

September 3, 2019

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, Joanne Denney, Brent Dixon, George Swaney, Lindsey Romankiw, Arnold Cantu, Gene Hicks. (7 present 6 votes).

MEMBERS ABSENT: Natalie Black, George Morrison.

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

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Hicks moved to approve the August 6, 2019 minutes, Swaney seconded the motion and it passed unanimously.

Public Hearing:

1. PUD 19-002: PLANNED UNIT DEVELOPMENT. Snake River Townhomes. Stephens presented the staff report, a part of the record. Hicks confirmed that the two car garages are per unit. Wimborne asked if the Common space is collection pond. Stephens clarified that Snake River Landing has a large storm water facility so the common space will be useable space.

Wimborne opened the public hearing.

Applicant: Dan Larsen, 601 West 1700 South., Idaho Falls, Idaho. Larsen indicated that this product is not currently offered in the Snake River Landing area so this will add to the vision of the area. Dixon clarified and Larsen confirmed, that the fronts of the building face outward, so the west units will face the multi-story apartments. Dixon asked what direction the interior units will face. Larsen indicated that the interior units face towards the private drive and the garages come in the back side. Dixon asked about the surface on the playground area. Larsen indicated that it is soft fall bark. Dixon asked about the setback from the sidewalk. Larsen believes it is 15-20 feet. Dixon asked how these units setback will compare to the homes kidi-corner to the property. McLane believes the setback is similar. Dixon believes the sides of buildings that face outside (end units) would be more attractive with windows. Larsen agreed.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Dixon believes that it is too many units too close together, although it meets the zoning requirements, so there are not grounds to deny it. Dixon feels that the units are too close to the street. Dixon hopes the contractor is judging the market correctly.

Swaney indicated that the one advantage to a PUD is that they are committed to the plot plan shown and it is enforceable to make sure they actually build the development as presented.

Swaney moved to recommend to the Mayor and City Council approval of the PUD for Snake River Townhomes as presented, including the requested variances, Hicks seconded the motion.

Dixon asked if the motion included the need for windows on the blank walls, as the applicant indicated a willingness to include windows. Dixon asked if approving the PUD as presented will prevent them from adding windows to the units. Cramer stated that there is a part of the ordinance that allows for minor adjustments.

Dixon proposed an amendment to the Motion, to require the builder to include at least 2 windows on the bare walls, on 4 of the units facing the public street.

Romankiw clarified if Dixon is wanting windows on both stories of the building, as she doesn't believe that people want windows in their garages. Dixon stated that some windows are necessary so that it is not a blank wall.

The proposed amendment died for lack of a second.

Wimborne called for a vote on the original Motion. The motion passed unanimously.

2. RZON 19-008: REZONE. Amendment to Tile 7, Chapter 9 Sign Code and Title 11 Comprehensive Zoning of the Idaho Falls City Code. Beutler presented the staff report, a part of the record. Dixon commented that R3A is a catchall and that has been a problem in the past because the public is concerned with apartments but are fine with other things allowed in R3A such as banks, or businesses. Dixon suggested splitting out residential cleanly from anything that is non-residential and make it clear when someone comes to the Commission for a zone they are looking at either a business use or a residential use. Wimborne suggested that what is being presented tonight is clean up with existing zones and Dixon's suggestions are bigger and needs to be discussed at a different time.

Beutler continued with the staff report.

Swaney asked if financial institutions are defined as he can see a payday loan business coming in as a financial institution. Beutler stated that the definition is defined in the Code, however payday loan businesses do fit within the definition. Dixon asked where Hotel and Motels fit. Beutler stated that Hotels are in the highway commercial zone (HC).

Beutler continued with the staff report.

