

July 11 2023

7:00 p.m.

Planning Department

Civic Center

**MEMBERS PRESENT:** Commissioners Margaret Wimborne, Arnold Cantu, Dale Storer, Forrest Ihler, Bill Scott, Kristi Brower.

**MEMBERS ABSENT:** Scott Geddes, Glen Ogden, Marsha McDaniel

**ALSO PRESENT:** Assistant Planning Director Kerri Beutler, Planners Naysha Foster, David Peterson, Brian Stevens and interested citizens.

**CALL TO ORDER:** Margaret Wimborne called the meeting to order at 7:00 p.m. Wimborne introduced the new Director of Community Development Services, Wade Sanner, and asked Sanner to take a minute to introduce himself.

Wade Sanner introduced himself. Sanner moved to Idaho Falls from Sheridan, Wyoming. Sanner worked in various places across the County and is originally from Kansas. Sanner is grateful to be here and thanked the Commission for their service to the city.

**MINUTES:** Scott moved to accept the minutes of June 6, 2023; Ihler seconded the motion. The motion passed unanimously.

**Public Hearing(s):**

**1. PLAT 23-005: PRELIMINARY PLAT. Lincoln Parkway Division No. 1 Preliminary Plat.**

**Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho.** Bane presented a preliminary plat for property off Lincoln Road, near Costco. Lots of different uses are in the area, including mobile, home, apartments, single family. Bane is proposing 23 acres with 20 lots (19 buildable lots) to ensure flexibility for the developers. The south side lot will either be dedicated to the city or used for public utility and is not buildable. The road sections will connect to existing roads north and then to Lincoln, and a stub to the west that connects to a preliminary plat design to the west, and a connection to the south. The road network will allow for multiple ways out. Until the other properties are developed the ingress and egress will be to Lincoln. The traffic study showed the need for turn lanes off Lincoln, and those will be done during the final plat process. Bane stated that the final plat will have the improvement for the roads and the buildup of the roads. The property is zoned LC which allows for different residential and commercial uses which is in line with the Comprehensive Plan designation for Mixed Use Centers. One person showed up for the neighborhood meeting that was held, and she was the manager of the Mobile Home Park across the street, and she showed curiosity about the project.

Wimborne asked how many buildable lots, as the staff report shows 14 buildable lots. Bane stated that the plat prior to this current version had fewer lots and after review with the developer they added more lots, and this plat is a revision, and the original had 14. Bane pointed out the additional lots on the west side where it originally had 2 lots and now it is broken into more, and the south had 2 lots and now has 5. It will allow more flexibility for the sale of lots and didn't change the road network or the use.

Peterson presented the staff report, a part of the record.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

**Brower moved to approve the Preliminary Plat for Lincoln Parkway Division No. 1 as presented, Cantu seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

**Brower Moved to Approve the Reasoned Statement of Relevant Criteria and Standards with the correction to item 4 to be changed to 19 buildable lots, Scott seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

**2. RZON 23-003: REZON. Adoption of a Form Based Zoning Code for the area Known as South Downtown.**

**Applicant: City- Brian Stevens presented.** Stevens indicated that the South Downtown area is 70 acres. Stevens indicated that Cliff, Pancheri, Yellowstone and South Capital Ave. are inclusive in this area. They want to protect and preserve this area and return it to the glory days of Downtown. Stevens explained form-based code is a method of regulating development to achieve a specific urban form. Looking at the building type and its interface with the street versus the uses of the building. Traditional zoning (Euclidean) focuses on separation of uses. Form based is focused on public realm and cares less about land uses. This tool will protect and enable a desired form. Staff chose to pursue a form-based code in this area after the success of the form-based code in Downtown. The current zoning code does not preserve the uniqueness of South Downtown. Form base code allows for zoning to be adjusted to fit the development pattern of South Downtown. This Code Divides South Downtown into 5 Districts. Provides standards for public spaces. Defines allowed building types. Staff will meet regularly to talk and bring forth adjustments as needed. The Comprehensive Plan supports the form-based zoning code. Stevens feels more form-based code will come to older parts of Idaho Falls to preserve the areas that the public wants to interact with.

South Downtown set on the shelf for a time because of covid and staff changes, but it is now time to push it forward.

Stevens presented the staff report, a part of the record. (25 Slide – Slide Show) Highlighted what parts of the Code will build South Downtown into the already existing Downtown Code.

Scott asked if the boundary of Downtown is contiguous to South Downtown. Stevens agreed that there is no gap between Downtown and South Downtown.

Wimborne asked about the highway frontage is already in the Downtown Code and South Downtown Code is the same. Stevens stated that there is one difference for Yellowstone Ave, with a building type. Wimborne clarified that it is similar and has some uniqueness.

Storer asked if there is a requirement that the Planning Commission recommend the proposed sub districts or is it approved as a whole. Stevens indicated that the objective is to rezone the entire section of town. The motion and action is to approve the Form Based Code which

approves the District and the breakdowns. Stevens stated that Downtown has its own Zone overlay, and the South Downtown would have the same overlay that would take people to the Form Based Code. Stevens is asking the Commission to recommend approval of all the Form Based Code as presented. Stevens stated that if there is a need for something different, let them know, and they can work on a shift if needed before it goes to the City Council. The presented plan is what was studied. Storer clarified that he just wanted to know if they could suggest changes and feels it would be helpful for the Commission to have the opportunity to recommend a realignment or change in sub districts in the future, if needed.

Scott asked if the sub districts are separately zoned. Stevens indicated that this supersedes and rezones these areas. The original Euclidean style of zoning would be removed, and Form-Based Code would control the property.

Storer had questions in the Administration Section of SODO (South Downtown) Chapter 10. Storer is intrigued by the Form based code, and one area is still not clear with the build up area. Storer stated that often with a zone change there are non-conforming uses. Storer is bothered by what it is that would trigger a change in use. Storer asked if it is a change in landscape, façade, parking or what would trigger the need to bring the area into conformity. Storer asked if the Johnson Brothers changed from a planing Mill to window wholesale, would that require a new application even though that use had been around for 50+ years.

Stevens stated that they will look at a change of use, and what they want to change on the structure. Staff will look at it and they will want to prevent things that they want in the form-based code from being removed and help bolster the things they want to keep including things for pedestrians.

Storer stated that he doesn't feel it is clear as to what would trigger, and he wants that looked at closer.

Beutler stated that the administrative section has not changed, and it has been utilized with the existing form-based code Downtown. Beutler stated that in dealing with non-conforming uses there are legal non-conforming uses. If the use was established illegally, they are not concerned with that. If it was established legally the code deals with it differently. Non-conforming uses are allowed to continue as it has operated legally since it was established, and the only time they would deal with an adjustment is if the use changed. Like a warehouse turns into a restaurant. Non-conforming structures have a specific section for it. If the façade is going to change, the code states it may have to be brought into compliance. Beutler indicated that they have the goal to deal with new growth and development and preserve the current property rights of the area.

Stevens indicated that the public interaction he's had has been positive in general. Beutler clarified that this is the Code and is not forcing anyone to do anything unless there is a change in use. What is in existence stays.

Wimborne opened the public hearing.

**Millie Batt, 765 South Capital, Mini Bazaar Building, Idaho Falls, Idaho.** Who can she ask the questions to, as she doesn't feel this is the right place. Wimborne suggested having a staff member get in touch with her so she can discuss questions.

Wimborne closed the public hearing.

Ihler likes Form Based Code and wants the entire City to be form based. It makes the area more flexible. Ihler likes it and feels the Form Based Code has been successful in Downtown. Ihler stated that this is the original Eagle Rock Area and the original development of the City. Ihler feels this area has lots of potential. Ihler is in support.

Wimborne asked staff what the biggest challenge for business owners and developers and has the issues been addressed with this Form Based Code. Stevens stated that the form-based code is relatively new, and they do have conversations and they have brought changes to the original Downtown Form Based Code. They deal a lot with the amount of window/glass that is required. No residential on the bottom floor was a big issue, so they made a change to 30'. Stevens acknowledged Foster's help in this process as she deals with the form-based code as it is applied Downtown. Foster stated that the biggest issue has been transparency on the main floor adjacent to the street. Downtown already kind of meets the standards for form based standard and the Euclidian Code has a lot of non-conformances that would be applied to Downtown.

Wimborne is in support of the form-based code and applauds staff on their work in South Downtown.

Ihler asked when the City has to replace a water line or rip up a street, or ITD has to do something along Yellowstone, are they required to bring things to standards of the form-based code. Stevens stated that they will be held to the standards, and there will be flexibility in the area, including a different street format that is more pedestrian friendly. The entities (City, State, County) will work together in compliance.

Scott stated that the warehouse sub district is the place where there could be more opportunity for open space and asked if there are incentives for landowners to commit space to open areas. Stevens stated that they do have a landowner that is interested in building in the area, and the current code they have run into issues with setbacks and getting parking, but the form-based code could help them make the building work. Stevens stated that it is the preference that it would come into the City's control like Civitan Plaza.

**Cantu moved to recommend to the Mayor and City Council approval of the Adoption of a Form Based Zoning Code for the area Known South Downtown, Scott seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

**Business:**

**3. PLAT 23-015: FINAL PLAT. Willard-Warr Addition Division No. 1, First Amended.**

**Applicant: ALC Architecture, was present, but had nothing to add.**

Foster presented the Staff report, a part of the record.

Scott asked if there has been an impact study as a new business would presumably create additional traffic, and getting in and out of Lowes already is challenging. Foster stated that there hasn't been a transportation study because 17<sup>th</sup> is a major arterial and there is already a stop light. Foster stated that a site plan will address those issues with the traffic engineer.

Brower stated that her grandma's house was on this property, and she was the last house to sell before they put Walmart in.

Wimborne remembered when this project (Walmart) came to be as there was a lot of discussion with entrances and exists as it was a change to this area.

**Scott moved to recommend to the Mayor and City Council approval of the Final Plat for Willard-Warr Addition Division No. 1, First Amended, Storer seconded the motion.**

**Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

#### **4. PLAT 23-016: FINAL PLAT. Anderson Townhomes Division No. 1.**

**Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho.** Bane stated that this final plat is just over 1 acre near the northwest side of town. It is planned to have 16 single family attached (4 – 4-plex building) platted individually to be sold as a single-family residence. The project had a PUD in April of this year approved and they have met all the PUD requirements. The existing home will be demolished and removed, and the plan is to have a cul-de-sac for temporary turn around and they are working on getting a cross access easement for the property to the north for the adjacent property and help with connectivity. The property is zoned R3A and meets all requirements.

Wimborne clarified that the development has a common area. Bane indicated that he does not have the PUD, but it does have some playground equipment, and is more than a retention pond.

Ihler asked if the common area has driveways behind the common area. Bane stated that the common area in the middle is the drive through and the parking, and the back and side have common areas for playgrounds.

Peterson presented the staff report, a part of the record.

**Brower moved to recommend to the Mayor and City Council approval of the Final Plat for Anderson Townhomes Division No. 1, Scott seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

#### **5. PLAT 23-017: FINAL PLAT. MK Simpson Center Division No. 3.**

**Applicant: Jeff Freiberg, 946 Oxbowe, Idaho Falls, Idaho.** Freiberg stated that this is MKS 3, MKS 1 to the south, and MKS 2 is to the east. This is a one lot subdivision. They have concurred with the staff's recommendations and will take part in the construction on W 33<sup>rd</sup> North.

Peterson presented the staff report, a part of the record.

**Ihler moved to recommend to the Mayor and City Council approval of the Final Plat for MK Simpson Center Division No. 3, Cantu seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

#### **6. PLAT 22-014: FINAL PLAT. Edgewater Division No. 1 EXTENSION**

**Applicant: None present**

Beutler presented the staff report, a part of the record. Beutler went into more detail than usual to brief the new Commissioners who were not on the Commission when this came before Planning and Zoning over a year ago.

Wimborne asked for clarification about the piece being dedicated to the City. Beutler indicated that Milligan Road and then the sliver along the area is being dedicated to go towards Heritage Park. Wimborne asked if Milligan would provide access to Heritage Park. Beutler agreed it will eventually provide access to Heritage Park.

Scott asked about the boundary of the property with Heritage Park and will this property go to the lower area toward the river. Beutler feels the lower area is being dedicated to the City, and the connection to Heritage Park and Milligan is just off the plat. The final alignment has not been determined, but they want to keep Riverwalk space along the River.

**Storer moved to recommend to the Mayor and City Council approval of the Final Plat for Edgewater Division No. 1, Scott seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.**

Next meeting August 1 at the City Annex Building. If the remodel is not complete, they will handle the meeting in the conference room if the Chambers are not complete.

**Adjourned at 8:30 p.m.**

**Respectfully Submitted**

**Beckie Thompson, Recorder**