

June 4, 2019

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, Lindsey Romankiw, Gene Hicks, George Swaney, Joanne Denney, Brent Dixon, George Morrison. Arnold Cantu (8 present 7 votes).

MEMBERS ABSENT: Natalie Black,

ALSO PRESENT: Planning Director Brad Cramer, Assistant Planning Directors Kerry Beutler, Brent McLane, Travis Barnes; 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: Morrison moved to approve the May 7, 2019 minutes, Hicks seconded the motion and it passed unanimously.

Public Hearing:

1. PLAT 19-013: PRELIMINARY PLAT. Fairway Estates. McLane presented the staff report, a part of the record. McLane briefly summarized the letters that were not included in the packet (Shana Peterson, Kyle Hicken, Zach Bennett, Maxine Beckstead). Dixon asked how to access the higher density triangle above this subject property. McLane indicated that there is not a road to the property. Swaney asked about the other preliminary plats in the packet. McLane indicated that the other preliminary plats in the packet are the previously approved preliminary plats and the current plat is a zoomed in version, so it doesn't have the engineering marks. Swaney is concerned about 182 homes being built before the bridge is built across the canal. McLane indicated that the preliminary plat meets all the requirements of the subdivision ordinance including the required emergency access points. McLane indicated that staff debated over the bridge, but there is no recourse with the code to prohibit the preliminary plat.

Wimborne opened the public hearing.

Applicant: Kevin Alcott, 101 Park Avenue, Idaho Falls, Idaho. Alcott stated that the Comprehensive Plan indicates before multi-family or commercial is built there needs to be access to an arterial. Alcott indicated that they are not intending to do multi-family and the reason for the R-2 is the change in setbacks and the idea that the reduction in the front setback will narrow the right of way to calm traffic. Alcott stated that they are going to try this idea in a section zoned R-2 to move the homes closer to the front of the street in an attempt to control traffic. Alcott stated that they have an architect working on a master plan for the area that is designing single family homes. Alcott stated that the bridge is expensive to build and to do it would require extension of road, utilities, etc. Alcott stated that building the bridge is non-revenue and is not practical right now. Alcott indicated they want the bridge and are pushing that way. Alcott indicated that the recession took out a lot of developers and made them move forward with caution and they aren't going to leverage up a bunch to get out ahead of themselves. Alcott stated that the bridge is designed and at one point he was within 30 days of releasing a contract to build the bridge when the banking crisis hit. Alcott indicated that they are working towards the bridge, and likely have one or two divisions before they get to the bridge.

Alcott stated that he doesn't control the traffic. Alcott believes in order to slow traffic; they have to narrow the roads or have law enforcement present. Alcott stated that there are two access points into the subdivision, and they have been through the plat with the fire department and meet the requirements of the fire code. Alcott reiterated that the R-2 Zone will have single family residential with the house pushed to the front. Alcott stated that they will not want to develop the R3A until the bridge is in and that is a good business decision. Dixon asked what the dimensions of the lots for the east of the golf course. Alcott indicated that the lots are approximately 8-10,000 ft, and he doesn't anticipate they will be built that small, but the regulations require him to redo a preliminary plat if they want to increase lots, so they show the lots smaller than they expect them to be, and it will be market driven. Alcott stated that they are addressing the diversity within the community and do not want to create exclusivity and the area has homes that are 1600 square feet and homes that are 3-4,000 square feet.

Support: No one appeared in support

Opposition:

1. Brett Hobbs, 5060 Eaglewood, Idaho Falls, Idaho. Hobbs lives on a collector street. Hobbs indicated that there are not two access points. Hobbs stated that there are 4 access points, but they are all on East River Road, but all those access points go through Pevero. Hobbs indicated that they have extended Rock Hollow and Eaglewood. Hobbs stated there are currently 10 homes under construction on Rock Hollow and two at the end of Eagle Wood under construction and 7 on Rock Hill under construction, 3 on Rock Creek. Hobbs stated that there are already lots of cement trucks, lumber trucks, and employee traffic. Hobbs stated that you have to go down Pevero to get to all of the current construction. Hobbs stated that people don't use Fairway Boulevard, they use Pevero. Hobbs believes that before any additional construction is started, they need to have access off of Lewisville Highway. Hobbs indicated that the expense associated with the bridge is the risk of development. Hobbs indicated that the lots are platted to ¼ acre lots and have gotten progressively smaller from the original ½ - 1/3 acre lots. Hobbs understands that there was 10 years of no construction and the construction is now picking back up. Hobbs is worried that if they start building now it could be 10 more years before they get a bridge to Lewisville Highway. Hobbs asked for a road to be in place to do any additional construction. Hobbs is concerned that they are living on a City island. Hobbs indicated that East River Road is beat to pieces and he is unsure who cares for the road.

2. Gene Tyse, 370 Pevero, Idaho Falls, Idaho. Tyse has lived in his home for 20 years. Tyse stated that the construction last year was a concern with safety and traffic. Tyse showed on the map how everyone travels all down Pevero. Tyse indicated that another access point could be through the dump. Tyse stated that if they came off Lewisville Highway, they can do all the development without going through a residential area. Tyse stated that the extra accesses all come down Pevero.

3. Zach Bennett, 480 Pevero, Idaho Falls, Idaho. Bennett indicated he sees all of the traffic in and out of the neighborhood. Bennett presented that the traffic all collects into Pevero and the other access doesn't get used hardly at all. Bennett stated he worked for a developer in Driggs when the market crashed and there were promises that they had made and then everyone left, and the promises left with them. Bennett is concerned and recommended that while the economy is good and while homes are selling with potential margins in the homes the applicant should be required to invest in the infrastructure to get the things done during the good economy.

4. Susan Phister, 5082 Jupiter Hills, Idaho Falls, Idaho. Phister lives on King's Island. Phister stated that Pevero takes 90% of all the traffic out of the neighborhood past Zach Bennett's house. Phister indicated that they get a ton of traffic zigzagging down Jupiter Hills to Cross Creek and then out to the new construction. When Phister built she thought it would be a quiet neighborhood. Phister is scared about the traffic and the increase of the traffic in the last couple of years. Phister is frightened for the children riding bikes in the area. Phister stated that the traffic goes fast in front of her home.

5. Aaron Moore, 5246 Eaglewood, Idaho Falls, Idaho. Moore is the last house before the new construction. Moore indicated that when they extended Eaglewood all the traffic came down Eaglewood onto Pevero and no construction workers used Crosscreek onto East River Road. Moore stated that taking Crosscreek heading north saves him 30'. Moore stated that the new homes for this Preliminary Plat will come off of Pevero and East River Road. Moore stated that East River Road is all beat up. Moore stated that an additional access off Lewisville Highway would alleviate the traffic coming down Pevero.

6. Wendy Jensen, 4670 Pevero, Idaho Falls, Idaho. Jensen is concerned with the lack of greenspace for this development. Jensen stated that there is a possibility that the hatch pit park will be gone and there needs to be green space in the new development. Jensen is concerned with the consistency of lot sizes and believes the lots are getting smaller. Jensen asked where the kids in the new development will go to school because Temple View is full.

7. Joel Goswiller 335 Pevero, Idaho Falls, Idaho. Goswiller stated that adding 182 homes makes it impossible to safely do an evacuation from this area and there is a need for additional space to effectively evacuate the area in a timely manner.

8. Rebecca Batt, 5070 Riverbend Way, Idaho Falls, Idaho. Batt stated that the developer runs the HOA and is unorganized. Batt stated that the HOA just billed them for the last 2 years of HOA fees. Batt indicated that there are major inconsistencies in how they approve the outsides of the homes and that concerns her that the property values will drop.

9. Bryan Durtsche, Rockhill Circle, Idaho Falls, Idaho. Durtsche stated from his house to East River Road is .95 miles. Durtsche stated that traffic is traveling a long way on the residential collector and the more miles on crowded neighborhood roads the more issues there will be with accidents with children, etc. Durtsche acknowledged that the bridge will be expensive and suggested a phased approach and have a time when the bridge is built before the 180 lots are developed.

10. Lyn Rockhold, 5905 Glen Eagles Drive, Idaho Falls, Idaho. Rockhold built 20 years ago and has been concerned about an emergency and how people would evacuate if there was an emergency that blocked East River Road. Rockhold asked about the dimensions of the lots. Rockhold asked about the Zoning and whether it is R-1. Rockhold indicated that she has known Kevin Alcott for 18 years and likes Alcott. Rockhold believes Alcott is responsible and respectful and considers neighbors considerations and issues and Alcott developed the north end twin homes in a nice manner while taking into consideration the comments the neighbors made, and she respects Alcott for that. Rockhold believes that Alcott has a lot vested in the neighborhood and will not run it down. Rockhold is concerned about the smaller lots and the chance they can build small homes on the lots that could be a magnet for investors to come in and create rentals. Rockhold stated that Alcott has been instrumental in working with the City to

minimize the amount of requirements based on the FAA Regulations. Rockhold has strong feelings about traffic flow, emergency egress and believes those issues are critical. Rockhold indicated that the 180 homes could create 360 additional cars. Rockhold believes there needs to be access to the Lewisville Highway for safety reasons.

11. Kyle Hicken, 375 Pevero, Idaho Falls, Idaho. Hicken stated that there was an incident last year with a fire that struck the power pole above their property and caused a fire near their yard. Hicken stated that 33rd North had the access cut off due to downed trees, so the fire trucks had to go all the way south to 33rd, over to Lewisville Highway, up to 65th and then back down and into his property. Hicken stated that the access point on the east side of the neighborhood is critical. Hicken doesn't believe the wide roads are the problem. Hicken believes the wider the road, the easier chance a person would have to react if a child ran into the road. Hicken stated that they have requested the City to come out and police the area. Hicken stated that it is not just the residents it is also the construction equipment that doesn't have time to react for anybody walking into the street.

12. Bryan Stone, 360 Pevero, Idaho Falls, Idaho. Stone stated that everyone wants the bridge and that would solve the problem. Stone suggested requiring the bridge be built farther south than what is currently suggested.

13. Dennis Wilkinson, 255 Pevero, Idaho Falls, Idaho. Wilkinson stated that the population density in this development will cause all the new development to go down Pevero. Wilkinson indicated there are a lot of children in the area and it is unacceptable. Wilkinson stated there is nothing worse than to have someone's child run over by a truck. Wilkinson stated that the construction workers seem to exceed the speed limit posted. Wilkinson stated that he has called the City to ask police to come to the area and patrol and they are reluctant. Wilkinson stated that a bridge makes sense due to the number of proposed homes. Wilkinson suggested directing construction through Lewisville and not through the residential area.

Applicant: Kevin Alcott, 101 Park Ave., Idaho Falls, Idaho. Alcott indicated that Pevero Drive goes to the golf course and there is a right of way across the golf Course and Alcott doesn't own that property and it isn't a subject of this action. Alcott stated that he is taking risks in development, but the risks are predicated on rules and Ordinances and they do their job to incorporate the City Ordinances into their project and work with those Ordinances and they comply with those rules. Alcott stated that 20 years later he is still developing this area and they are continuing to make good on what they said they'd do. Alcott stated that when they get to the point in development where the bridge goes across, they will build the bridge. Alcott stated that after the bridge is built, and they move farther up and do more development people will still complain about traffic, and that is the price to pay for development. Alcott stated that he talks to his contractor about traffic and safety and his contractor is good. Alcott stated the traffic problems are a City issue. Alcott stated that when this development was started it has 128 acres of green space in the middle and that was the intent of this development to be around the golf course. Alcott stated that they are going to do a phased approach to get to the bridge. Alcott indicated that they need to keep the farm operating so there is not weeds and the pivot on the farm goes right up to the R-1 boundary. Alcott stated that the density is always under 3 lots an acre. Alcott stated that by fire code there are two access points to the area. Alcott stated that they aren't going to build on 182 lots before they get to the bridge. Alcott stated that they do have to go through a process to get to the bridge.

Dixon asked if there are utilities in Lewisville Highway. Alcott indicated that the sewer runs down East River Road, and 15 years ago, the City asked them to build a booster station on the corner of Pevero. Alcott showed where the water line is already connected. Dixon asked if construction is ramping up. Alcott stated that the market is picking up without the level of speculation built into the market and it is much more driven by buyers.

Hicks clarified and Alcott agreed that the chances of the bridge going in before there are ½ of the lots developed is probable. Alcott indicated that there are likely 2 more phases in the area and then they will be to the bridge, but the development is demand driven.

Dixon asked about if Alcott was intending to build private roads in the R2 and R3A. Alcott indicated that it will be public roads and they will have a preliminary plat when it is ready. Alcott stated they are trying a new concept with the homes closer to the street. Alcott indicated that R3A might have higher residential later on.

Wimborne closed the public hearing.

Wimborne argued with an interested citizen and informed him to submit his additional comments in writing.

Wimborne asked McLane to point out the two access routes and asked what constitutes a separate and distinct access. McLane indicated that the requirement is based out of the Fire Code and is not a traffic management code. McLane stated that the concerns the neighbors have addressed are true, and most of the traffic does go through Pevero. McLane stated that the Fire Code requires 2 access points if there is more than 35 units. McLane stated that the development has access points and no where in the development has more than 35 units with less than two access points. McLane showed the access points on the map. Wimborne asked if there is a problem at Pevero and East River Road that doesn't allow vehicles in, what is the second access. McLane indicated that it would have to go around if they couldn't get through.

Swaney asked about the calculation for two access points for every 35 units. McLane stated that the 182 new units, plus the 100 existing units and how do they account for two access points for 300 units. McLane stated that the fire code doesn't address the whole development, but rather addresses it from an intersection to an intersection and do they have a route to get to the access points. Swaney believes the theory of the fire code is that the access points are independent of each other and these access points seem to continue to funnel into choke points. Swaney believes the two access points are within a block of each other and they could be simultaneously disabled and have no emergency access.

Dixon recalled a discussion with Fox Run off of York and there was a discussion about when are the access points separate versus the same access points. Dixon recalled a discussion about access points one on the north one on the south those are separate, however, there is a point when the access points have less than 10-degree separation are they really separate access points. Dixon stated that this area is the approach to the airport and this area has been identified as potentially having a greater probability of an airplane accident and that could easily seal off both access points. McLane recalled the discussion and indicated there was nothing in the code about degree of separation and it was a theoretical discussion. McLane stated that the Fire Code is interpreted by our fire department and they've reviewed the plat and they have been asked very

specific questions, due to the concerns that staff has with the traffic flow in this area. McLane indicated that there was no discussion about airplane accidents.

Romankiw indicated that this is her neighborhood and lives on Glen Eagles and has been advised by City Attorney that she doesn't have a conflict of interest because she doesn't have an economic interest in the lots. Romankiw indicated that she appreciates her neighbors that spoke thoughtfully and respectfully. Romankiw agrees with a lot of the concerns and indicated that the HOA is a hot mess, East River Road is a disaster, Pevero's traffic is concerning. Romankiw stated that she doesn't use the Pevero access regularly and uses Fairway Boulevard as her access point. Romankiw stated that the other access points are really isolated pockets. Romankiw stated that this new plat would have people using Pevero. Romankiw is concerned with the emergency egress issue. Romankiw stated that she would like to require the developer to build the bridge before any of the lots are built, however, the Commission is constrained and bound by the law and the decision has to be based on the Idaho Statutes, City Zoning Ordinance, Fire Code, and Comprehensive Plan. Romankiw stated that she got no work done today because she was reading the Statutes and the Zoning Ordinance and the Comprehensive Plan and to deny this Preliminary Plat, they must give a very specific finding for why the plat doesn't comply with one of the laws. Romankiw stated that in her research, she could not find any of the criteria that the Plat did not comply with. Romankiw indicated that she shares the concerns of her neighbors and if it were up to her personally, she would deny the plat and require the bridge be built, but she doesn't believe the Commission can deny the plat.

Swaney agreed with Romankiw. Swaney stated that just they can be more stringent than the Fire Code, and believes that there is a need to amend the City Code again to make it more manageable for the Community Development Department and developers, and it is time to come up with a standard and amend the Ordinance to base the number of emergency egress on proximity. Swaney indicated that they will likely approve this plat but proposed that before the final plat comes before the Commission, they should amend the City Ordinance so in the final plat they can have two emergency egress that are separated from each other, and possibly a bridge. Swaney indicated that the Reasoned Statement of Relevant Criteria has problems as the zoning is written wrong, and shows RP, not R1 and item 5 indicates that the bridge will be included in the development. Swaney believes this is an inordinate number of lots that are being serviced by 2 egresses that are very close to each other, and although they meet Fire code, then the City needs to implement a more restrictive standard in the future.

Dixon indicated that people and property owners have rights and the purpose behind the zones are to say what they can and cannot do with their property. Dixon indicated that if property owners are doing things that are allowed within the zone and ordinances then the Commission has no basis for telling them they cannot do it. Dixon indicated that the Comprehensive Plan and Zoning Ordinance have been reworked recently and there are gaps that need to be filled. Dixon suggested that the Commission work to plug some of the gaps in the future including some guidance on order of development. Dixon questioned the recommendation of staff regarding the bridge and asked about the legal basis for that recommendation. McLane indicated that there is a policy in the Comprehensive Plan. Cramer indicated that there is a code (Subdivision Ordinance) that gives the Commission the ability to approve a plat conditionally. Cramer read: *In the event the Commission conditionally approves a plat, it shall advise the developer in writing of the conditions under which the approval is granted and upon the developers compliance with such conditions and the directors written and certification thereof, the plat shall be deemed approved.*

Cramer stated that the preliminary plat gives the Commission the ability if there is a code, a direct and clear Comprehensive Plan Policy that applies, that there is a condition that is appropriate then you can approve a preliminary plat with conditions. Wimborne clarified that the conditions need to be based in code or guidance from the Comprehensive Plan, and not just because they want something different. Kirkham indicated that if the Commission felt they had a better plan and wanted to condition approval based off the Commission's "better" plan the Commission cannot go in and redesign the plat, it has to be based on conditions in the code, or a policy that would be the justification for the condition. McLane stated that the policy referenced is in the residential section of the Code and it reads *Higher density housing should be located closer to service areas and those streets designed to move traffic, such as arterial streets and collectors with access only to the collector street. Apartments and Townhouses are located adjacent to arterial and collector streets for two reasons, larger lots necessary for higher density housing offer opportunities for building layout setbacks and buffering with berms and fences to minimize impact of street noises. If apartments and townhouses are located close to arterial streets, traffic from apartments will not move through neighborhoods, however, higher density housing should still be clustered.* . . . McLane stated that the basis for the staff's recommendation is so the higher density housing is not moving through the neighborhood, but rather directly from a collector to an arterial. Dixon clarified that even though Pevero is a collector the R2 and R3A lots should not have their traffic move through neighborhoods and rather go from collector directly to an arterial.

Morrison moved to recommend to the Mayor and City Council approval of the Preliminary Plat for Fairway Estates as presented, with staff's recommendation placing a condition that a bridge over the eastern canal to Lewisville Highway be constructed prior to the approval of the final plat for R2 and R3A zoned areas, Dixon seconded the motion and it passed unanimously.

Dixon moved to accept the Reasoned Statement of Relevant Criteria and Standards for Fairway Estates with the following changes: 4. To indicate that the property is being zoned R1, R2, R3A; 5. Access to the development will come from a bridge built across the canal to 5th West prior to development of R2 or R3A; and II. Decision changed to indicate this is the Preliminary Plat for Fairway Estates, Morrison seconded the motion and it passed unanimously.

2. RZON 19-006: REZONE. Amend Title 11, Chapter 5 for Small Wireless Facilities.

Cramer presented the staff report, a part of the record. Dixon asked if a control cabinet will appear at every intersection with a traffic light. Cramer indicated that typically there is a control cabinet at lighted intersections. Dixon asked if the proposed ordinance indicates a preference to have these placed at intersections with traffic lights where there is already clutter on the corners. Cramer indicated that the Design Standards (not in the Code) indicate that they are preferred where there are already existing standards, industrial and commercial areas, and not residential and discourages them in historic areas, and requires them to meet specific design standards in the Downtown area to blend in with the area. Dixon asked if there can be a restriction that in neighborhoods they must be placed in intersections. Cramer indicated that they can look at the Design Standards. Dixon suggested having a tier of preference. Cramer agreed that is how the Design Standards are currently written and if the Commission wants them to recommend to Idaho Falls Power that they consider intersections a priority, they will make that suggestion.

Wimborne opened the public hearing.

Applicant: City of Idaho Falls.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Swaney suggested that staff forward information on new and different things a couple weeks in advance of the meeting.

Swaney moved to recommend to the Mayor and City Council approval of the Amendment to Title 11, Chapter 5, 6, and 7 of the Zoning Ordinance related to Small Wireless Facilities, Denney seconded the motion and it passed unanimously.

3. PLAT19-005: PRELIMINARY PLAT. Manchester Estates Preliminary Plat. Wimborne recused herself due to her position with School District #91. Denney chaired this item.

Denney called a 5-minute recess at the request of Commissioners.

Denney called the meeting back to order.

Beutler did a brief review and status update. Beutler indicated that at the May 7, 2019 meeting the Commission's motion was to postpone the meeting until tonight to gather additional information related to the code or information provided during the hearing. Beutler indicated that the public hearing is no longer open and cannot accept additional or new information. Beutler informed the Commission of options, including: Having discussion regarding the items presented during the hearing (no new information); re-open the public hearing and then the Commission can consider new testimony in the decision making. Beutler indicated that staff recommends that they re-open the public hearing and they have received additional letters and those could be entered into the record. Beutler indicated that staff has reviewed the Comprehensive Plan and staff could present the information they found, and legal counsel could address concerns with the Reasoned Statement of Relevant Criteria and Standards. Kirkham indicated that he understood the Commissioners were going to review the law and that can be discussed, but if they want to consider new items, they need to re-open the hearing.

Swaney indicated that the major problem they were discussing last week was a collector street that had reversed frontage houses and the community had a complaint with the reversed frontage, and it seemed inconsistent with what is typically on collector streets. Swaney indicated that the information provided refers to reverse frontage lots on arterials and doesn't reference collector streets. Beutler indicated that Stonebrook Lane is a collector, and the Comprehensive Plan is silent with regard to reverse frontage on collectors. Swaney indicated that it does state that reverse frontage lots should primarily be on arterials.

Dixon indicated that in the Comprehensive Plan: *Growth and Development*. (page 42) there are examples and are they a basis for decision? Dixon read from *Growth and Development* (page 42) “. . . one trend new urbanism encourages . . . and an orientation to the street and public spaces to encourage interaction between neighbors.” Dixon stated that is the only thing he was able to find that would be counter to the reverse frontage with your neighbor. Dixon asked if this is a basis for a decision. Kirkham indicated that the Comprehensive Plan is not a zoning or land use law. Kirkham indicated that the Comprehensive Plan's purpose is to help give vision and

aspirational guide for Cities when they are drafting their zoning ordinances. Kirkham stated that the Local Land Use Planning Act requires a Comprehensive Plan First before a Zoning Ordinance. Kirkham stated that the Subdivision Ordinance and the Zoning Code are controlling legal laws, the Comprehensive Plan is only a forward-looking document and the Comprehensive Plan is not used to restrict property use. Kirkham indicated that in 2000 Blaine County was reviewing a plat with a lot of opposition and they denied the plat and the reason given was it was inconsistent with the Comprehensive Plans goal of preserving agriculture. Kirkham indicated the developer objected and sued Blaine County indicating they were in compliance with the zoning and subdivision ordinances and the Supreme Court reviewed the case and indicated *“This Court has held that the Comprehensive Plan does not operate as a legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions. It is expected that the land that is subdivided may not agree with all provisions of the Comprehensive Plan.”* Kirkham stated that a denial of a subdivision application that is based only on the Comprehensive Plan elevates the plan to the level of a legally controlling zoning law which is a problem. Kirkham cautioned the Commission not to stretch the Comprehensive Plan that what it is supposed to as a guiding tool. Dixon spent time looking since the last meeting and has not found anything that talks about a sense of community/neighborhood. Kirkham stated that the Court would be suspicious of having a document that could constitute a rezone on the spot. Beutler stated that the Comprehensive Plan is an aspirational document and the implication of the section is to study new urbanism. Dixon agreed and indicted that he didn’t feel that section could be a basis for a decision.

Swaney stated that based on the earlier situation with the FCC and the Towers it seems obvious that they can amend the Code fairly quickly when there is a will to do so. Swaney understands that the existing Ordinance doesn’t allow them to deny what they want to deny in this situation. Swaney recommends that the Community Development Department change the Ordinance to say that reverse frontage lots are limited to arterials. Swaney acknowledged that the Commission is stuck and would like to have the developer show more flexibility.

Swaney moved to recommend to the Mayor and City Council approval of the Preliminary Plat for Manchester Estates, Dixon seconded the motion.

Morrison indicated that the hearing should be re-opened prior to voting. Dixon doesn’t want to spend more time hearing the same testimony all over again, unless there is something new in the law that was overlooked.

Denney called for a vote on the motion. The motion passed with 5 votes in favor. Cantu abstained from voting due to his absence at the last meeting.

Dixon asked on the Reasoned Statement of Relevant Criteria and Standards regarding 6., where it reads *The Preliminary Plat complies with the purposes set forth within the Subdivision Ordinance . . .* Dixon asked if the Comprehensive Plan comes in at all as the Comprehensive Plan provides purposes more than the Ordinance does. Cramer indicated that when these go to Council, he changes the statement every time to state that *“The Preliminary Plat Complies with the standards of the Subdivision ordinance . . .”*.

Dixon moved to accept the Reasoned Statement of Relevant Criteria and Standards with the modification to 6. By striking the word purposes and replace it with standards, Morrison seconded the motion and it passed with 5 votes. Cantu abstained from voting.

Business:

4. ANNEX 19-006: ANNEXATION/INITIAL ZONING OF TN for Southpoint Division No.

9. Beutler presented the staff report, a part of the record. Dixon asked if there is a preliminary plat for this area. Beutler indicated that there is a preliminary plat for Southpoint that includes this area. Beutler indicated that the next items are the Final Plat for this property. Wimborne opposed moving forward and looking at the Final Plat and reminded the Commission that what they are looking at now is just the annexation and initial zoning. Dixon stated that the initial zoning of TN, and TN should have a grid street pattern with rear alleys, and he wants to see if the Preliminary Plat is a grid street pattern with rear-alleys. Wimborne disagreed and doesn't believe that the plat is before the Commission, and only the annexation and initial zoning is before the Commission. Dixon wants to know whether the developer is moving away from the Preliminary Plat with the zoning, or whether this zoning is consistent with the Plat. Dixon indicated that he would be looking for a gridded street pattern to approve this zone. Beutler indicated that there is no gridded street pattern proposed.

Applicant: Jeff Freiberg, 901 Pier View Drive, Idaho Falls, Idaho. Freiberg stood for questions. Morrison asked why they picked the TN Zone. Freiberg stated that Voigt is the developer and it is a new zone, and it met his desire to put single family smaller homes in the area. Swaney looked ahead at the Final Plat for Southpoint, and staff mentioned there is no grid pattern, and no alleys, so it doesn't seem to have the configuration to meet the zoning of TN. Beutler indicated that they did meet with the applicant and discussed the traditional neighborhood and it is something that when the zone was developed, they hoped that it could be used other places in the City besides the existing neighborhoods. Beutler stated that proposal doesn't meet all of the criteria of the TN Zone, but it does meet much of the criteria, including being walkable, having smaller lots, mix of housing types. Beutler indicated that staff was willing to support the TN Zone and allow a developer to try the TN Zone.

Dixon believes that annexation makes sense but doesn't believe the zone is appropriate because it doesn't meet part of the central design of the zone.

Dixon moved to recommend to the Mayor and City Council denial of the annexation and initial zoning of TN for Southpointe Division 9, Morrison seconded the motion. The motion passed 5-2. Denney and Romankiw opposed the motion.

Denney is opposed to the motion because the property meets some of the standards even though it doesn't have the grid pattern, and she would be comfortable with the zoning of TN.

Romankiw is opposed to the motion because they are putting the cart before the horse, and they are only supposed to be looking at annexation and initial zoning, and that meets the criteria for a Category A Annexation and the initial zoning should be determined to be consistent with the Comprehensive Plan and it appears to be consistent. Romankiw believes looking ahead to the Plat is inappropriate.

Wimborne agreed with Denney and Romankiw and believes this is a simple annexation and the zone the developer is asking for would fit the area. Wimborne indicated that the City has revised the Zoning Ordinance in order to give developers more flexibility to try and create different kids

of areas within the City, and this developer is willing to try the new TN Zone, and it doesn't make sense to block the development.

Swaney indicated that if the Preliminary Plat looks like the final plat, he would contend that it doesn't meet the basic requirements of the TN Zone, and he believes rejection is appropriate.

Dixon indicated that the rest of the area around this property is zoned R1 and this would appear to be spot zoning.

Kirkham asked the Commission if the reason they are recommending denial is because of something that is not before the Commission at this time, meaning the final plat, and they should only be looking at the annexation and initial zoning. Dixon stated that they have to do the zone with the annexation and there is no basis for supporting the zone, because the Preliminary Plat does not show compliance with the purpose of the zone, and the size of the area is not big enough to support that. Kirkham understands the objection to the plat, but when the plat comes up for approval, then the comments regarding the plat would be relevant. Kirkham stated that if the Commission feels it is a spot zone, and that is why they are recommending denial, that might make more sense. Kirkham wants to make sure the Commission is focusing on the issue before them which is whether annexation is appropriate, and not whether the underlying proposed subdivision is appropriate.

Wimborne stated that they are being asked to act on the annexation and zoning and several commissioners have concerns about the zoning with or without the plat.

Cramer indicated that when this annexation request was being discussed he supported TN Zone as an option. Cramer stated that the TN Zone is meant to encourage new urbanism and walkable neighborhoods and neighborhoods that face public spaces, and the plat image in the Comprehensive Plan on page 42 that starts to point out all the principles is the preliminary plat for Southpointe. Cramer stated that this area has always been planned for higher density zone, and so R2, R3, R3A would be appropriate, but the question is, is TN also appropriate in higher density Comp Plan designation. Cramer believes TN is a way to try density in a different way. Cramer feels it made sense to try a new urbanism model.

Dixon stated that the word neighborhood in Traditional Neighborhood Zone, and how big does something need to be to be a neighborhood, and how big does an area need to be zoned, to make it no longer spot zoning. Beutler offered that the Comprehensive Plan shows this area as a transition from lower density residential to higher density and at some point it is going to have to move from low density to higher density and it is not spot zoning, and there is no minimum acreage requirement, and it complies with the Comprehensive Plan designation. Dixon indicated that there are other higher density zones. Beutler agreed and indicated that they all would comply with the Comp Plan designation, including the TN Zone. Dixon indicated that the TN Zone requires a certain street pattern. Beutler stated that it is not a requirement. Dixon stated that the street pattern is listed as one of the characteristics and that street pattern makes the zone unique. Beutler disagreed and indicated that the purpose statements intent is not to have all of the characteristics every time.

5. PLAT 19-014: FINAL PLAT. Southpoint Division No. 9. Beutler presented the staff report, a part of the record. Dixon asked if the smallest lot is 6,000 sq. ft. (50x120). Wimborne stated the staff report stated average is 6970 sq. ft. Beutler stated they are within the

requirements of the TN zone. Beutler stated that further in the standards in TN Zone it talks about the fact that alleys are encouraged but not required.

Applicant: Jeff Freiberg 901 Pier View, Idaho Falls, Idaho. Freiberg commented that he cannot believe the Commission passed the two preliminary plats prior to this hearing and rejected this application. Freiberg added that Gary Voigt has done a lot of developing in this town, and Southpointe is a key development of what he has done. Freiberg indicated that Southpointe is one of the nicest neighborhoods in town, and the plan is to build upper scale smaller single-family homes on smaller lots using the TN Zone, and this Commission has shut him down because it lacked the grid.

Romankiw indicated that the way they voted on the last application (annexation initial zoning) because now they are in a spot that they cannot look at this final plat and determine if it complies with the zoning ordinance, but now there is no way to tell what zone it is in because the proposed zoning was not approved. Wimborne asked staff for guidance. Cramer indicated that they should have recommended annexation with a different zone on the last hearing. Cramer asked the applicant if the final plat complies with any other zone besides the TN as far as minimum lot sizes. Beutler indicated that they'd have to look in specific detail and look at other zones, while the TN allows for the smallest lot sizes. Cramer suggested that, since the denial of the TN Zone was not a unanimous motion, and the Commission could, if they feel it is consistent with the preliminary plat, and with some minor adjustments could meet other high density zone, that they recommend approval of the plat with any adjustments necessary to meet whatever zone is approved. Cramer indicated that annexation should be a yes, and the commissioners got hung up with the zone, and City Council will approve annexation, and perhaps with the TN Zone or a different zone, and the plat would need to comply with whatever zone is chosen with minor adjustments to lot sizes. Kirkham agreed that is a legally sound approach. Wimborne is in support of that path forward. Dixon stated that page 4 of 5 shows that if the smallest lot is 6,000 feet (50x120). Beutler indicated that there are two lots that are smaller than 50' wide, which wouldn't meet the other zones width requirements.

Denney moved to recommend to the Mayor and City Council approval of the Final Plat for Sandpoint Division 9 with any adjustments necessary to meet the standards of whatever zone City Council approves, Hicks seconded the motion and it passed unanimously.

Commissioner Swaney had to leave the meeting.

6. PLAT 19-015: FINAL PLAT. Winter Sunnyside Development Division No. 1. Beutler presented the staff report, a part of the record. Beutler clarified the acreage of the property is incorrect on the Staff Report and corrected the acreage to .864 acres. Hicks clarified that there will likely be only one full access. Beutler agreed and indicated that there is a possibility of a right in right out, and the businesses that develop will have to have parking lots with access through to make it function with one access point.

Applicant: Jeff Freiberg, 901 Pier View Drive, Idaho Falls, Idaho. Freiberg stated that the access is awkward. Freiberg added that it depends on whether the property to the west will sign off on an access easement. Freiberg stated that the owners would like to move forward with construction, but there are hurdles to cross.

Dixon asked how close access points can be with the Access Management Plan. Beutler indicated that because Sunnyside is a principle arterial the access points have to be 660' between access points. Beutler stated that these conversations took place during the initial zoning and annexation hearing, and it was brought up that commercial development could be challenging with the Access Management Plan. Beutler stated that the property owners requested commercial for future development and those owners will have to go through the same process and the City will require shared access. Beutler stated that they can work on access through the site development, and the platting process needs to know that shared access will be required. Dixon asked if this is the case that the first one that develops can establish an access point as long as it is over 660' from Springfield Drive, and Grove Lane, so why can't this first development have the access point for all the commercial properties. Beutler stated that they could, but it will be to the west property line if it were going to have an access and it would be shared, in order to get the greatest distance from Springfield to the east. Beutler indicated that the plat is approved with a restricted access and that will be worked through. Hicks believes they are penalizing the first development. Beutler indicated that it is a restriction, but not a penalty. Beutler stated that since they are redeveloping the property, they cannot keep the access points and they need to bring the property up to current standards. Dixon asked if they want direct access to Sunnyside could they be required to provide cross access agreements to both east and west neighbors, alternately they cannot have an access, but have to establish a cross access with one of their neighbors and they'd get to choose. Beutler indicated that this Commission doesn't need to worry about access in their motion, as that will be dealt with during site plan development.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Winter Sunnyside Development Division No. 1., Hicks seconded the motion and it passed unanimously.

7. PLAT 19-006: FINAL PLAT. Brookside Division No. 6. Barnes presented the staff report, a part of the record.

Applicant: Daryl Kofoed, 101 Park Ave., Idaho Falls, Idaho. Kofoed stated that the road is built completely through.

Dixon indicated that the preliminary plat is the same as the final plat and the use of the cul-de-sac is appropriate because of the large canal behind the property and the property meets all requirement of the ordinance.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Brookside Division No. 6., Denney seconded the motion and it passed unanimously.

8. PLAT 19-007: FINAL PLAT. Kirkendall Subdivision. Beutler presented the staff report, a part of the record. Dixon confirmed that this adjustment of the plat doesn't affect the grandfathered status of the property to meet current standards for landscaping. Beutler confirmed that they do not require compliance with the standards until there is a change of use or when they make modifications to the parking lot.

Applicant: Daryl Kofoed, 101 Park Ave., Idaho Falls, Idaho. Kofoed stood for questions.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Kirkendall Subdivision, Romankiw seconded the motion and it passed unanimously.

9. PLAT 19-010: FINAL PLAT. Lorin C. Anderson 3rd Amended Plat. Beutler presented the staff report, a part of the record. Dixon asked why the shared access appears to go to the west, although it is developed as twin homes. Beutler indicated that there are twin homes that would prevent access further to the west and the access is only to provide access into the parking lot and provide circulation.

Applicant: Daryl Kofoed, 101 Park Ave., Idaho Falls, Idaho. Kofoed indicated that this building was previously the open MRI. Dixon asked why the plat shows the cross access going to the west. Kofoed was unaware of a reason, and believed it was to cover basis.

Romankiw moved to recommend to the Mayor and City Council approval of the Lori C. Anderson 3rd Amended Plat, Denney seconded the motion and it passed unanimously.

10. PLAT 19-011: FINAL PLAT. Fairway Estates Division No. 23. McLane presented the staff report, a part of the record.

Applicant: Kevin Alcott, 101 Park Ave., Idaho Falls, Idaho. Alcott stated that in that area the lots are larger than what was shown in the preliminary plat, just as he had committed to do. Alcott pointed out that he has an agreement to have the gravel road to the farm bridge and that will be graveled for the fire department for the secondary access. Alcott indicated that gives 180 degrees between access points for the fire department. Dixon did notice the lots are larger. Dixon does not believe that this division is working towards the canal and this is an infill away from the canal. Alcott stated that there are different markets and they are building lots for the market. Alcott indicated that there is a section that is set aside for a home builder that is building lower priced homes in one area. Dixon asked if the properties to the right are spec homes and the properties to the left are custom homes. Alcott indicated that they are different price point. Alcott stated that they will get to the bridge.

Hicks moved to recommend to the Mayor and City Council approval of the Final Plat for Fairway Estates Division No. 23, Cantu seconded the motion and it passed unanimously.

11. PLAT 19-012: FINAL PLAT. Fairway Estates Division No. 24. McLane presented the staff report, a part of the record.

Applicant: Kevin Alcott 101 Park Ave., Idaho Falls, Idaho. Alcott was surprised that the corner lot is not in compliance as he believed they had rectified that and resubmitted. McLane indicated he was gone all last week. Alcott stated that they adjusted the lot and the one to the north to the desired size.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Fairway Estates Division No. 24, contingent upon resolution of the size of Lot 1, Block 25 to meet the requirements of the zoning ordinance for the larger size corner lots, Hicks seconded the motion and it passed unanimously.

Miscellaneous: July Planning Meeting is July 11, 2019. Wimborne will not be present.

Dixon commented about holes he is perceiving and make suggestions to staff to come up with some proposed changes on either the Comprehensive Plan or ordinances, including: Order of Development (develop arterial, collector, local street) so they can connect to the arterial before moving on into the development so you don't have to drive a mile through a neighborhood to get to a different arterial. Dixon suggested that amenities for the community need to be developed

first. Dixon stated that Downtown the form based zoning has a sense of identity to make it look cohesive, and that needs to be brought into residential where there is the sense of community and a coherent neighborhood, that could include, reverse frontage can only be used for arterials without a variance. Dixon stated that if they have collectors within a square mile then it would be a good idea to limit the length of collectors.

Wimborne suggested having some workshops where they can discuss these ideas and get an idea of what different zones mean, such as TN, as it appears that different people have a different idea about that zone, and they shouldn't be throwing up roadblocks for developers.

Cramer indicated that there is a staff meeting in the morning and they will select dates for a breakfast meeting. Cramer stated that they have been waiting for agendas to calm down so they can go back to the 6:30 pre-work session to discuss things and then move into the public hearings.

Wimborne asked the Commissioners to send feedback to staff about issues.

Respectfully Submitted

Beckie Thompson, Recorder