Swaney hypothesized that if financial institutions are approved, which would include payday loan businesses, a person could get a trailer and put it on a lot in an R3A area and run a payday loan business. Swaney asked if that is what the City wants to happen. Beutler stated that any one in that zone could use a similar structure to live in or to run a business out of. Beutler indicated that there are development standards for commercial development, including parking lots, street trees, buffering requirements. Swaney believes there are plenty of zones that allow financial institutions without adding them back to R3A. Swaney understands that they are trying to eliminate non-conforming uses, but before moving forward, they might look to see that they have plenty of zones that allow financial institutions. Beutler agreed that this was really trying to address the non-conforming properties.

Dixon asked what zone would cover the first floor as a business and the second/third residence. Beutler stated that the only place that would have the necessary density to do that would be in Central Commercial and part of the new zoning code allowed for work/live units. Beutler stated

that the Downtown area has the form based code and it has specific places and regulates commercial uses on the ground floor and residential uses above.

Beutler continued with the staff report.

Wimborne asked about the development standards used in the LC Unit for the dwelling units. Beutler indicated that it would be the same standards as the LC zone, so the setbacks would be the same as commercial type setbacks.

Beutler continued with the staff report.

Dixon asked if there is a chance to extend the phase ordinance beyond PUDs. Beutler indicated that it could be discussed.

Wimborne opened the public hearing.

Applicant: City of Idaho Falls.

No one appeared in support or opposition to the application.

Wimborne closed the public hearing.

Dixon agrees with Wimborne's observation that his comments are a bigger issue and the financial institutions and the multi-family are part of the bigger issue. Dixon doesn't feel that including/excluding them at this point will matter, as the bigger issue is something that would end up sweeping up other changes if staff felt inclined to take it on.

Romankiw agreed that now that the code has been re-written and there has been time to work with the code and see how it is turning out, it is time to readdress some of the bigger issues.

Romankiw moved to recommend to the Mayor and City Council approval of all of the Amendments to Title 7, Chapter 9, as presented by staff, Denney seconded the motion and it passed 5-1. Dixon opposed the motion.

Dixon opposed the motion for the reason that merging more residential and commercial together is the wrong direction to go in.

Miscellaneous:

1. Zoning Ordinance Discussion. Cramer has three specific items to discuss tonight including: Through lots; accessory dwelling units and how they work with density calculations; and how to calculate density in the TN Zone.

Cramer stated that one of the concerns that was brought up recently regarding through lots on a road that was facing existing development. Cramer stated that there is not a code that prohibits that design and it does happen throughout the community. Cramer took a look at the City to identify through lots and their common features. Cramer showed a map showing two colors of lots highlighted depicting either a through lot against a collector, or a through lot on a local road. Cramer noted common features on the through lots including the lots backing up to a park or some other feature such as the entry to Stonebrook and it is not typical to find through lots that come up against front facing homes, although it does exist. Cramer asked the Commission what makes through lots an issue; if they were to do a CUP when would you want to see those and

what standards would you want to see before one could be approved; what to do about in-fill development.

Wimborne stated that her problem with Manchester was that it was in an established community and she felt that they were putting fences around and isolating itself within the existing community. Wimborne stated that neighborhoods like Shamrock Park have grown and merged taking in 2 or 3 neighborhoods that are all one community now. Wimborne likes the idea of considering through lots under a CUP but is unsure of what the standards would be. Wimborne agreed that the places the through lots currently exist and seem to work such as providing a buffer on traffic in entry ways to neighborhoods.

Dixon stated that a lot of the through lots at entrances have a landscaping lot that is a common lot. Cramer stated that the landscaping lot feature is present in Manchester along the entire perimeter, so they are not truly through lots.

Swaney stated that the issue with Manchester was what was appropriate for the Community including inclusiveness to feel part of the community. Swaney stated that the standard should encourage that the through lots have people access and exit the lot from the lowest traffic road, rather than the highest traffic road. Dixon agreed that is consistent with the idea of through lots on an arterial. Swaney stated that there are units in the PUD that are facing the high traffic road, that are accessing from a private access in the back. Swaney stated that he doesn't think in a regular residential area with residential streets, and they don't want people building walls like it is an arterial and claiming that it is for public safety.

