, so the extent of the consideration could be addressed through the ordinance if adopted and that would require fees and outside of that it is beyond this Commission's role to deal with that. Black asked if this Commission can require mediation between the surrounding neighborhood and the developer. Counsel will try to find an answer to that question. Black indicated that the Planning Commission has recommended that developers meet with the surrounding communities to have a meeting to address concerns.

Morrison stated that it is known that the schools are crowded, but this community continually votes against building new schools and the developer, this Commission or the City is not to blame for those election results. Morrison believes it is imperative for builders to make sure that the people in the neighborhood are considered and there has been at least one meeting to address the concerns. Morrison believes the issues discussed could be addressed in a joint meeting. Morrison does not like the reverse frontage situation and agrees that it doesn't fit with the rest of the neighborhood and will make an island out of this new development.

Swaney stated that the issue is the preliminary plat and the configuration and orientation of the development in the preliminary plat is the only subject to discuss. Swaney recognizes there is school over crowding and that is a School District problem that needs to be dealt with. Swaney stated that the property value is not considered, and the size of homes as long as they are consistent with the ordinance is not something this Commission considers. Swaney stated that architecture and design, while it is a concern of the neighbors, is not a consideration of the preliminary Plat. Swaney does believe the snow removal will be managed by HOA, but that is not part of the plat. Swaney stated they are concerned with the double frontage lots and one possible resolution would be to have the lots face on Stonebrook and Castlerock and have their garage access off the interior street in the development, then no one is backing out and it gets rid of the fence and the houses are facing each other. Swaney stated that Rockwell has come in good faith and presented a plat that meets the ordinance requirements. Swaney indicated that he is averse to delaying the development, but he would propose that the Commission reject the preliminary plat with the comment that they should come back and present it again after they have a community outreach meeting with not just the home owners, but with the Idaho Falls Police Department, School District 91 and other stake holders in the area and then the developer can come up with the best Plat and when they return the focus can be on discussing the plat. Swaney indicated that this Commission represents the citizens of Idaho Falls as a whole, not just

the citizens in this area and they must be fair to all developers and act equitably on development plans that come before the Commission that meet the Ordinance requirements. Swaney indicated that when the developer comes back and the Plat meets the Ordinance requirements he will vote for approval, but at this point he would recommend that the Commission deny the plat.

Hicks agreed with Swaney. Hicks feels that Rockwell ignored an entire neighborhood while platting a significant complex within an existing neighborhood. Hicks stated that he would reject the plat on the same basis as Swaney.

Dixon doesn't believe that a traffic study would be that informative and would identify existing problems but would then go and use the same tables that are National standard tables. Dixon indicated that the current traffic problems aren't caused by the applicant and any new problems caused by development a traffic study would not be that informative. Dixon stated that zoning addresses lot size, set back, etc. and this Commission has no jurisdiction over whether the home is a custom home or a spec home. Dixon does have a problem with the reverse frontage because in the zoning practices they require reverse frontage along major arterials because they are designed to move traffic and not impede traffic with someone backing out. Dixon stated that reverse frontage has conditioned people to think that if you are on a road with reverse frontage it is to move traffic and go faster and having two blocks of reverse frontage would send the wrong message and people would travel faster. Dixon indicated that this neighborhood has been a problem for years and specifically Nathan Ave. Dixon stated that the collectors are going $\frac{3}{4}$ of a mile and most places they don't go more than $\frac{1}{2}$ mile. Dixon stated that the people that are not stopping and speeding are the neighbors of the people in attendance tonight. Dixon stated that he doesn't like the reverse frontage as stated. Dixon stated that the School District needs to take care of crowding. Dixon stated that in general the street layout and the size of the lots looks good and consistent with the developed property surrounding this property. Dixon stated that the reverse frontage for over $\frac{1}{4}$ of the lots in the development is a problem and people will feel like they can drive faster and for the first $\frac{1}{4}$ mile of Castlerock there isn't anything that congests the street to slow traffic. Swaney indicated that he would like to see the developer change the reverse frontage along Stonebrook and Castlerock and for that reason he is against this application.

Counsel has had a chance to review the State Code regarding mediation and there is a provision provided by Legislature that the Commission or City Council can take once the City receives written request for mediation. Counsel added that it is discretionary, and the Commission could require it, and the Commission would pay for the first mediation session that would be required.

Beutler reminded the Commission that according to the Subdivision Ordinance and the review process for Preliminary Plats there are several options available including: approval, approval with conditions, postpone if there is additional information that the Commission needs, or denial. Beutler stated that any action that the Commission takes they will need to be clear as to what requirements the applicant needs to meet regarding the recommendations of questions, or reasons as to why they didn't meet the standards of the Code.

Morrison moved to deny the Preliminary Plat for Manchester Estates and request that the builder revise the plat to eliminate the reverse frontage situation; and strongly urge that Rockwell meet with the local residents to discuss other issues, Denney seconded the motion and it passed unanimously.

Beutler reminded the Commission that they need to adjust the Reasoned Statement of Relevant Criteria and Standards with the reasons why they voted to deny.

Swaney believed the Reasoned Statement of Relevant Criteria and Standards is typically used when a plat is approved to emphasize the conditions and requirements that have to be met by the plat. Swaney indicated that the motion stated the reason for denial.

Counsel advised that Legislature requires the Commission to come up with a Reasoned Statement of Relevant Criteria and Standards which is part of the Local Land Use Planning act. Counsel added that when you are denying a plat you need to point to the laws or the ordinance or the standards that have been adopted by the City that were not met by this application that are the basis for the denial. Counsel added that if you are denying it on the basis of the double frontage lots you will have to point some where in a Code on where that is not permitted.

Hicks asked if the Commission reversed their decision and delay the decision for the following reasons would that mitigate the need. Counsel advised that they could delay the decision on the preliminary plat to get additional information and that wouldn't be a final decision so you wouldn't need to come up with the criteria, and the postponement cannot be indefinite.

Swaney stated that the Commission will not find a specific code. Swaney proposed that the Commission vote to rescind the decision for denial and move to postpone the decision until the July meeting to reconsider this preliminary plat that has hopefully changed the reverse frontage on the two collector streets.

Hicks asked if they can add a strong suggestion that the developer conduct a community wide interface.

Dixon stated that the double frontage that creates reverse frontage relative to the existing properties is highly unusual with over 25% of the lots in that nature, which doesn't appear anywhere else in the City and it is inconsistent with the Comprehensive Plan with respect to encouraging a sense of community by having one side turn its back on its neighbors. Black reminded the Commission of a past hearing that the Commission denied a plat, although it met the requirements in the ordinance, and it had to come back for approval. Black doesn't know if just being inconsistent is strong enough to deny the plat. Swaney indicated that if they postpone the decision and give the opportunity to the developer to reconfigure the reverse/double frontage lots on the two collector streets and bring it back in July that would be fair to the developer and fair to the community, and during that period they would encourage the developer to engage in community outreach with the appropriate stake holders in the community. Dixon asked Counsel if the Comprehensive Plan can be a basis for Relevant Criteria and Standards, or does it have to be specifically something in the Ordinance. Beutler stated that one of the guidelines in the preliminary plat is how does it relate to the Comprehensive Plan, so if there is a clear reason from the Comprehensive Plan then it could be included as part of the reasoning, but it needs to be very clear. Counsel added that Legislature says that an approval or denial of any application must be based on standards and criteria, and that can be based on the Comprehensive Plan, but the Commission needs to be specific about what specific standards and criteria in the Comprehensive Plan the Commission is relying on and the "vibe" of the Comprehensive Plan is not enough. Dixon clarified that they can use the Comprehensive Plan, but they must site specific clause word by word in the Comprehensive Plan to show non-compliance. Swaney indicated that reverse frontage homes are typically understood to occur on arterials and neither of these

streets are arterials, so they don't meet the intent of the Comprehensive Plan. Swaney suggested amending the decision from a denial to a postponement. Swaney added that if the community outreach occurs and reverse frontage lots are fixed in some respect so there isn't a fence the primary concern can be satisfied, and the other concerns are not the responsibility of the developer.

Morrison moved to withdraw the previous motion

Beutler indicated that the Comprehensive Plan is silent in regard to reverse frontage lots. Beutler stated that the Subdivision Ordinance requires reverse frontage on arterial streets, but with regard to collector streets the Subdivision does not disallow those or offer guidance on how they are constructed.

Black asked if they could delay and request the mediation that the City would have to pay for. Counsel indicated that the Commission could require mediation.

Counsel indicated that there was a previous motion that was voted and decided, and if the Commission wants to rescind that decision and make a new decision, but it wouldn't be amending the previous motion. Dixon asked if they can do a delay on finalizing the Relevant Criteria and Standards until they are able to research the specific basis. Counsel advised that the denial has an effect on the property owners' rights.

Morrison withdrew his motion to withdraw the previous motion.

Dixon moved to reverse the previous decision to deny and instead, move to postpone the application until the next regularly scheduled meeting to allow time to investigate the legal basis behind the decision the Commission would like to make.

Counsel encouraged Dixon to modify the motion to delay getting more information.

Dixon's motion died for lack of second.

Dixon moved to cancel the previous decision for denial and replace it with a decision to postpone until the next meeting to gather additional information with which to make the decision, Morrison seconded the motion and it passed 5-1. Denney opposed the motion.

Denney indicated that it leaves everything hanging when they could be moving forward to improve the plat with the knowledge that these are the things to change.

Beutler stated that the next meeting will be June 4, 2019.

Black recommended to the applicant that they hold a community meeting.

Business:

1. ANNEX 19-004: ANNEXATION/INITIAL ZONING OF RP. MANCHESTER ESTATES. Beutler presented the staff report, a part of the record.

Applicant: Greg Hansen, Rockwell Developers, 4743 Tanglewood, Idaho Falls, Idaho. Hansen believes that this annexation is a good move for the City.

Swaney moved to recommend to the Mayor and City Council approval of the Annexation/Initial Zoning of RP for M&B 23.824 Acres NW ¼ SE ¼, Section 31, T 2N R 38E (Manchester Estates) as presented, Morrison seconded the motion.

Dixon stated that per the Comprehensive Plan areas near the core of neighborhoods should be lower density residential and this application complies with that, and the selected zoning is consistent with the existing zoning inside of the City on 3.5 sides and does have collector streets accessing the property and complies with all of the guidance from the Comprehensive Plan.

The motion passed unanimously.

Chairman Wimborne returned to chair the rest of the meeting.

2. ANNEX 19-003: ANNEXATION/INITIAL ZONING OF R3A, R2 AND R1 Including Airport Overlay Zones. Fairway Estates 23 Annexation. McLane presented the staff report, a part of the record. Dixon asked what is restricted. McLane stated that it is not very restrictive, and it mostly pertains to height, and industrial type things that would create smoke and visual impacts. Dixon stated that the higher density development can only be accessed from Pevaro Drive and go all the way out to N. 5th West and that would go against some planning principles of putting higher density in the interior. Dixon stated that if there isn't access to the property from N. 5th East then the applicant should know that there will be resistance to development. McLane stated that there is a previously approved preliminary plat and it has a bridge that crosses to 5th East and that would be a requirement to make the connection to the east to allow for immediate access onto the arterial. McLane confirmed that staff would require a connection to the east.

Applicant: Kevin Alcott, 101 Park Ave., Idaho Falls, Idaho. Alcott is the developer for Fairway Estates. Alcott stated that they requested the zoning of R1, R2 and R3A, but did not request an airport overlay as there is currently no airport overlay as it has not been approved by City Council, and it is not part of the zoning ordinance.

Beutler stated that Alcott is accurate and the Airport Overlay Zone is not in place but City Council will be acting on that item on May 9, but if something is in place, then as new properties come into the City and are annexed in the zone, they will also need to have the airport overlay zones attached. Beutler stated that they have done it in advance because the applicant wanted to move on with their annexation to Council. Beutler stated that there should be a recommendation from the Commission regarding the zone and the initial zoning at the time this application goes to City Council there will potentially have to address the Airport Overlay Zone. Wimborne clarified that if the Commission recommended approval of annexation and initial zoning with the 3 zones and if the City Council has approved the Airport Overlay, and that way if it is not approved than that piece is mute. Dixon doesn't believe that that is necessary as they can recommend adding the overlay, and if City Council doesn't go with the recommendation on the overlay they can decide to not go with this recommendation as well and can be handled at the City Council level. Swaney indicated that if the applicant did not apply for the airport overlay then this is not the application of the applicant, and asked if this application was posted, and notified correctly. Beutler stated that staff has included the airport overlay because it is staff's recommendation to add the overlay zone. Beutler stated that there is no problem with the notification.

Alcott stated that he doesn't believe you can overlay an ordinance and put a requirement on there that doesn't exist, and City Council could add it on.

Beutler stated that if the applicant has concerns with staff's recommendation regarding the overlay then staff can modify the recommendation and the recommendation would be to postpone the annexation until Council has acted on the overlay zone.

Black asked the applicant what his objection is to the overlay. Alcott indicated that the overlay is not part of the ordinance and doesn't exist, and he doesn't believe that condition can be placed on the property if it doesn't exist. Alcott stated that he was told that annexation was not subject to the moratorium. Alcott stated that he was told annexation is a way to move forward during the moratorium. Wimborne explained that staff included the overlay zone in their recommendation as an effort to move things forward and not wait until City Council approves the overlay.

Beutler stated that if the Commission has a question or a concern with the overlay than the appropriate action would be to wait until the decision has been made, and it is scheduled for May 9.

Wimborne recapped the three options of the Commission, including: vote to delay the application until the City takes action on the overlay; recommend that the annexation be approved with initial zoning to not include the overlay; or recommend as staff has recommended and add a caveat that if the City doesn't approve the overlay than that piece is mute.

Swaney believes they should approve the annexation and initial zoning of R1, R2, R3A as presented in the staff report with the exception of the overlay zone which does not exist.

Morrison agrees with Swaney.

Dixon asked staff when the Mayor and City Council act on the recommendation, if they vote to approve the new overlay zone, how will that be implemented, will it be automatically implemented onto the currently annexed property within the area. Dixon asked and Beutler agreed, that if this property is annexed before Council acts on the overlay zone, then when they act on the overlay zone, this property will be covered automatically, but if they act on the overlay before they annex this property then it would be in the in-between stage.

Wimborne asked if they go with the motion of moving forward with the annexation and initial zoning with the 3 zones and the City takes action later, when this goes before City Council the overlay will automatically be applied or not. Beutler stated that staff would recommend that it would be applied and then it would be up to City Council to do it

Dixon moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of R1, R2, R3A for the subject property, with consideration of any additional zoning changes that may have occurred between this recommendation and the Council taking action on the recommendation, Morrison seconded the motion and it passed unanimously.

3. ANNEX 19-005: ANNEXATION/INITIAL ZONING OF LC. M&B Sunnyside Gardens.

Beutler presented the staff report, a part of the record. Dixon indicated that the frontage along Sunnyside to the west of the property has been developed. Dixon indicated that the second entrance is a hill and the first entrance is aligned with the other office buildings. Dixon indicated

that building an entrance onto a road as busy as Sunnyside closer to the hill could have some safety implications. Dixon stated they should encourage the owner to consider a shared access with the road that already exists.

Applicant: Laeth Sheets, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho.

Sheets stated this is the first stage to decide what to do with this property. Sheets stated that the biggest point going forward is access and it is complicated as Valencia Drive is a private drive and has three entities that are not wanting to work with the applicant. Sheets stated that if they cannot come to an agreement with Valencia Drive, then they will have to use the Sunnyside access.

Swaney moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of LC for M&B: approx 6.149 acres NE ¼ , NE ¼ Section 33, T N R 38 E, as presented, Black seconded the motion and it passed unanimously.

Respectfully Submitted

Beckie Thompson, Recorder