

September 1, 2020

7:00 p.m.

Planning Department

Civic Auditorium

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, Gene Hicks, Brent Dixon, George Morrison, Margaret Wimborne, Joanne Denney, Lindsey Romankiw, Arnold Cantu

MEMBERS ABSENT: None.

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

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

CHANGES TO AGENDA: None.

MINUTES:

Hicks moved to approve the August 4, 2020 Minutes with the requested typo corrections, Morrison seconded the motion and it passed unanimously.

Public Hearing(s):

1. RZON 20-010: REZONE. Rezone from I&M to R3A for Lots 3, 4, and 5, Block 1 McNeil Business Park Division 2.

Black opened the public hearing.

Applicant: Blake Jolley, CE, 1150 Hollipark Drive, Idaho Falls, Idaho. Jolley indicated that they want to rezone this area from I&M to R3A. Jolley stated that the parcel is small for I&M and the size makes it difficult to develop I&M with the required setbacks. Jolley stated that R3A would make this parcel easier to develop. Jolley stated that this parcel is next to Thayer Bridge (residential) and R3A has ability to develop higher density housing. Jolley stated that the higher density causes traffic, but this parcel is next to Sunnyside. Jolley stated that the professional offices that are available with R3A it would be good access for professional businesses.

Dixon asked if they are developing as residential have they investigated tying into the Thayer Bridge road network on the north, as that would give Thayer Bridge a second access through McNeil and give the new development access to the light at Sunnyside by going to Rollandet. Jolley indicated that they have not decided how to develop the light, but they will investigate as they get further down the road.

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

No letters were received by staff.

Support/Opposition to Application:

Kurt Burns, 2385 Gallatin, Idaho Falls, Idaho. (Burns was hard to hear online, however his testimony was reiterated by staff). Burns is president of Burns concrete. Burns considers this to be a clear conflict as McNeil is one of their main supply routes with their docking facility on the corner of McNeil and 21st. Burns stated that this area has heavy industrial use. Burns stated that McNeil is the main source for the delivery and supply trucks and McNeil has over 100+ trucks a day from 2:00 a.m. until 7 p.m. Burns believes this would be a conflict with residential uses. Burns stated that McNeil was designed to be a buffer for Thayer Bridge. Burns indicated that other trucks use that road, including Old Dominion. Burns feels that there are already a lot of complaints for the hours of operation they keep. Burns stated that there are future plans that will increase the traffic on McNeil.

Linda Simhardt, 2385 Gallatin, Burns Concrete. (Simhardt was hard to hear online). Simhardt works for Burns Concrete and is opposed to the rezone. Simhardt is concerned about the traffic.

Bob Nobles. His backyard butts up to the property and the property line is 25' away from his backdoor. He is not objected to a development of R3A. He had some concerns regarding the setbacks.

Applicant: Blake Jolley, CE, 1150 Hollipark Dr. Idaho Falls, Idaho. Jolley stated that any development will increase the traffic. Jolley stated that the Comprehensive Plan wants high density residential closer to arterials (Sunnyside). Jolley stated that if this was to develop as industrial, the parcel at just over 1 acre will be difficult and not have much room left after the mandatory setbacks. Jolley stated that if it were R3A it would work as a transition zone between the higher density to the east, and then the industrial could be on the west side of McNeil. Jolley stated that there are multiple ways into McNeil such as W 25th Street, and Sunnyside is not the only access into the industrial lots. Jolley stated that if it is residential, he would assume that the lot would be fenced and there would be some control onto how much access there was onto the street and what is available for tenants.

Black asked about other access to McNeil. Jolley indicated that W 25th Street can access McNeil off of Rollandet, although the development would only have access to McNeil, but from McNeil you could go north to W 25th Street to Rollandet, or south and go to Sunnyside. Black confirmed and Jolley agreed that access would be off of McNeil Drive regardless of the type of development.

Black closed the public hearing.

Dixon asked staff if this is developed as residential would they be limited to the access points onto McNeil Drive. McLane indicated that McNeil is a local street, and there are no access restrictions. McLane stated that currently there are 2 lots, so they could have two access points.

Morrison indicated he has no problem with R3A, and they don't have to decide if its residential or not, just simply look at the zoning potentials.

Hicks feels forced to abstain because he cannot hear any one except Jolley.

Wimborne was able to hear the presenters although they were soft. Wimborne echoed Morrison's comments and thinks this is a perfect place for R3A, and it is in line with current land

uses, and without this zone change there is very little that can happen with the lot. Wimborne is in support of the rezone.

Cramer attempted to summarize the public comment. Cramer stated that the public comments were 2 opposed, and one in support. Cramer stated that the two opposed were related to Burns Concrete to the north (35 acres). Cramer indicated that Burns stated that there are hundreds of trucks per day that go up and down the road for the concrete business and occasionally business goes 24 hours a day. Cramer stated that he is hearing in the room that the connection from 25th is something that the businesses in the area try to avoid because of the Development Workshop.

Black suggested reopening the public hearing because he is now getting additional information.

Black reopened the public hearing.

Kurt Burns, 2385 Gallatin, Idaho Falls, Idaho. Burns repeated his previous testimony. Burns owns the majority of the property in the area, including a 25-acre piece directly across the street from the proposed development. Burns stated that the other majority of the property is owned by PepsiCo that also has heavy truck traffic. Burns stated that the main facility is at the end of McNeil and they have hundreds of trucks per day going down McNeil. Burns stated that they avoid 25th Street connection to McNeil and all returning deliveries come down McNeil to stay away from the Child Development Center due to the handicap crossings, 20 mph speed limit, and the baseball diamonds that have children. Burns feels this is a clear conflict. Burns stated that this needs to be a buffer area to Thayer Bridge. Burns stated that all development in the area is done in the I&M Zone. Burns stated that he has been approached by Melaleuca to put in a major road to service a proposed large delivery distribution center on their property next to PepsiCo. Burns has no problem with offices going in and R3A is a broad zone, but Thayer Bridge and the pressure on Idaho Falls with land prices and low income housing and the high density units that are being allowed to be built, this would be a mistake to put residential here, and it is a huge safety issue.

Bob Nobles, Thayer Bridge. Nobles stated that he previously had stated that the only concern he had is the easement concerning office buildings which is only a 10' easement, and the high density is 25'. Nobles has no object to the R3A. Nobles agreed with Burns that the traffic on the road is heavy at times as it is an industrial area. Nobles has no objection.

Linda Simhardt. Simhardt stated that it is not just Burns concrete, it has all industrial, including Electrical Wholesale, Melaleuca, Arco Electric, as well as Burns traffic. Simhardt believes it is the worst place to put residential. Simhardt feels there is a need for industrial businesses. Simhardt stated that with their truck traffic, and the safety of their drivers trying to avoid residential traffic.

Applicant: Blake Jolley, CE, 1150 Hollipark Drive, Idaho Falls, Idaho. Jolley had nothing to add.

Black closed the public hearing.

Morrison reiterated that they are only changing the zoning, not stating that it will or will not be residential.

Dixon is confused about the setback discussion. Dixon stated that the buildings immediately to the south on the same side of the road they back up against Thayer Bridge, but he doesn't see that they are set back a lot and it gave room for the building and parking. Dixon asked if that building predated Thayer Bridge, so it didn't require the setbacks. McLane clarified that the buildings Dixon is talking about to the south were built not as industrial uses, which would be allowed in the I&M Zone. McLane stated that the setback requirement for the rear of those properties is for an industrial use. Dixon confirmed that the zone allows for a retail use, and with the retail use you don't need the same set back even though the zone is I&M. McLane added that in the code change in 2018 the properties that were built prior to that, and in that Code change the buffer distance was increased between residential and I&M. Dixon confirmed that the same buildings could not be built under today's ordinance with the same set back configuration. McLane confirmed they would need to be farther from the residential.

Black stated that the Commission has discussed infill and they want developers to do infill. Black stated that they need residential and higher density. Black stated that she feels that this is right in the middle of industrial. Black stated that she has voted for housing in other industrial areas, but she feels this is a different atmosphere with the massive trucks and the high volume. Black feels that this is in the middle of industrial. Black acknowledged that R3A could give commercial, but if it is residential then it is poor planning to put it in this area. Black understands that it could take creativity to get industrial or manufacturing on the lot.

Wimborne stated that one of the things that makes R3A unique is because it is a transition zone and while housing is allowed, there are lots of other commercial/office uses that are allowed and R3A gives them the ability to be creative and do things that they cannot do in the I&M zone. Wimborne feels that the R3A zone is appropriate for transition areas.

Hicks stated that it doesn't stop it from being housing, and housing is allowed in R3A. Hicks stated that based on the little he could hear; he is against the rezone.

Morrison moved to Recommend to the Mayor and City Council approval of the Rezone from I&M to R3A for Lots 3, 4, and 5 of Block 1 McNeil Business Park Division 2, as presented. Wimborne seconded the motion. Black called for a vote by roll call: Dixon, no; Wimborne, yes; Morrison, yes; Hicks, abstain; Romankiw, yes; Denney, yes; Cantu, yes. The motion passed 5-1 with one abstaining.

2. RZON 20-012: REZONE. Rezone from R&D to R3A. Lot 1, Block 2 Energy Plaza.

Black opened the public hearing

Applicant: Jonny Arbuckle, Scratch Development. Arbuckle is requesting a rezone from R&D to R3A. Arbuckle gave background on what they are trying to do and why. Arbuckle is working with a group that is bringing 200 jobs to Idaho Falls. Arbuckle stated that they have been in competition with surrounding Cities. Arbuckle stated that the next agenda item is annexation request for the parcel to the east of lot 2 that will be part of the development. Arbuckle stated that the deep setbacks in the R&D zone it creates a buffer on all sides of the property due to Energy Place to the west, Energy Drive to the north, and Allied Ave., which is part of the project and will extend to the north and connect through to Energy Drive. And the R&D zone requires significant setbacks along every road, and they are unable to accommodate the building they need to build, along with the parking requirements. Arbuckle stated that the

request to rezone is due to the need for a more flexible zoning that has a lessor set back from the street which would accommodate the office building they intend, as well as the parking that is required. Arbuckle stated that the R3A is in line with the land use surrounding the development with the intention to have a mix of office, research, housing, and services. Arbuckle is hoping to provide some housing that could serve as a true live/work environment for some of the employees. Arbuckle stated that the surrounding uses and zoning include residential to the north west of this parcel. Arbuckle stated that their office use will fit in with the property to the north of Energy Drive and the property to the south of DOE Place. Arbuckle feels it is a good fit for the area and will comply with the Comprehensive Plans intentions for the area. Arbuckle stated they are simply looking for relief from the setbacks to accommodate their use, and their future desire to add housing to make it a live/work area.

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

No one appeared in support or opposition and no letters were received by staff.

Applicant: Jonny Arbuckle. Arbuckle stated that the building north of Energy Drive is also owned by the same land owner that owns this property and he is part of the project and is on board with the development, so any needs for overflow parking he would be aware, and that concern has not been raised.

Black closed the public hearing.

Dixon stated that because there is residential in the area and a mix of residential and office is what the comprehensive plan calls for, and the R3A supports both residential and office, so he has no problem with the proposal, but is concerned where 200 people will park.

Morrison is in support of this proposal.

Black stated that R3A makes sense in this area and agrees with Dixon.

Hicks moved to recommend to the Mayor and City Council approval of the Rezone from R&D to R3A for Lot 1, Block 2 Energy Plaza. Denney seconded the motion. Black called for roll call vote: Dixon, yes; Wimborne, yes; Morrison, yes; Hicks, yes; Romankiw, yes; Denney, yes; Cantu, yes. The motion passed unanimously.

3. ANNX 20-013: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R3A

Black opened the public hearing.

Applicant: Jonny Arbuckle, Scratch Development, 352 N 3475 W, Layton, UT. Arbuckle stated that their project requires this additional parcel for what they intend to do. Arbuckle stated this is an orphaned piece that remains in the County. They want to annex this parcel into the City with an initial zoning of R3A consistent with the rezone request for the parcel to the west. Arbuckle stated that this parcel is how they will accommodate the parking requirements if the 200 jobs show up. Arbuckle stated this is a good transition to the R3 zone to the west and north. Arbuckle stated that the rezone request covered the background for this area.

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

No one appeared in support or opposition and no letters were received by staff.

Dixon appreciated the clarification of the parking by the applicant and the parking will be more than adequate. Dixon believes his comments from the last item is pertinent here and R3A supports office and residential and both are appropriate for the higher education area of the Comprehensive Plan.

Morrison is in favor of the proposal.

Wimborne moved to recommend to the Mayor and City Council approval of the Annexation of 2.24 Acres of Section 7, T 2N R 38E with initial zoning of R3A, Dixon seconded the motion. Black called for roll call vote: Dixon, yes; Wimborne, yes; Morison, yes; Hicks, yes; Romankiw, yes; Denney, yes; Cantu, yes. The motion passed unanimously.

4. ANNEX 20-012: ANNEXATION/INITIAL ZONING OF HC.

Black opened the public hearing.

Applicant: City of Idaho Falls.

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

Morrison asked what would happen with Woodruff since all the businesses are already built.

Beutler stated that in December 2019 the annexation included all of the right of way for Woodruff between Lincoln and Yellowstone. Beutler stated that now the road is entirely annexed within the City limits, Public Works can now seek funding to make improvements. Beutler stated that annexation of the parcels into the City will make it easier to allow Public Works and the City to work with the property owners.

Beutler stated that normally they would do a neighborhood meeting, but due to Covid they didn't do a public gathering, but they did send notice to each owner and invited them to contact the office to schedule a meeting, and no one has contacted them.

Dixon stated that the annexations they have done in the past have either had a utility hookup, annexation agreement, or been surrounded by City, and the three lots identified with the blue diamonds they fall under the 4th clause, for a Category B annexation in the City statement of Annexation Principles, and it is not clear what the legal basis is for that annexation. Dixon asked if it has to be in the area of impact or what the criteria is from the State's perspective.

Beutler stated that in order for the City to initiate a Category B annexation, the area does have to be within the Area of Impact and the Area of Impact line is north a couple parcels and all these parcels are within the Area of Impact, so then they can look at the other criteria such as the land being subdivided, less than 5 acres, and not ag. Beutler stated that the State is looking and seeing that if it is had already been subdivided and development has occurred and they have access to City utilities, then it makes sense for them to be part of the City.

No one appeared in support or opposition and no letters were received by staff.

Dixon stated that it bothered him when they went through this area before, because he felt they were hopscotching and annexing some and skipping some. Dixon stated that it does make a difference for taxes and everyone should be treated the same, so this annexation and the completion of the annexation of the properties in the area gets it to more equity. Dixon stated that these properties are located near the City and they benefit by being near the City through

customers, suppliers, employees being from the City and they are enjoying their association with the City and helping with the City expenses by becoming annexed. Dixon feels it is appropriate. Dixon feels the staff notes need to mention the Area of Impact before this moves further.

Wimborne agrees with Dixon and knows staff has worked hard to bring properties in. Wimborne appreciates the outreach that staff did, and the lack of replies shows this is the next step. Wimborne believes it brings equity to the area.

Wimborne moved to recommend to the Mayor and City Council approval of the annexation of 17.352 Acres of NE ¼ NE ¼ Section 8, T 2N, R 38 E, Lot 5, Block 1, Lots 1-5 and a portion of Lots 7 & 10, Block 2, Lots 1-5, Block 4, Hodson Addition and Lots 12-15, block 2, & Lots 6-7, Block 4, Hodson Addition First Amended, with initial zoning of HC. Black called for roll call vote: Dixon, yes; Wimborne, yes; Morrison, yes; Hicks, yes; Romankiw, yes; Denney, yes; Cantu, yes. The motion passed unanimously.

Business:

1. PLAT 20-034: FINAL PLAT. Intermountain Industrial Park

Applicant: Clint Jolley, HLE, 101 South Park Ave., Idaho Falls, Idaho. Jolley stated that this property was annexed in June on the south side of Iona, and they are doing a simple industrial plat and it fits the area, they are following all requirements. Jolley stated this is a 6-plot plat with 5 buildable, and 1 lot will be a lift station lot. Jolley stated that this is a simple Final plat.

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 Intermountain Industrial park. Cantu seconded the motion. Black called for roll call vote: Dixon, yes; Wimborne, yes; Morrison, yes; Hicks, yes; Romankiw, yes; Denney, yes; Cantu, yes. The motion passed unanimously.

Cramer indicated that there is a second meeting in September on the 15, and 2 meetings in October (6 & 20). Cramer indicated that November meeting will be on the 10th of November.

Black adjourned the meeting at approximately 8:30 p.m.

Respectfully Submitted

Beckie Thompson, Recorder