Cramer asked if there is an issue on major collectors with through lots. The Commission concurred that is ok. Swaney stated that they use the term through lots, but they are really talking about the orientation of the building in regard to the arterial. Swaney stated that they need to determine if the facing of the building is toward the low traffic road, or facing toward the high traffic road. Swaney believes the access of the lot by vehicle should be from the low traffic road. Swaney stated that BMPO prevents them from accessing onto arterials.

Dixon asked that they might use the width of the road as guidance. Cramer stated that right of way might be the answer on major collectors. Cramer stated that on the numbered streets it would be odd to see a through lot on the numbered streets with a rear facing 12th street, so there may be some cases where it makes more sense to encourage the orientation to be towards the road. Swaney stated that after they establish the standards for configuration in normal circumstances, then if someone brings them a lot that is unusual such as infill they can apply for a CUP to get a variance to have a different frontage.

Cramer will return with more defined ideas.

Dixon stated that sometimes people buy two lots to have a big back yard so there is no rear facing lot. Wimborne stated that there is that type of double lot across from the church near Taylorview. Dixon stated there is one in South Rose Neilson (Coronado). Dixon suggested in circumstances like that they have a set back so the neighbors aren't pulling out of a driveway and have a fence to the end of the drive. Cramer stated that there are standards for that.

Cramer asked about Accessory Dwelling Units that are allowed in TN, RE, and any zone that allows multi-family units. Cramer stated that they defined 3 different types of accessory dwelling, attached, detached, and part of existing home. Cramer stated that the steering

committee suggested allowing accessory dwellings City wide in all residential zones. Cramer stated that as they discuss housing and more extended families are living together, it happens more than you notice. Cramer asked if accessory dwelling units count toward the maximum density or should they be permitted as an accessory building. Cramer stated that on a standard 50x125 in TN there is available density for an accessory dwelling, but in a skinny lot 25x125 there is not enough density space for an accessory dwelling unit if the accessory unit is counted against the allowed density. Cramer stated that in RE you are only allowed to have one unit per acre, so unless you have 2 or more you cannot have an accessory unit. Cramer stated that if they were allowed in RP or R1, the way the density works you could not have an accessory dwelling unit if the unit counted towards your maximum density. Cramer asked should the accessory dwelling count towards the density calculation.

Wimborne asked if the definition indicates that someone is residing in the accessory dwelling. Cramer stated that it stipulates that the owner of the property has to reside in one of the two units. Cramer stated that the definition is that someone dwells in the unit. Wimborne stated that she believes the unit should count towards density but is unsure how to make it work.

Dixon stated that one of the issues is parking and when you increase density you increase the number of separate households and vehicles and in that regard it should be counted as part of the density. Dixon believes the detached dwelling with street frontage is no different than having two totally separate independent houses along the street, sharing the same lot.

Wimborne stated that in the discussions with VRBO density was included and the accessory dwelling could turn into a short term rental and it needs to be included in density and it might take going back to create flexibility in density in certain zones like TN.

Swaney stated that street frontage is a critical criteria and the standard should be written so it cannot be considered an accessory dwelling if it is on street frontage as it is another address in terms of emergency services. Swaney stated that if it has street frontage it should be counted separately because it needs its own parking and its own access for parking.

Dixon brought up the roommate versus mother-in-law unit within your house and those are unclear with how to do density. Cramer agreed that it gets tricky.

Cramer stated that on parking they require an extra stall for accessory dwelling, but do not require a separate access. Cramer stated that they will continue to count the dwelling units towards density.

Cramer brought up TN and it has 15 dwelling units per acre. Cramer gave the staff recommendation on vacant lots regarding calculating the density based on the lot, or based per net/gross acre of the development. Cramer stated that staff recommends looking at in-fill by the lot because if you do it any other way there is the potential of getting a higher density than intended. Cramer stated that staff recommends that on larger properties they would use the density per acre, unless they want to have a specific number of units on a lot.

Dixon asked if the first example was a platted lot. Dixon believes that if it was part of a bigger plat with a name on it, it should be included as the density of the bigger plat and this lot hasn't gotten built on. Dixon indicated that any plat might have a lot that isn't built on right away.

Cramer stated that if this was a new development they would count up the lots and count up the acres and it is feasible that they could have a lot of units on the property if they can make it fit by still following standards.

Wimborne clarified that staff is proposing that in TN Zone where there is infill, density would be determined by the lot. Wimborne believes that makes sense when dealing with in-fill. Dixon asked how to define in-fill. Swaney stated that it is a platted subdivision with a lot that has never been developed. Dixon asked how long do they have to wait before its considered in-fill. Swaney stated that if you want to define in-fill the only other way would be in terms of time between the last construction on one of the platter lots and say 5 years and there hasn't been any construction on any of the other platted lots, whatever is left could be managed as in-fill.

Cramer stated that before the TN this would be zoned R1 although none met the R1 standards. Cramer stated that there is a line in the code that says that if more than 50% of a block has been developed then you can use the existing average set back of all the homes to determine what the rest of the setbacks are.

Wimborne would like to address the issue Dixon brought up earlier in the meeting, but it is too big to be addressed as a business item at the end of a meeting and it should be a discussion for the next workshop and address instead of having zones that allow a lot of uses, they create separation and be distinct in some of the zones and create a mixed use zone. Dixon doesn't believe there is a need for mixed use. Wimborne stated that is where the discussion should start is whether there is a need for mixed use. Dixon stated that people that live near undeveloped property want to know with some certainty what could be built by their homes.

Swaney left the meeting.

2. South Downtown Update. McLane introduced the South Downtown Plan that they have been working on. McLane indicated they intend to merge the plans (Downtown Plan and South Downtown Plan, etc.) into a single document with different chapters for each of the surrounding areas. McLane asked the Commission if they feel it is good to combine the documents, or leave them stand alone. Wimborne liked the idea of combining them to one document. Romankiw agreed the Downtown and South Downtown should not be alien from each other. McLane stated that right now they are looking at City Core, and in the future Northgate Mile, 1st Street, Numbered and Lettered streets and historic neighborhood that all need specific planning documents. Dixon asked about the map that stops at Cliff Street and it would have to be extended. McLane indicated that there is a map in each section that will clarify each section, but an overall map is a good suggestion.

McLane asked the Commissioners to look at the section on South Downtown, including key initiatives and things that were gained through public outreach and points of emphasis. McLane read: Connectivity, economic missions, and urban design and the plan has elements that go along with each of the key initiatives. McLane asked for feedback and comments. Hicks asked about buildings that are 8 stories high on the comment cards. McLane stated that as a result of this they will do a form based code and they would calibrate the code to meet the needs of the neighborhood and the vision of the neighborhood and an 8 story building will not fit the need.

Dixon was confused about what is Downtown and South Downtown. McLane stated that has been discussed internally as to where they draw the line and the form based code for Downtown goes to Cliff Street, and that needs pulled back to the railroad because north of the railroad is more associated with the Downtown type of development and South is more like Cliff Street and it needs to be differentiated so they will adjust the boundaries on both Codes. Dixon stated that when they show examples that are not from Idaho Falls, they should show examples than can actually fit. Dixon stated that the example for Civitan is unfeasible as buildings would have to be knocked down to build that. McLane stated that there is room on Chamberlane by the warehouse district where it is totally undeveloped an no streets or infrastructure. McLane stated that the idea stemmed from an original study from Idaho Smart Growth, to create a festive street area through the warehouse district that could serve the business and be a venue for other street type activities. McLane stated that there are a lot of buildings that are derelect and need to be torn down, so it is an area of great potential for redevelopment.

Hicks is concerned that they are drawing people away from the Downtown area. McLane stated that they are adding to Downtown, not drawing away from Downtown.

Wimborne adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder