

June 2, 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, Margaret Wimborne.

MEMBERS ABSENT: None.

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brent McLane; 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: Hicks moved to approve the Minutes of May 5, 2020, Morrison seconded the motion and it passed unanimously.

Cramer addressed the Commission to acknowledge and clarify why the following annexations were coming back to the Commission, after they had been approved previously. Cramer indicated that they had previously been of the understanding that Category A Annexations required no hearing, and so no notice was needed. Cramer indicated that Annexations and Initial Zonings are Legislative items and so staff had the assistant City Attorney do some research on the history and the code and he recommended that a hearing is required. Cramer stated that they searched the Idaho Code to find the notification requirements. Cramer showed two pieces of Code from the Local Land Use Planning Act that describe what is required and how it is to be done. Cramer read from Idaho Code 67-65-25 "When property is annexed there must be a hearing to consider the zoning and the Comprehensive Plan Changes." Cramer read from another Code section that is specific to the requirements. Cramer confirmed they are required to have a hearing and the notice they have to provide is in the news paper 15 days prior to the hearing, notify political subdivisions and they could do PSA if they choose. Cramer stated that there is not requirement to send out property (neighbor) notices. Cramer stated they might move that, but it will take time to move through Council. Cramer stated that after discussing with legal they brought all the annexations that were considered last month back to have a hearing. Cramer stated that they have had a lot of contact with property owners and they have let them know about the hearings.

Public Hearing(s):

1. ANNEX 20-003: ANNEXATION/INITIAL ZONING. Annexation & Zoning of HC.

McLane presented the staff report, a part of the record. Dixon asked what criteria they should be using for evaluating the zoning. McLane indicated that they should first look at the Comprehensive Plan designations to see if the designations shown are consistent with what is

being proposed. Then look at the specifics of the proposed zone and will that zone fit with the proposed property along with the development patterns and needs in the area. Black confirmed that there is no residential allowed in HC Zone. McLane agreed, and indicated that the development patterns in the area show a lot of commercial in this area, that is consistent with the HC designation. McLane cautioned the Commission of using the Comprehensive Plan Map as a “hard and fast line” because they are more of blobs and suggested areas. Black asked and McLane confirmed that there are some County residential properties on the north east corner, and there is a large distance between the proposed property and 5th East.

Black opened the public hearing.

Applicant: Matt Smith. Smith stood for questions.

There were not written statements sent in, and no one appeared in person or via WebEx.

Dixon reviewed the request and indicated there is a highway adjacent to the property and HC is the nearest zone to the property, so HC is appropriate zoning. Dixon acknowledged that the Comprehensive Plan shows commercial, so HC is again consistent. Dixon expressed concern about the access over the canal that would be expensive to build a bridge over. Dixon believes the applicants request is consistent with the Comprehensive Plan.

Cantu moved to recommend to the Mayor and City Council approval of the Annexation of 96.053 Acres E ½ Sec 6 T2N R 38 E with an initial zoning of HC, Wimborne seconded the motion and it passed unanimously.

2. ANNEX 20-006: ANNEXATION/INITIAL ZONING. Annexation & Zoning of I&M.

McLane presented the staff report, a part of the record. Wimborne confirmed that the legal description would be re-written prior to going to City Council to make it contiguous. Dixon asked what the County zoning is for this area. McLane indicated the County zoning is IM-3. Dixon confirmed that there is no difference between highway related and railroad related. McLane agreed that they did away with the differences in the zoning change.

Black opened the public hearing.

Applicant: Steve Heath, HLE. Heath stood for questions. Heath indicated that they would reach out to the canal company prior to proceeding.

There were no written statements sent in, and no one appeared in person or via WebEx.

Black closed the public hearing.

Wimborne indicated that the annexation makes sense and the initial zoning makes sense as it follows the Comprehensive Plan perfectly.

Wimborne moved to recommend to the Mayor and City Council approval of the Annexation of 14. 678 Acres, Section 8 T2N, R 38 E with initial zoning of IM, Hicks seconded the motion and it passed unanimously.

3. ANNEX2 20-004: ANNEXATION/INITIAL ZONING. Annexation & Zoning of R3A.

Beutler presented the staff report, a part of the record. Dixon asked about Madison Ave. and whether it needs to be included or if it is already annexed. Beutler confirmed that it has all been

included and annexed. Dixon asked about the areas near the property that are hatched. Beutler confirmed those properties have a PUD overlay.

Black opened the public hearing.

Applicant: James Rasmussen. Rasmussen indicated that they have done an outreach to the neighbors to tell people about the project. Rasmussen sent a flyer to the neighbors that back the property. Rasmussen stated that two people reached out to them to discuss the plans. Rasmussen indicated that there was also information about the project put in the HOA newsletter. Rasmussen presented a power point showing the plans for the property with townhomes (7 acres) and office park (3 acres). Rasmussen stated that there are 220 parking spots on site, and they are high end town homes. Rasmussen indicated that they are talking to local contractors (Matt Morgan and Head waters Construction).

Michael Kirkham, Esq., reminded the Commission that the job the Commission has is in regard to the initial zoning, and the information they are receiving is interesting, but the project cannot be tied to the zoning because things can change.

Alan Walker, architect on project. Walker stated that they wanted to show what they are planning because zoning is abstract, but the site plan shows that this is a perfect transition zone. Walker stated that Madison Ave. is adjacent to office and that would be a good place for offices, and the single-family homes would be multi-family housing to naturally blend the zoning. Walker stated that the residential portion will be 72 3-bedroom townhouses with courtyards, 36 2-bedroom carriage houses over garages, and 12 1-bedroom apartments (6 ADA Compliant). Walker stated that they will have professional management and landscape to ensure the long-term viability and compatibility. Walker indicated that the R3A zone is suitable for this property.

Kirkham again cautioned the Commission to not consider the “project” and only consider the zone.

There were no written statements submitted.

Appearing via WebEx:

Doug Caldwell, St. Clair Estates. Caldwell is in favor of the project. Caldwell stated that his neighborhood did have a problem with a proposed property east of Delaware, and it was a landlocked property with poor access. Caldwell stated that this property has good access. Caldwell stated that Tyson Murdock is the HOA president and agrees that the access to this property is good and sees no issues with traffic. Caldwell believes the project will be attractive to the neighborhood.

Matt Morgan, Morgan Construction. Morgan owns the property and is selling to Rasmussen and Walker. Morgan bought 26 acres in 2000 and since 2000 he has developed Chantilly and Kensington on this property. Morgan stated that he started the PB development when Sunnyside and in 20 years he has developed 16 acres of PB with medical/professional/dental. Morgan stated that after he did Clocktower on the corner of Sunnyside and Holmes in 97-99 he started this development. Morgan stated that a lot of competition followed after him from 2000 forward. Morgan stated that there is not the market for PB zoned development. Morgan stated that there is a lot PB zoned land still available and undeveloped and the demand is not there for PB. Morgan is not in residential development, so he is selling the acreage.

Clint Boyle, 901 Pier View Drive, suite 205, Idaho Falls. Boyle was asked by Morgan to give some comments. Boyle stated that the Comprehensive Plan states that residential should reflect economic and social diversity in Idaho Falls, and new developments should foster inclusiveness and connectivity through mixed housing types and sizes. Boyle stated that he believes this property is in the right location for R3A because higher density should be located closer to service areas and streets designed to move traffic. Boyle stated that there is already single family attached in the area on Delaware. Boyle illustrated how the transition of zoning goes from Sunnyside from Commercial, PB, residential. Boyle compared setbacks for R1 and R3A and showed that they are both 25' setback for the rear yard. Boyle stated that R3A will have no change to the rear yard setback that would affect single family homes to the south. Boyle stated that this location is close to a lot of services, including hospital, Broulims, parks, convenient stores, so this area is close proximity to all services and near streets that are designed to move traffic (Sunnyside and St. Clair). Boyle is familiar with the request a few years ago that was not approved and was opposed heavily by the neighborhood. Boyle indicated that project was deeper into the neighborhood and farther from streets to carry traffic. Boyle stated that traffic from the proposed property will move west and north and likely stay out of the neighborhood.

Scott Adams, Idaho Falls. Adams believes that zoning this as R3A gives it a developable space to transition from business to multi-family residential and it is a good use of the lot and they type of property that needs to be available.

Black closed the public hearing.

Morrison stated he loves the R3A designation.

Denney stated that she loves the mixed use in R3A and allows for different possibilities and this is in a transitional area. Denney likes the proposal.

Dixon hates R3A because there is uncertainty whether it is residential or not. Dixon was surprised that the neighbors didn't turn out, but they were given the opportunity. Dixon feels that they have had an honest discussion of what makes sense. Dixon stated that the Comprehensive plan shows this being medical services center. Dixon stated that a portion of the public testimony gave a history of PB and how there has been a lot of PB developed. Dixon stated that the owner stated that PB is saturated at this point. Dixon stated that residential does make sense if PB is saturated. Dixon agreed that access is good to this property to get to the major arterials without requiring a left-hand turn. Dixon indicated that he is comfortable with this proposal because there was a public hearing.

Black stated that she is not a fan of R3A, but thinks it is a good fit on this property and has no issues with any of the items allowed in R3A and anything she might question has a conditional use permit required. Black loves having an applicant that brings visuals.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation for 9.7 acres, NW ¼ Section 33, T 2N, R 38 E, with initial zoning of R3A, Morrison seconded the motion and it passed unanimously.

4. ANNX 20-002: ANNEXATION/INITIAL ZONING. Annexation & Initial Zoning of TN for Taylorview Homes. Foster presented the staff report a part of record. Dixon stated that a characteristic of TN is rectilinear street patterns. Foster stated that it is desired, but not required

and there is a plan in the future for connection to West 49th South. Dixon stated that another characteristic is alleys. Foster indicated that alleys aren't required.

Black opened the public hearing.

Applicant: Barry Baine, CE 1150 Hollipark Drive, Idaho Falls, Idaho. Baine stated that since the annexation has gone through the preliminary plat has been seen and many of the neighbors voiced concerns about the plat and the TN zoning. Baine took the concerns into account and has stated that he is ok if this is an R1 zone rather than TN. Baine stated that they are asking for TN, but if the commission is more comfortable with R1 they are happy to have it zoned R1.

Foster stated that they can consider the TN, but it is the Commissioners prerogative to consider another zone that is more appropriate for the property in the area. Hicks asked what the difference in density is for TN vs. R1. Foster indicated that R1 has 8 units per acre and TN is 17 units per acre. Wimborne clarified that the table that the Commission has R1 is shows as 6 and TN is 15.

Baine stated that he is looking at table 11-2-4 and it shows TN as 17 and R1 at 8. Wimborne stated that the packet has table 11-3-1.

Cramer stated that the table in the zoning ordinance has TN as 15 and R1 is listed as 6.

Hicks asked if there is a zone that 10 units per acre. Cramer stated that there is not a zone that allows 10. Cramer stated that there is a reality of what can fit in the zone due to setbacks, and other requirements.

Beutler and Foster read the written comments:

Jan & John Strobel. Strobel is opposed to the zoning of TN as it deviates from the Comprehensive Plan. Strobel requests the Commission keep it low density housing with R1 or Estate.

Justin and Nicole Hall. Hall was pleased to see the Commissions upholding the R1 zoning in this case. Hall supports the need for development in the City. Hall believes they need to stick to the Comprehensive Plan to keep like development and like zones together and supports leaving this area zoned as it is.

Marvin Smith, Esq., Smith objects to the proposed zoning in this matter as the proposed zone doesn't fit the Comprehensive plan forecast for the area and doesn't fit the current environment. Smith stated that the proposal is an attempt to maximize the special limits of the restricted land area and is an abandonment of the concept of planning. Smith stated that the traffic burden on Holmes at this time is not good. Smith stated that the traffic is always traveling in excess of the 35-mph speed limit. Smith stated that emergency, garbage, and snow removal would be hindered in this zoning given the loaded plat attached to this zoning. Smith stated that the proposed zone is similar to a commercial zone with heavy traffic and parking problems that would be alien to the neighborhoods it would be placed among.

TJ & Lisa Baker. Baker thanked the commission for revising the zoning hearing. Baker stated that zoning is the most important decision because once a zone is adopted your role then changes from planning to enforcement. Baker stated that this hearing is the only opportunity that the

planning commission gets to plan. Baker asked if this zone would integrate the characteristics of existing neighborhoods and fulfills the definition and spirit of the Comprehensive Plan. Baker asked the Commission to consider all uses of the particular parcel before approving the zone. Baker stated that they have already seen an extreme interpretation of the TN Zone on this parcel with 45 units on the small 4-acre parcel, which is 2 – 15x the density of surrounding neighborhoods. Baker indicated that commercial is allowed in TN and asked if Commercial would be in harmony with the surrounding properties. Baker read from the TN Purpose statement. Baker stated that the layout will make it impossible to fulfil any of the TN Zone purposes. Baker stated that TN would not be a gradual transition between zones. Baker quoted from the Commission meeting in May giving reasons why this zone should not be approved. Baker asked the Commission to deny the TN Zone.

Peyton Smith. Smith is building in Belmont Estates and is opposed to the zoning of TN as it deviates from the Comprehensive Plan, and requests they keep it R1 or Estate. Smith asked that they make their decision on long term plan, rather than individual developer desires.

Michael and Jamie Ellison, 656 Castlerock, Idaho Falls. Ellison requested the Commission deny to the Taylorview zoning request for TN and they should keep the land harmonious with low density residential zoning. Ellison stated that it would be a deviation from the Comprehensive Plan which shows the entire area planned for low density residential.

Mike Groberg. Groberg is opposed to TN Zone. Groberg has discussed the zone with Cramer. Groberg disagrees that the TN zone is this location would be good City planning. Groberg stated that the Planning Division assists the planning and zoning commission to prepare and implement the comprehensive plan and the Comprehensive Plan shows this as Estate or low density and the TN zone is medium density according to the subdivision ordinance tables. Groberg stated that he would consider the zone a high-density zone because they can build 44 units on 4 acres and have a 1300' narrow road with no outlet. Groberg stated that the Comprehensive Plan states that to reduce land use conflicts existing land uses are recognized as starting points for future development patterns (pg. 66). Groberg stated that the Commission has the obligation to consider the existing neighborhood and determine how to annex properties. Groberg stated that when people are considering where to live, the only thing they have available to them as to how the area will develop is the comprehensive Plan, and it isn't fair for people to rely on a Comprehensive Plan and then have it drastically change. Groberg quoted from 11-3-3 for TN Zone. Groberg stated that the purpose of the zone is not met in any degree with the proposed location. Groberg asked why there is a Comprehensive Plan or purpose statement if they aren't going to provide guidance as to what is appropriate zoning policy. Groberg indicated that incremental changes between neighborhoods are good planning, this requested change is not incremental, the zone does not follow the comprehensive plan and the purpose is not met and approving the zone is poor planning.

Chris and Deborah Browning. Browning is opposed to the parcel being zoned in a way that deviates from the Comprehensive Plan. Browning doesn't believe a developer should be able to alter or deviate from the plan. Browning stated that changing the plan to meet the developers interest puts the developer's financial interest above the citizens. Browning urged the Commission to zone the area R1 or Estate. Browning stated that the preliminary plat for this parcel was unanimously rejected because high density housing creates many problems for the City and the citizens.

Dan and Laura Hurway. Hurway lives in the development to the east of Taylorview Middle School. Hurway is opposed to the parcel being zoned in a manner that deviates from the Comprehensive Plan and requests the Commission to keep it low density housing R1 or Estate to maintain the integrity of this part of the City.

Joseph and Jeanie Ellison, 4475 S. Holmes, Idaho Falls. Ellison lives directly across the street and request that the zoning for the proposed development be kept low density R1 that is consistent with the surrounding properties and the feelings and desires of the neighbors should be important.

Bart and Nicole Morris. Morris is opposed to the zoning of TN which would deviate from the Comprehensive City Plan which the surrounding property owners planned and developed around. Morris suggested the Commission zone it low density R1 or Estate.

Drew Phaser, 3139 Kinsmen Lane., Idaho Falls. Phaser is opposed to the TN Zone with medium density and wants the Commission to follow a City plan that is comprehensive and cohesive. If this property is changed it will negatively impact the surrounding home values. Phaser asked it to be zoned low density or Estate as the area is not suitable for TN as traffic patterns and the lack of walking paths.

Appeared via WebEx.

Curtis Smith. Smith thanked the Commission. Smith has talked to most of the neighbors and they are for social diversity and they are anxious to have a diverse neighborhood and diverse community. Smith welcomes development, but not under a high-density number that doesn't make sense for the area. Smith indicated that the developer is now ok with the zoning of R1. Smith urged the Commission to keep the property low density estate or not more than R1.

Stewart Curtis. Curtis owns the property adjacent to the west of the property and currently live less than ½ mile away. Curtis is for social diversity. Curtis stated that the traffic issue is people driving into the school, and he is for people being able to walk out the backyard and go to school, and that is why he lives where he does. Curtis stated that this area is homogeneous and is not socially diverse. Curtis looks forward to this development and seeing people have high quality affordable housing.

Applicant: Barry Baine. Baine stated that they feel that the TN zone does fit the Comprehensive Plan and does fit the area being adjacent to Holmes and near 49th. Baine stated that the developer doesn't want to be overbearing or a bad neighbor, so he had taken into consideration and is ok with the lower density for the area. Baine stated that whether it is R1 or TN the requirements for street width and parking will be adhered to by the developer.

Black closed the public hearing.

Hicks asked about Estate and what Estate allows. Cramer gave an overview of Estate and indicated that it would be very limiting on this property.

Hicks recommends the Commission zone this as R1. Hicks is concerned that TN will be too many families in too small of a space.

Wimborne is a fan of the TN Zone and believes it allows for flexibility and addresses the missing middle housing that is absent in Idaho Falls. Wimborne stated that when they incorporated the

TN Zone she did not envision that it would only be allowed in the numbered streets but envisioned there would be places it could be incorporated into other parts of the City as part of a transition area and infill. Wimborne stated that even though a zone allows a certain type of density, with the setbacks it doesn't mean that is the kind of density that you are going to see on the property. Boise has areas that developments like this have fit in nicely with an established area. Wimborne believes this area has been challenging over the years and there have been different visions of what the area should look like. Wimborne stated that this fill in is challenging. Wimborne stated that it is challenging when you buy property and have a vision for it and the neighborhood grows around it and there is conflict. Wimborne stated that traffic and parking will always be a challenge as neighborhoods grow. Wimborne stated that due to the testimony from neighbors and the developer's willingness to revision their development and use the R1 zone instead that might be the better fit.

Dixon has problems with the way TN is described with the gridded street pattern, etc. Dixon stated that this area is all low density and estate in the Comprehensive Plan and that is a failure in the planning that if they want diversity of neighborhoods, they need to have more diversity at the Comprehensive Plan level, and this area is all low density and estate. Dixon stated that if they follow the Comprehensive Plan the medium density is not low density and not estate and R1 would make more sense as it is more compatible with the Comprehensive Plan.

Black stated that when they are working with infill she would like to thank the staff and developers for working with the odd sized lots and trying to get additional housing in Idaho Falls, but she agrees with Wimborne that if the developer is willing to go to R1 it would fit the area. Black invited everyone to come to the open house meetings to work on the Comprehensive Plan.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation of 4.63 Acres, SE ¼ of the SE ¼ of Section 31, Township 2, North, Range 38 East, with initial zoning of R1, Hicks seconded the motion and it passed unanimously.

5. PUD 20-002: PLANNED UNIT DEVELOPMENT. Rising Sun Townhomes. Foster presented the staff report, a part of the record. Black asked why they are asking for the PUD. Wimborne confirmed that the PUD allows a higher density, but they are asking for a lower density. Dixon is confused by LC. Dixon stated that 11-2-4 doesn't show LC listed. Foster indicated that LC does allow residential, and you would refer to the R3A and City requirements for the LC Zone. Dixon stated that it was C1 and then it was changed from something that doesn't allow residential to something that does allow residential without a public hearing. Foster stated that they are not asking for a rezone, they are just asking for a PUD. Foster stated that the City rezoned the property in 2018 under the City initiated rezone. Cramer stated that C1 that changed to LC did allow for residential and it had the same reference that any residential in the C1 had to meet the standards of R3A. Black was confused about the landscaping being over the required %, but then requesting a lower % for the parking. Foster clarified that they still have to meet the landscaping requirements, but they are asking for a variance for the internal parking area landscaping to go from 10% to 5% and that will provide more parking for guests. Dixon asked if the parking is narrower in phase 4 and asked if staff looked at the parking. Foster stated that they meet the minimum requirements for parking stalls and drive isle which is 24'.

Black opened the public hearing.

Applicant: Barry Baine, CE. Baine stated that 17 units to the acre is R2 and the R3A is 35 units to the acre. Baine stated that this density of 12 units per acre is well below the R3A and what could be allowed. Baine stated that they are doing the PUD for private streets and are not asking for a reduction in setbacks. Baine stated that they are asking for a reduction on the interior islands because they've seen on the property to the east and one of the major concerns was parking and they wanted more parking and people would rather have more parking than landscape islands.

Dixon agrees with the applicant about guest parking.

There were no written statements submitted and no one appeared via WebEx to testify.

Black closed the public hearing.

Morrison likes the presentation.

Wimborne believes the variance makes sense and having real common areas and additional parking will be much more valuable to the residents and make for a better space than parking island.

Dixon likes the amount of space behind the units. Dixon likes the character of the front of the building.

Wimborne moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Rising Sun Townhomes, Morrison seconded the motion and it passed unanimously.

6. RZON 20-004: REZONE. Removal of PUD Lots 2nd Amended Lorin C. Anderson Division No. 1. Beutler presented the staff report, a part of the record. Wimborne asked what type of concern the property owners have. Beutler stated that this is a request from the property owner to make the property more flexible.

Black opened the public hearing.

No applicant appeared.

Beutler read a letter that is included in the packet.

Ron Johnson, 1649 Parley Street, Idaho Falls. Johnson sent a letter in support of Morgan Construction request to remove the PUD and is hopeful the land will be used for commercial purposes.

No one appeared via WebEx to testify.

Black closed the public hearing.

Dixon stated that they didn't see additional development here and they thought they'd see medical offices in here, but this could develop as something other than offices.

Wimborne moved to recommend to the Mayor and City Council approval of the removal of the PUD for 2nd Amended Lorin C. Anderson Division No. 1, Denney seconded the motion and it passed unanimously.

Business:

1. PLAT 20-017: FINAL PLAT. Silverwood Subdivision Final Plat. Stephens presented the staff report, a part of the record. Dixon asked if there is cross access agreement between the two lots. Stephens stated that shared access is not necessary, but they can choose to have shared access. Dixon asked about Merlin Court being a stub street with no bulb. Stephens indicated that they are in the process of abandoning/vacating the road.

James Rasmussen. Rasmussen confirmed that Merlin Court is being vacated and half of the road will go to them and half will go to Keller Williams. Rasmussen stated that the offices have two entrances off of Madison.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Silverwood Subdivision Final Plat, Wimborne seconded the motion and it passed unanimously.

Wimborne asked about the July meetings. Cramer indicated there are two meetings in July one on the 7th and one on the 21st.

Cramer informed the Commission that due to health reasons George Swaney resigned from the Commission.

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

Respectfully Submitted

Beckie Thompson, Recorder