

July 11, 2019

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Natalie Black, Lindsey Romankiw, Gene Hicks, George Swaney, George Morrison (via telephone) (5 present 4 votes).

MEMBERS ABSENT: Margaret Wimborne, Joanne Denney, Brent Dixon, Arnold Cantu,

ALSO PRESENT: Assistant Planning Directors Kerry Beutler and Brian Stephens; and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:15 p.m.

CHANGES TO AGENDA: None.

MINUTES: Swaney moved to approve the June 4, 2019 minutes, Romankiw seconded the motion and it passed unanimously.

Public Hearing:

1. CUP 19-003: CONDITIONAL USE PERMIT. Fox Hollow Electronic Message Center CUP. Stephens presented the staff report, a part of the record. Swaney asked if there is a sunset clause on the CUP. Stephens indicated that CUP's expire if there is a change of use. Morrison indicated that the CUP is for the school, and if the school goes away then the CUP expires.

Black opened the public hearing.

Applicant: Andrew Peterson, Sign Pro, 2274 W Heritage, Idaho Falls, Idaho. Peterson indicated that the Sign Code dictates the need for a 100-step photocell, so it is automatically light controlled. Peterson indicated the desired sign is 24 square feet and it will replace the 4x8 changeable marquee. Black asked who determines the speed of the notices. Peterson indicated that the school has control and it is outlined in the Sign Code that the sign must be stagnant for a certain amount of time and the sign will follow those requirements.

Support:

Tammy Udder, 3061 Silver Circle, Idaho Falls, Idaho. Udder is the Principal at Fox Hollow Elementary. Udder advised that the students raised the majority of the money for the marquee and that took them 2 years and the students asked for matching funds from School District #91 to finish the purchase. Udder committed to staying within the code and making sure the sign is on and off at the correct times.

Opposition: No one appeared in opposition.

Black closed the public hearing.

Swaney moved to approve the Conditional Use Permit for an Electronic Message Center for Fox Hollow Elementary, Hicks seconded the motion and it passed unanimously.

Romankiw moved to adopt the Reasoned Statement of Relevant Criteria and Standards, Hicks seconded the motion and it passed unanimously.

2. RZON 19-007: REZONE. Rezone from R1 to R2 for 1519 Casseopeia. Beutler presented the staff report, a part of the record. Swaney clarified that there is not direct access to Saturn. Swaney asked if Dodson Drive is private and asked if it connects to Lola. Beutler indicated that there is a curb cut onto Lola and it connects through to Saturn, but Dodson is a private drive. Hicks asked about Staff's recommendation. Beutler clarified that the Recommendation of staff is that it is a larger infill and it does have some characteristics that match with the comprehensive Plan and higher density; however it appears that the existing lower density is more consistent with the current land uses. Hicks asked about building height. Beutler indicated that R2 allows 24' high building (2 stories). Swaney asked if this is spot zoning. Beutler stated that a spot zone doesn't have supporting reasons to zone. Beutler stated that there is some support for higher density designation because of the density in the area, and the Comprehensive Plan does show higher density in the vicinity. Black asked if apartments would be limited by parking space and landscaping requirements and asked about common space. Beutler indicated that R2 doesn't have a requirement for common space and that is only in PUD's. Beutler stated that the density in R2 is 17 units per acre, but that might not be able to be achieved with the landscaping, parking, storm drainage requirements.

Black opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated that this property was annexed in 1954 and had commercial since 1964 and has been a non-conforming use in R1. Jolley stated that this infill will help the City clean up the area and fit the needs of the area for housing. Jolley stated that R2 fits this area the best and it will be developed consistent with the area. Jolley indicated that some of the developments in the area (PUD and mobile home park) are higher than the R1 standards and they would be considered by today's standards an R2 development. Jolley indicated that the studies that have been done and discussions with other developers, there is a need on the west side for additional housing. Jolley stated that the R2 housing development off of Skyline is not completed, but they have seen good success and support for the development. Jolley stated that they have talked with staff and have already applied for the permit with the FAA for the area. Jolley stated that Skyline and Saturn have direct access to Broadway, and it would make the higher and medium density housing in the area within walking distance to amenities. Jolley indicated that the homes on Casseopeia the homes access north not onto Casseopeia, and the homes on Saturn face east and they do not access onto Casseopeia, so the traffic to the new development would not have to drive past approaches or accesses. Jolley indicated that in discussions with staff, engineering and planning, there is a concern with Casseopeia and storm water that pools and the development of this property will help mitigate issues that he City currently has. Jolley indicated that the Comprehensive Plan doesn't have a medium density and so this R2 zone would fit as a step down from high density to low density. Jolley indicated that infill projects aren't perfect and that is why they haven't developed. Jolley indicated they are trying to decide what project would be a benefit to the City, the area, and take care of the infill.

Swaney asked if Jolley has met with the neighbors. Jolley stated that they have not, and they felt that this is not out of the ordinary with R2, and they haven't decided exactly what to develop on the property so there wouldn't be great details to share that would be beneficial. Swaney asked if there was discussion about a PUD which would alleviate the spot zoning question. Jolley met with staff with basic concepts and at this point they are trying to get the R2 zone as a first step.

Black asked if there will be access onto Lola. Jolley indicated that there would be opportunity for access onto Lola and Casseopeia. Beutler agreed and indicated that they would have to negotiate access to the private drive Dodson if they wanted access through. Black asked where curb and gutter will be. Jolley showed on the aerial that curb and gutter will go along Casseopeia and Lola will only need sidewalk.

No one appeared in support of the application.

Opposition:

1. Michelle Fletcher, 796 Saturn, Idaho Falls, Idaho. Fletcher took the time to go down Casseopeia, Beverly, Saturn, Lola, and Grace and found that the majority of the homeowners in the area are against the Rezone to R2. Fletcher indicated that there is a school behind Saturn and a lot of kids use Saturn as a street to walk to school and church nearby. Fletcher spoke with mortgage and loan officers and there was an agreement that Idaho Falls needs homes on the westside, but the need is residential homes and not apartments. Fletcher stated that Dodson street is small and has on street parking making it hard to get to Saturn from Dodson. Fletcher stated that keeping Casseopeia zoned R1 benefits the individuals that are in the area, and they support building strong connections and not having people come and go. Fletcher emailed a letter that had a list of the names of people Fletcher spoke to that were in opposition.

2. Greg Odell, 1531 Lola, Idaho Falls, Idaho. Odell has lived on Lola for 5 years. Odell asked his realtor to verify that the lot across the street was zoned for single units. Odell was concerned with the decrease in property value and increase in safety and noise if the lot was zoned for multi-family units. Odell didn't realize how easy it is to rezone a property. Odell is not against growth on the west side of town but is concerned with the type of growth. Odell indicated there have been 75 multi units that have gone in at the corner of Skyline and Broadway; 13 multifamily buildings at the end of Saturn and room for more; new multi family units at Snake River Landing, and these 3 areas are better suited to handle the additional traffic of multi-family. Odell stated that the only access to the property on Casseopeia is through the existing neighborhood. Odell went to the Staff report page 1 and read the Staff recommendation and noted that it only has "some" characteristics, not all. Odell read Staff Comment showing that the property is surrounded on all side by R1 and RP and single dwelling unit, and R2, R3 are present adjacent to Saturn Ave. Odell indicated that the staff report indicates that R2 would give diversity to the area. Odell indicated that this area already has a mix of all types of housing in the area. Odell read rezone application questions, that asked what changes have occurred in the area to justify the request for rezone, and the answer was the housing need has never been as demanding as now. Odell indicated that single dwelling houses would alleviate the issue. Odell indicated that the population will grow and there will always be a need for housing. Odell read other things from staff report regarding traffic and congestion being unlikely. Odell indicated that Skyline and Broadway have traffic backups during rush hours. Odell indicated that the intersection of Skyline and Broadway will get worse with the addition of 75 units on Skyline and then the additional traffic if this property is rezoned and the intersection will be much more congested. Odell read regarding nuisances and it noted that staff is unaware of potential nuisance as a result of zone change. Odell indicated that increased traffic is a safety concern, noise, crowding will be a nuisance. Odell urged the Commission to keep the property zoned R1 for the safety of current residents, and there are better locations available for multi-family units.

