

July 21, 2020

7:00 p.m.

Planning Department

Council Chambers

Notice: Due to Governor Little's proclamation on March 19, 2020 and the Stay-At-Home Order given on March 25, 2020, the doors to the meeting were locked, but notice was given to the public on how to participate via any of the following ways: Submit comments in writing; participate via internet through a Webex meeting; participate via phone through Webex meeting; and watch the meeting via live stream on the City's website.

MEMBERS PRESENT: Commissioners Natalie Black, Arnold Cantu, Gene Hicks, Brent Dixon, George Morrison, Margaret Wimborne

MEMBERS ABSENT: Joanne Denney, Lindsey Romankiw.

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brent McLane; Brian Stephens; Naysha Foster and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: The minutes for the July 7, 2020 meeting were tabled until the August meeting.

Public Hearing(s):

1. ANNEX 20-008: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of Residential Park (RP) & Single Dwelling residential (R1) for Sand Creek Estate, Division No. 1.

Black opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark Drive, Idaho Falls, Idaho. Jolley stated that this is straight forward request for R1 and RP. Jolley stated that the property is designated as low density residential on the Comprehensive Plan and the R1 and RP fit within the low-density residential designation. Jolley indicated that there are City utilities in the area and a water line was installed in front of another subdivision so there is water on the west end of the subdivision and there is sanitary sewer that is close.

Dixon asked which portion is R1 and which portion is RP. Jolley indicated that the south and east portion is the RP and everything north of that portion is R1.

Hicks asked if it is contiguous to the adjoining residential area. Dixon clarified that there is a canal between the existing and proposed property, but the canal is annexed.

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

Support/Opposition to Application:

Sheldon and Pat Dance. Dance asked questions pertaining to the development. Dance indicated that they live directly north of the proposed property. Dance asked about the traffic flow on 15th East and asked if there has been consideration to treat this subdivision to protect the public from the high-volume traffic. Dance stated that they have had 3 accidents on the corner of 15th East

and 49th South in the last 1.5 months. Dance asked if the 50-mph speed will be adjusted. Dance asked if there are provisions for turning lanes and acceleration lanes to keep traffic flowing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated that the City hasn't requested any traffic plan to be completed. Jolley stated that South 15th East is a major collector and it turns into Woodruff that is a 4-lane roadway to carry large volumes of traffic. Jolley indicated that the discussions they've had with public works, the road is meant to be similar to Woodruff in the future pursuant to the BMPO Plan. Jolley stated that as part of the development whatever happens the roadway will be required to be widened or developed in such a way to meet the standards.

Black closed the public hearing.

Dixon doesn't feel the comment about the amount of lots is appropriate because we are not to that point. Dixon asked staff at what point is property considered to represent the City boundary where the speed limit would be dropped. Dixon stated that it drops to 35 now ½ mile south of Sunnyside. Dixon stated that there is land already annexed at the corner of 49th and 15th that is zoned, and not developed. Dixon asked when the City gets to specify speed limits and not the County.

McLane stated that the road is still a County road and the City cannot control the speed limit until it is annexed into the City and that won't happen until it is City on both sides of the roadway.

Wimborne indicated that it is the right mix of zoning and complies with the Comprehensive Plan.

Morrison agreed with Wimborne.

Wimborne moved to recommend to the Mayor and City Council approval of the Annexation of 32.587 Acres, NW ¼ Section 4, T 1 N, R 38 E, with initial zoning of R1 and RP, Dixon seconded the motion and it passed unanimously.

2. ANNX 20-010: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of Industrial and Manufacturing I&M for Lot 9, Block 1, WRIGHT INDUSTRIAL PARK, DIVISION NO. 1.

Black opened the public hearing

No Applicant appeared.

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

Dixon asked if Wright Road will be improved to City standards and if so, who will pay for it. Beutler indicated that Wright Road is an improved paved road, but the southern section disappears into the property, and the land is largely unimproved. Beutler stated that the road improvements would come with a subdivision plat and this area is already platted so the improvements would come at the time of additional development, such as building on the lot across the street, or improve this property.

No one appeared in support or opposition of the application.

Black closed the public hearing.

Wimborne indicated that the proposal seems straight forward, and the zoning is appropriate.

Wimborne moved to recommend to the Mayor and City Council approval of the Annexation for Lot 9, block 1, Wright Industrial Park Division No. 1, with initial zoning of I&M, Dixon seconded the motion and it passed unanimously.

3. PLAT 20-021: PRELIMINARY PLAT: Sand Creek Estates Division No. 1.

Black opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated that it would have 87 buildable lots, and the road network will tie to the Dunes Subdivision to the east. Jolley indicated that there will be a bridge installed on the north where it crosses Sand Creek Canal and connect to the road network. Jolley stated that there is a water line installed that the southerly road is designed to go over to use current City infrastructure. Jolley stated that there are lots over a 1/3 acre, and the rest are 1/4-1/3 acre lots to provide diversity of homes in the area.

Dixon asked about the dimensions on the smaller lots. Jolley stated that a lot of the lots are 100x100 on the smaller end (.22 acres) and the larger are 4/10 of an acre. Dixon appreciates the southern road how it bends at the east to calm traffic but is concerned about the norther road with a straight shot and long straight roads promote speeding. Dixon suggested some movements for the roads to get rid of the long straight roads and suggested talking to staff about the road networks.

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

Black asked if staff has a problem with the straight road. McLane stated that it is not long, and staff has no concerns with the road.

No one appeared in support or opposition to the application.

Black closed the public hearing.

Cantu moved to approve the Preliminary Plat for Sand Creek Estates Division No. 1, Morrison seconded the motion and it passed unanimously.

Dixon requested a change to the Reasoned Statement of Relevant Criteria No. 4, to indicate that it is proposed to be zoned R1 and RP.

Wimborne moved to approve the Reasoned Statement of Relevant Criteria and Standards with the change to item No. 4, to indicate that it is proposed to be zoned R1 and RP, Morrison seconded the motion and it passed unanimously.

4. RZON 20-005: REZONE. Rezone from Residential Estate RE to Limited Commercial LC for 1.48 Acres in the E 1/2 NE 1/4 SE 1/4, Section 25, Township 2 North, Range 37 and known as 2636 Rollandet Ave.

Black opened the public hearing.

No applicant appeared

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

Dixon asked how wide the property is. McLane stated it is a unique property with street access on both ends. Dixon asked what could be developed and if the zone makes a difference on what can be developed with the width. Dixon stated that Thayer Bridge has a non-public street that is narrower and housing on one side and that looks wider than this parcel. Dixon asked what could be developed if a road went through and trying to understand how the zone and the shape of the lot go along with each other. Cramer indicated that the width of the property is 103 feet. Dixon asked what kind of limitations would be presented for a lot that is only 103 feet wide. McLane stated it doesn't need a through roadway because it has access on two streets. McLane stated that it is up to the property owner to fit the property with his development. Dixon stated that the property to the south is zoned residential estate, so it would need a setback to provide a buffer.

McLane confirmed the rezone is requested by the property owner.

No one appeared in support or opposition to the application.

Black closed the public hearing.

Morrison believes the land fits in with the neighborhood with the commercial and housing, so LC is a good zone for this area.

Black indicated that this is the 3rd residential to LC.

Wimborne agreed with Morrison and stated that at first it was jarring to go from RE to LC, but she feels the LC fits in well with the area.

Dixon stated that the Comp Plan identifies this area as higher density residential and residential is a secondary allowed use within LC. Dixon stated that the property already zoned in the area is manufacturing and it does touch on an area in the Comp Plan for employment centers and this area is developing more in a commercial/manufacturing mode than residential. Dixon believes the high density residential was put in because Thayer Bridge was already developed when the Comp Plan was changed, but additional residential has not developed in the area. Dixon believes LC is consistent with the development in the area.

Morrison moved to recommend to the Mayor and City Council approval of the Rezone from RE to LC for 2636 Rollandet, Wimborne seconded the motion and it passed unanimously.

5. RZON 20-009: REZONE. Amendment of the Comprehensive Zoning Ordinance, Section 11-4-5. E.1 Parking Location in Residential Zones, and Section 11-7-1: Definitions, Dwelling Single Unit Attached.

Black opened the public hearing.

Applicant: City of Idaho Falls.

Cramer presented the staff report. Cramer indicated that the items on the agenda are time sensitive. Cramer showed the language from the previous Zoning Ordinance that showed two parking spaces and those had to be in a garage or carport, or where a garage or carport could legally be built. Cramer explained that when people park on the side of their garage, it is a place where a garage and carport cannot be built, and the garage and carport requirement was meant for the 2 required stalls. Cramer stated that the language is to show that the required parking needs to be out of the required setbacks from the street. Cramer showed some pictures of people

parking in their front yard or walling in a garage and now the only available parking is in the driveway. Cramer stated that this is an issue. Cramer showed that they are proposing to tweak the Code and specify that the required off street parking cannot be in the required front or side set back that faces a public street...and add the wording "Permitted driveways which directly connect required and other approved parking areas to the public and private streets may be used for parking, but shall not be considered as providing the required parking spaces for the use."

Black asked about RV's in driveways and it is legal. Cramer clarified if she is asking about RV's or what the code change accomplishes. Cramer stated that generally they are trying have the two required stalls that are out of the front and side yard spaces. Cramer explained that a new house today would require two parking stalls outside of the front yard setbacks and then a driveway that connects that parking to the street. Cramer indicated that is to avoid the paving of someone's front yard. Cramer indicated that the driveway will be from the curb cut at the street to the garage or parking area, so they wouldn't allow a home to have a 60' wide curb cut, so they cannot have a 60' wide driveway. Cramer stated that they don't differentiate between and RV, truck, boat, car, so if people have a driveway, they can park in it. Cramer stated that if the RV sticks out over the sidewalk, they do address that with code enforcement and police. Cramer doesn't feel like it is appropriate to say what vehicles are appropriate in a driveway and which ones are not.

Dixon asked where the driveway ends on the street side. Cramer stated that the street is defined as everything between the right of way lines, which includes the park strip and the sidewalk, so the street doesn't end until the grass line of the yard. Cramer stated that the Code for sidewalks just state that you cannot block them and last year they wrote 1700 notes about violations. Dixon asked about a property south of Sunnyside that is multifamily and the guest parking is not deep enough and to park there you block the sidewalk and the roads are noted to be fire lanes and narrower than a regular city road. Dixon asked if tandem parking has the garage 2 vehicles deep. Cramer stated that when they are asking for tandem parking they are asking for a variance. Dixon asked about properties being grandfathered in. Cramer agreed that the property being shown is old enough to be grandfathered in and the single car garage is ok, but if someone wanted to build to today's standards, they would require 2 car garage or a variance to allow tandem parking. McLane confirmed that TN allows it. Dixon stated he knows a lot of places that have added a parking pad next to the driveway. Dixon asked if that is permitted because it is in the front set back, but not within the confines of the curb cut. Cramer stated this comes up regularly, and a technical reading of the code would state that is not permitted, but it does exist all over the place. Cramer has explored maximum lot coverage for concrete, they've tried to define how wide the driveway could be, and there is no good answer, so you are relying on people's sensibility to not pave their front yard. Cramer stated that it would be challenging to get people to rip up concrete that didn't require a permit. Cramer stated this is not a full solution but does address an immediate problem.

Cramer moved on to the second change Single Unit Attached Dwelling definitions. Cramer read the definition of a single unit attached dwelling. Cramer reviewed places it was allowed. Cramer showed pictures of what was allowed in the previous ordinance based on the current definition. Cramer stated that the issue that was created is it specifically states only 2 which was not the intent. Cramer stated that the intent was talking about limits to units, but rather let the zone control the number of units by density and lot coverage. Cramer believes they dropped 2 important words and it should have said 2 or more. Cramer stated that he gave 2 options to

consider with one redefining single unit attached as they intended with “two or more” and then rely on the development standards that those were built in, so there wouldn’t be a limit to the number of units, but controls within the zone such as density and lot coverage that would limit how many units could be built; the second option is more specific and states that single unit attached is between two and four dwelling units attached with common walls, and add a new definition that would be multi-unit attached that would be more than four.

Dixon asked if option one or two was adopted it would allow for R1 to go from a maximum of 3 units in a building to a new maximum of 4 units, and before 1999 twin units weren’t allowed in R1 and now they want to move it up to 4 units. Cramer agreed that option 2 would state that, but option 1 is not going to have the limit, which is why he included option 2. Cramer agreed that it would allow more than 3 in the R1 zone. Dixon asked if right now in R2 is a multi-unit attached allowed. Cramer stated that right now multi-unit attached doesn’t exist in the Code, but you could build a 4-plex and whether those units were on separate lots would mean something different code wise. Cramer stated that right now the way that single unit attached is defined is only 2 units and anything above that is multi-family. Dixon stated that page 6 of 9 of the staff notes states that dwelling multi-unit is allowed in R-2 but it has an asterisk and it is unclear what the asterisk entails because it only says “subject to specific land use provisions as set forth... Cramer indicated that page 8 has the information. Dixon indicated that it has to do with flashing and termination of the roof covering, etc. Cramer stated that information as all taken from the previous code where it was allowed in R1 and R2. Dixon confirmed that the main difference is that it would allow units to be on top of each other, whereas the single attached requires that each one be on its lot and not stacked. Cramer disagreed and indicated that the definition of multi-unit attached you still cannot stack. Cramer indicated that in R-2 you can stack and call it a 4-plex and condominiumize them that way, but it would be defined as a multi-unit dwelling, not a multi-unit attached. Dixon doesn’t want the distinction between R-1 and R-2 so small that there is no purpose behind having R-2. Cramer stated that option 2 would have the distinction, that in an R-1 zone you’d be limited to 4 units and in an R-2 there would be no limit other than the density and option 1 only has the difference in density.

No one appeared in support or opposition to the application.

Black closed the public hearing.

Dixon stated that with the clarification provided by staff, that they recognize that this doesn’t take care of every issue, but it does resolve an immediate issue, then he is in support of the change, and feels further changes are warranted, but will take more study on how to do them.

Dixon moved to recommend to the Mayor and City Council approval of the proposed Ordinance change concerning Off-Street Parking and Loading as presented on page 9 of 9 of the staff notes including the redline changes on paragraph E, Morrison seconded the motion and it passed unanimously.

Dixon indicated that the language on Option 2 for Dwelling Single Unit Attached was to say 2-4 dwelling units rather than two or more. Cramer agreed with Dixon’s corrections. Dixon indicated that the multi-unit attached is more than 4, whereas 2-4 is the single unit attached which is consistent with the language presented back on page 31 (FHA Single Family Housing Policy Handbook Glossary, although it doesn’t indicate whether those dwellings have to be on their own lots, etc. Dixon is concerned that the name isn’t consistent, and the camel’s nose got

under the tent in 1999 to say R-1 now allows attached housing and it seems like we are moving more and more units of attached housing. Dixon stated that RP doesn't allow for attached so if they want single family detached, they'd go to RP rather than R1. Dixon is more supportive of option 2, because option 1 leaves too much unknown as far as how many units they can fit in and still meet the density requirement.

Morrison agreed with limiting the number specifically.

Wimborne agrees that is a good place to start and they can always go back and revisit if it is needed.

Dixon moved to recommend to the Mayor and City Council, relative to Single Family Attached Dwellings, Option 2 offered in staff notes on page 5 of 9 with the following modification: Dwelling, Single -Unit Attached says 2-4 dwelling units instead of 2 or more dwelling units, as presented, Wimborne seconded the motion and it passed unanimously.

Business:

1. PLAT 20-022: FINAL PLAT. L&S Subdivision No. 1.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark Drive, Idaho Falls, Idaho.

Jolley stated there was recently a rezone request from LC to HC which was approved. Jolley stated there is a one lot 10 +/- acre plat which would have access to Lincoln and developed in accordance with the HC Zone. Jolley stated they have submitted a site plan to the City and are working through things on that with them. Jolley is asking for approval of the Final Plat.

Dixon asked for clarification and asked if there is anything in this plat that limits access to Duchess Drive because there is access to Lincoln Road to the north.

Jolley stated that in the staff report it shows that they are not requiring a connection to Duchess Drive, and they are not requesting an access, so the HC traffic will not go through the subdivision to the east.

Dixon asked if there is language in the final plat that prohibits connection to Duchess Drive to the east to make sure traffic doesn't go that way.

Jolley stated that there is not specific language, but if that is a recommendation from the Commission to have that statement, that would be fine with his client.

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

Dixon clarified that the staff notes state that they do not recommend connection, so does that mean staff supports the idea of prohibiting connection. Stevens stated that staff recommends that there is no connection between the single-family residential area and the commercial property. Dixon asked if that will be a problem if they try to do the same thing with the HC that connect to Jonathan Ave., to the south or Duchess Drive on the east end, as the east end has access via Applewood Way, but the south doesn't have access except via Jonathan or Applewood. Dixon asked if a recommendation would be consistent with what would need done in the future. Dixon asked if those properties are already platted. Stevens is unsure of whether they are platted, and assumed that Applewood Way is platted, and where Applewood Way stops the lot further back is

not platted. Stevens stated that along Lincoln Road to the west of this property there is potential for another commercial access and maybe it will line up with Quail Drive, or maybe further to the east, but the connection will connect down to Bentley Way and then Applewood Way would also in the future connect to Bentley and Bentley is a 70' wider road.

Black asked about curb and gutter along Lincoln and who is responsible therefor. Stevens stated that the applicant will be responsible for the curb and gutter along Lincoln where their property adjoins with Lincoln, but the other sections as they develop will be responsible if there isn't a larger State/City/County project and those projects would recoup that money in the future. Black stated that area is growing because of Costco and riding her bike in that area is frightening because there are no sidewalks. Black asked if the City is planning anything or is County responsible. Stevens stated that the City annexed a portion of the road. Stevens stated that there is a section across from Duchess that the City has not annexed and once the City owns the full stretch the City Engineering Department would hopefully have this area in line to develop a pathway in addition to a larger road in the future.

Beutler agreed that the City will look at that property as it is annexed, and it will likely be in line. Black asked if the develop will be required to put in a small section on his property. Stevens agreed. Black stated that when the City is ready, they will connect to that section. Stevens added that the entrance drive for this property is not significantly wide section of land, so it will primarily contain the entrance road and a very short section of sidewalk. Black asked if there will be a sidewalk requirement, or just the entrance drive. Stevens clarified that there will be a sidewalk required, but the majority of the sidewalk will come across and drop down for the apron and back up.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for L&S Subdivision Division No. 1. With the stipulation that added to the plat would be language that prohibits connection to Duchess Drive to the east to protect the residential from the commercial traffic, Hicks seconded the motion and it passed unanimously.

2. PLAT 20-024: FINAL PLAT. Idaho Steel Products.

Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls.

Roland stated that the property was annexed and now proposing a final plat on the property for Idaho Steel.

Dixon if Lot 2, being the smallest, has no frontage, and asked if it has a cross access agreement. Roland stated that it does have cross access to lot 2 and it comes off and the parking lot goes from Anderson to North Boulevard and there are two access points with a cross access easement and all the same owner.

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

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Idaho Steel Products as presented, Wimborne seconded the motion and it passed unanimously.

Wimborne asked about dates for workshop meetings. Cramer indicated that the training date will be August 21, 2020 7-8 a.m. which is the normal training time, although Wimborne is not

available that day. The training will be recorded so everyone has the access to watch it. Cramer stated that the Opticoast response on the 4 zones that were picked, and Cramer will be forwarded following this meeting. Cramer stated that they have agreed to review 5 zones. Cramer wants the Commissioners to review the comments and give feedback before noon tomorrow.

Wimborne suggested scheduling the upcoming training dates soon. Cramer stated that they will get back on track with the 3rd Fridays. Cramer stated that they are trying to squeeze the 4 weeks into 2 weeks. September 18 would be round two.

Beutler stated that there will be a single meeting in August, and it will be a lengthy agenda. Beutler indicated that the meeting will be at the Civic Auditorium to see how it might work and can accommodate a large group. Beutler stated that they will have Webex and be able to accommodate any Commissioners that want to attend personally.

Dixon confirmed that some Commissioners can attend remotely for the August meeting.

Next meeting is scheduled for August 4, 2020 at the Civic Auditorium.

Black adjourned the meeting at approximately 9:00 p.m.

Respectfully Submitted

Beckie Thompson, Recorder