3. Cade Marcus, 762 N. Skyline, Idaho Falls, Idaho. Marcus has family in the area and is representing 35 individual households he spoke to regarding this rezone. Marcus indicated that originally, he didn't care about the rezone, but after talking to the neighbor ladies on the street, there was more concern about the neighborhood changing. Marcus indicated that the light commercial storage that was on the property, while a non-conforming use, did not cause any trouble, and he believes the rezone to R2 will cause trouble with noise and traffic. Marcus has had to sit for 20 minutes to get onto Skyline. Marcus volunteers to take kids to school in the neighborhood because they cannot walk to Skyline Highschool in a timely manner due to traffic. Marcus indicated that the project at Broadway and Skyline has already caused near miss accidents with the construction workers driving through the neighborhood because there is a hard time getting out on Skyline. Marcus indicated that there are nice houses in the world, and this conversation would not be happening if this R2 development was wanting to go in a wealthy neighborhood such as Shamrock Park. Marcus believes that they need to improve the neighborhood and build sidewalks and take care of the flood water, but that would be improved with single family residences as well. Marcus understands that the developer will make more money with 51 units vs 17 units, but they shouldn't be allowed to impede on the neighborhood to make money. Marcus stated that it is nice to know every family on the block, and that won't happen with 51 new units. Marcus encouraged the Commission to maintain the R1 designation.

4. Brason Howell, 776 Grace, Idaho Falls, Idaho. Howell stated that Casseopeia is already getting through traffic because of the school and church in the neighborhood. Howell stated that Dodson driveways are smaller so there is a lot of street parking and that would not be a viable option to send traffic out Dodson. Howell stated that the access to Lola would send traffic up through Grace and over to Skyline. Howell stated that traffic on Skyline is hard to get out of driveways. Howell would like more home ownership. Howell would like the developer to add value to the area. Howell stated that the area is used by a lot of students to get to school and it is a hazard to increase traffic.

5. Jerry Jayne 1568 Lola, Idaho Falls, Idaho. Jayne distributed a letter that outlined his testimony. Jayne has lived on Lola since 1964. Jayne indicated that there is very little knowledge as to what is going on with this property. Jayne stated that R2 would allow a density that is too large. Jayne indicated that the Comprehensive Plan envisioned this area as low density. Jayne stated that R1 has a minimum size of 7000 square feet for lot, or maximum number of units in an acre of 6, R2 would allow up to 17 units per acre. Jayne stated that across Saturn is zoned RP (residential park) and that allows only single family, and a maximum of 4 per acre. Jayne indicated that a park would be a good addition to the neighborhood. Jayne stated that the two lots at the end of the property are also RP. Jayne stated that low density has a strong public preference and the Comprehensive Plan has standards and under plan implementation states "Steady innovative approaches to residential development within the context of the preferred residential alternative pattern . . ." Jayne stated that Saturn Village on Dodson Drive was fought by the residents and it was a mistake to allow the 6 triplexes to be built. Jayne indicated that that there are no front lawns, no sidewalks, and it should not be used as an excuse or reason to justify downgrading the zoning from R1 to R2. Jayne stated that the applicant has not made a case that the rezone will benefit the neighborhood. Jayne believes that the default should not always go to the developer and this request should be denied.

6. Shane Stambaugh, 775 Saturn, Idaho Falls, Idaho. Stambaugh has lived in the home with the RP designation for 14 years. Stambaugh grew up in Idaho Falls and wanted to live in an

established neighborhood. Stambaugh bought prior to the Dodson development. Stambaugh stated that he knows all the neighbors, except the Dodson development. Stambaugh is frightened of the possibility of his neighborhood changing more. Stambaugh believes that R2 would diminish the value and desirability. Stambaugh asked the Commission to consider the people that already live in the neighborhood.

Applicant: Blake Jolley, 1150 Hollipark, Idaho Falls, Idaho. Jolley applauded the neighbors for coming together to discuss the issues. Jolley stated that change is hard, and as the City grows change will be hard, and the Planning Commission has been charged with making sure growth is organized. Jolley stated that the zoning laws are in place and followed to better the City. Jolley represents the owner and they want to see something happen on the property. Jolley stated that in discussing with Staff, including, planning, fire, emergency, etc. Jolley stated that many places in Idaho Falls have traffic problems in the morning and afternoon. Jolley stated that the main roads are arterials and the traffic studies by BMPO have been completed and accepted by the City and recognize those roads as arterials. Jolley has met with the City Engineer and the R2 zone has analyzed and they have not presented any concerns. Jolley indicated that the worst-case scenario is always anticipated. Jolley stated that there is a need for housing and more people are looking for townhomes. Jolley stated that development will always increase traffic and we rely on professional staff to make sure the City is protected, and they require the developer to upgrade streets. Jolley stated that the RP zone does allow for school and churches which are high traffic generating uses. Jolley indicated that the Comprehensive Plan encourages developers to look for innovative ways to provide mixed types of housing and that is what an R2 zone would allow. Jolley understands the concerns of the neighbors and they are not wanting to be invasive, and the plan moving forward will include the neighbors and they will try to mitigate concerns.

Black closed the public hearing.

Black stated that it doesn't matter what neighborhood you are in, no one wants apartments. Black stated that year after year developers have brought forth plans for apartments and no one wants them. Black stated that developers have not built apartments for approximately 6 years. Black stated that there is a need for housing in Idaho Falls, and a need for a moderately sized, moderately priced town home. Black stated that a vacant lot near her home had a developer attempt to build apartments, and the neighbors opposed, and nothing has been built on that empty lot 21 years later. Black stated that the property has been undeveloped since 1954 when it was annexed and that is a reason to develop the property. Black stated that there are traffic problems everywhere. Black stated that they need to be good planners and they need to be fully aware of everything that is allowed in the zone.

Swaney commended Jolley and his company and many cases they have taken properties that were abandoned and turned them into productive properties. Swaney indicated that most of the very successful were on odd lots, odd shaped, odd situations that made them unlikely to develop. Swaney stated this property is not one of those situations. Swaney stated that the Comp Plan is clear that this is not intended to be anything other than low density. Swaney stated that the existing zoning is consistent with the Comprehensive Plan as low density. Swaney stated that this lot has now been abandoned but that is not a justification to change the zoning to allow a less restrictive development for this property. Swaney stated this property is standard shape, standard size, with good street access and there is no justification to not maintain the R1 zone and

developer it as R1 properties. Swaney understands that there could be more attractive opportunities for the development with R2, but the economic benefit is not the question. Swaney stated that the theory that R2 is necessary is a theory and it is not supported by the staff report, or the developer's proposal. Swaney suggested maintaining the R1 zone.

Hicks concurred with Swaney. Hicks indicated that there is not a justifiable reason to change the zoning in the area.

Morrison indicated that the City does not cater to developers or anyone else, and all people are treated fairly. Morrison stated that the RP zone and R1 together it seems that R2 opens up a potential for a lot of other things that would not fit well in the area.

Swaney moved to recommend to the Mayor and City Council denial of the Rezone from R1 to R2 for 1519 Casseopeia, Hicks seconded the motion and it passed unanimously.

Business:

3. PLAT19-017: FINAL PLAT. St. Clair Estates, Division #13, 5th Amended Plat. Stephens presented the staff report, a part of the record.

Applicant: Clint Jolley, HLE, 101 Park Ave., Idaho Falls, Idaho. Jolley indicated that this is the last parcel that hasn't been platted, and they are cleaning it up so that it is developable.

Swaney asked where the access for the property will be located. Jolley indicated they are working for the seller, and he is trying to make the property marketable.

Swaney indicated that this plat complies with City Ordinance and is consistent with the other parcels in the area.

Swaney moved to recommend to the Mayor and City Council approval of the Final Plat for St. Clair Estate Division #13, 5th Amended, Morrison seconded the motion and it passed unanimously.

4. PLAT 19-018: FINAL PLAT. Costco Subdivision. Beutler presented the staff report, a part of the record. Black asked about the access points on Lincoln and 25th and will there be any right turn only. Beutler stated that the access will be finalized with site plan development, but they are looking at 1 access onto Lincoln at the western property line and an access on the northern property line and a proposed midway access that could be restricted to right in right out. Hicks is concerned about the 2 access points off of Hitt Road and is totally against the 2 access points. Beutler indicated that the purpose of the traffic impact study is to determine the feasibility.

Applicant: Kelly Kare, KM Engineering, 9233 West State Street, Boise, Idaho. Kare clarified that the north access is proposed to be a full access, the middle access would be a median controlled right in right out, left in, and the access on the south west corner would be proposed as a full access with the condition that if safety concerns develop it will be restricted in the future.

Hicks asked if there is an objection to one piece of the application, he is opposed to the 2 access points, but has no problem with the rest of the plat. Black clarified that the proposal for the middle access is right in right out. Hicks is not against the whole project, but only has objection to the access points on Hitt. Swaney stated that the traffic study and additional information was

only talking about the accesses, but the accesses are not part of the plat, and the only thing before the commission is the final plat and the City Engineer and traffic department will make the final decisions as to what is authorized for access, and that will have to be authorized by the County. Swaney stated there will be a lot of consideration above and beyond what is in front of the Commission. Swaney reiterated that the final plat does not address access. Hicks asked why the traffic and access information is in the staff report. Beutler stated that the staff report was only talking about the second lot access and indicating that it doesn't have direct access to the streets, and there would have to be cross access between the two properties. Beutler stated that they mentioned the traffic study for informational purposes, but the subdivision ordinance doesn't regulate the access for the property.

Romankiw stated that the final plat complies with the subdivision ordinance and the principles of the Comprehensive Plan.

Romankiw moved to recommend to the Mayor and City Council approval of the Final Plat for Costco Subdivision, Swaney seconded the motion and it passed with 3 votes. Hicks abstained from voting.

Miscellaneous.

Swaney asked for new member to cover the County Planning Commission.

City Council Statement of Annexation Principles.

Beutler indicated the statement comes from and has been adopted by City Council. Beutler stated that this statement comes out of the Area of Impact discussions with the County. Beutler stated that it also comes from concerns from the City initiated annexations, and they wanted the City to put in writing when properties would be annexed. Beutler asked the Commissioners to review and be able to reference the document and in the coming months there will be the last two City initiated annexations, and they will be large scale annexations.

Romankiw asked if the statement is readily available to the public and will the statement be provided to the people in the annexation's areas. Beutler agreed and indicated that it is has likely been uploaded to the website and will be provided to the people when they are notified regarding annexation.

Beutler indicated that in the presentation of the annexation, they will identify how the properties comply with the principles. Beutler indicated that the Area of Impact has not been approved and they have determined that they cannot come to an agreement.

Morrison appreciates the staff putting this statement together.

Hicks asked if there is a better way to get the information to the public, and he doesn't feel that people are engaging in important decisions. Black indicated that people are not interested unless it affects them.

Black adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder