

October 2, 2018

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners George Morrison, George Swaney, Gene Hicks, Joanne Denney, Natalie Black, Arnold Cantu. (6 present 5 votes).

MEMBERS ABSENT: Julie Foster, Margaret Wimborne, Lindsey Romankiw, Brent Dixon, Darren Josephson.

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

CALL TO ORDER: George Morrison called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

CHANGES TO AGENDA: None.

MINUTES: September minutes were not available for approval.

Business:

1. ANNEX 18-014: ANNEXATION/INITIAL ZONING. Loder Annexation and Initial Zoning of HC. Stevens presented the staff report, a part of the record.

Applicant: Justin Scott, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho. Black asked if this will be part of Jackson Hole Junction. Scott indicated that it is a separate development.

Swaney indicated that the zoning is consistent with the Comprehensive Plan and consistent with the zoning in the area.

Black stated that the Comprehensive Plan lists this area as medical services, and medical services will not be going into the area, and HC is an appropriate zoning.

Swaney moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of HC for M&B: Approximately 1.753 acres SW ¼ Section 26, T 2N, R 37 E, Cantu seconded the motion and it passed unanimously.

2. PLAT 18-022: FINAL PLAT. Loder Subdivision. Stevens presented the staff report, a part of the record. Hicks asked for clarification as to why this property is to be part of the Jackson Hole Junction Improvement Drawings. Stevens explained that Jackson Hole Junction is currently under construction and they will add the improvements for this lot to include water and sewer for this property to simplify the improvements.

Applicant: Justin Scott, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho. Scott clarified that improvements are being placed along Pioneer Drive as part of Jackson Hole Junction improvements and the services to this lot will be installed during that process, so they do not have to rip up any new asphalt later. Black asked if there will be anything along the interstate. Scott indicated that the only sidewalk will be along Pioneer and nothing along the interstate.

Swaney moved to recommend to the Mayor and City Council approval of the Final Plat for Loder Subdivision as presented, Denney seconded the motion and it passed unanimously.

3. PLAT 18-023: FINAL PLAT, Linden Park Division 1 3rd Amended. Stevens presented the staff report, a part of the record. Morrison asked if the impromptu shared access with the convenient store will continue. Stevens stated that either property owner could fence off that access.

Applicant: Jeff Freiberg, 946 Oxbow, Idaho Falls, Idaho. Freiberg stood for questions.

Black clarified, and staff agreed that this is a clean up of parcels and nothing is intended to be changed.

Black moved to recommend to the Mayor and City Council approval of the Final Plat for Linden Park Division 1, 3rd Amended, as presented, Hicks seconded the motion and it passed unanimously.

Public Hearings:

4. ANNX 18-015: ANNEXATION/INITIAL ZONING. Holmes, E 25th, Richards Ave., Initial Zoning of R2, R1, RP. McLane presented the staff report, a part of the record. McLane indicated that they are only dealing with developed properties and in the future, they will address undeveloped property. Black clarified, and McLane agreed that the City has been responsible for snow removal/maintenance on Holmes and 25th. Swaney indicated that he doesn't understand the rationale for the properties along Holmes and feels they should wait until the entire area is annexed. McLane indicated that the properties are legally considered enclaved because it is surrounded by the City.

Morrison opened the public hearing.

Applicant: City of Idaho Falls.

Michael Baird, 885 Syringa, Idaho Falls, Idaho. Baird owns property at 2461 South Holmes. Baird indicated that in 1989 Holmes was enlarged and 40' off the front of the property was taken to widen Holmes and at that time City services were put in and cash payment was made to cover the property taken for Holmes. Baird stated that 4 years ago he went to Planning and Zoning and wanted to rezone to commercial and were told they had to wait until the property is developed and the city wants to annex the property, and no access would be granted to the property from Holmes or 25th. Baird stated that they would like to annex into the City, but they do not want the R2 zoning as proposed. Baird stated that that the taxes will increase on the property \$1,945.00/year. Baird stated that it was rumored that the City wanted to buy the large agricultural parcel for the new high school, but that the City didn't want to pay the price. Baird stated that the R2 zoning would be a restriction and is unfair. Swaney asked Baird what zoning he would like. Baird indicated that he would like a commercial zoning so that a business could buy the property and tear the house down. Swaney clarified that if the zone was changed to LC then Baird would have no opposition to the annexation.

Nathan Saunders, Richards Ave., Idaho Falls, Idaho. Saunders stated that there is one habitable home on the property and the mobile home is being demolished and the other home had a horse living in it and it started on fire. Saunders stated that his concern is the cost to hook to City sewer and water. Saunders stated that they sold the land for the private houses in the

gated community and when the ground was ripped up during construction they were ready to connect at that time and were told no. Saunders stated that now the cost will be more to dig up the ground to connect.

Morrison closed the public hearing.

Swaney indicated that the only strong opposition was pertaining to the proposed zoning. Swaney stated that if they amend the annexation to include LC for the property on the corner of Holmes and 25th then it would be palatable to everyone involved. Swaney stated that there is a problem that the people approached the City to attach to City services when it was most economical due to current construction, and the request was denied. Swaney stated that as they proceed to annex more property they need to reach out to the property owners to try and amicably satisfy the property owners needs along with the needs of the City.

Black stated that the property on Richards should get some consideration on his hook up fees as he tried to hook up when it was more economical. Black stated that the property on Richards and 25th Street make sense to annex with he proposed zoning, and the properties on Holmes should be left out of the annexation until the entire area is annexed.

Hicks asked what the rush is on the properties on Holmes.

Cramer stated that there is an aggressive schedule to annex all the properties that have a City service. Cramer stated the larger neighborhoods take a lot of time to prepare and they cannot do a large area annexation every month, so they are trying to fill in other months with smaller annexations, so they don't lose the momentum and stay on track. Cramer stated that they only brought the residential pieces due to the frustration voiced by the Commission when staff brought commercial and residential at the same time. Swaney asked if they changed the proposed zoning on the one property on 25th and Holmes to LC, then if someone bought the large agricultural parcel and the small piece on the corner they could rezone the property if they desired. Cramer stated that the challenge with the access on the property is to meet the Access Management Plan the property isn't big enough to meet the commercial standards, so it didn't make sense to zone it commercial when it isn't large enough to develop per the City standards. Cramer indicated that generally the City doesn't tell a property no they cannot connect, it is typically a no to connecting, unless they annex.

Morrison stated that he has no problem with the corner property being zoned commercial.

Morrison re-opened the public hearing.

Len Nelson, 2540 Richards, Idaho Falls, Idaho. Nelson is the owner of the small sliver (driveway) of property that is proposed to rezone to R1. Nelson stated that it was his understanding that the former owner (Mr. Prestwich) gave property to the City for right of way down Richards Ave, to Legends Circle. Nelson stated that Prestwich gave property to the City of Idaho Falls in exchange for them hooking up water, sewer, and laying natural gas line. Nelson indicated that the water and sewer are stubbed out of the street, so there is no need to charge hook up fees. Nelson indicated that he has no objection to the annexation of his property.

Morrison closed the public hearing.

Swaney moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning as presented, with the exception of the property on the corner of Holmes

and 25th and that will be zoned LC instead of the proposed R2, Denney seconded the motion and it passed unanimously.

5. RZON 18-017: REZONE. Fremont Avenue Subdivision R1 with PT to R3A. McLane presented the staff report, a part of the record.

Morrison opened the public hearing.

Applicant: Brett Manwaring, 2160 Aegean Ave., Idaho Falls, Idaho. Manwaring is the owner of Bonneville Realty. Manwaring indicated that they have an interested buyer for the property. Manwaring stated that the overlay has outlived its usefulness on this property. Manwaring indicated that with the Overlay they need to have 30,000' to build, and 12,000 – 15,000 is adequate. Manwaring stated that when they platted to 4 lots they anticipated building 4 office buildings and the overlay has precluded the building. Manwaring stated that the property goes along Fremont Ave., and both roads go into Freeman Park and no construction on this property will increase the traffic for the neighbor behind the property that sent a letter of concern. Manwaring stated that whatever is built on the property will add to the surrounding properties and the value thereof.

Opposition:

Debra Lewis, 1265 Science Center Drive, Idaho Falls, Idaho. Lewis asked about a rezone in 2015. McLane indicated that it was replatted. Lewis asked in 2008 what the property was zoned. Black read from the notes indicating that it was zoned to PT overlay in 1987. Lewis asked if the overlay keeps it from being zoned commercial. Lewis asked about the opening and closing hours of a business that would change with the removal of the overlay. Lewis asked how tall the buildings can be built if the overlay is removed. Lewis stated that her number one concern is that if there is commercial property the value of her home will go down and her taxes will go up.

McLane explained the PT Overlay. McLane explained that since 1987 the property has had the ability to transition to commercial development or high density residential. McLane stated that R3A is a “down” zone and has fewer allowed uses versus the PT Overlay. Swaney stated that the R3A Zone is a more restrictive zone. McLane explained that as the property sits now with the PT Overlay it could be developed as commercial or high density residential. McLane stated that the PT Zone has a height restriction of not higher than 4' above the highest building that is contiguous, and the R3A does not have height restrictions. McLane stated that the hours of operation in the PT Zone are restricted from 11 p.m. until 6 a.m. and R3A does not have that restriction.

Debra Lewis, 1265 Science Center Drive, Idaho Falls, Idaho. Lewis asked if she can vote against this application. Lewis stated that she bought the property because she was told that nothing would be built in that lot because it is too small. Lewis stated that she bought the property to be next to the River. Lewis stated that across the street is not taken care of well. Lewis stated that there are pedophiles and sex offenders across the street, and her area is safe, and she doesn't have problems.

Applicant: Brett Manwaring, 2160 Aegean, Idaho Falls, Idaho. Manwaring stated that if property is vacant something will likely be built on it eventually. Manwaring stated that the gas station across the street and the restaurant in the same parking lot are not indicative of what will be built on this property. Manwaring stated that likely built on the subject property will be office

buildings. Manwaring stated that the development will be an enhancement to the neighborhood. Manwaring stated that no one can control their neighbors.

Morrison closed the public hearing.

Black stated that this area is ripe for development and she has a vision of what this property could develop into that would enhance the neighborhood. Black stated that they only have control over the zoning and then the developer must develop the property properly.

Swaney agreed with Black and indicated that the applicant's main concern is the PT Overlay only allows 2 large buildings on the 4 parcels, and his intent was likely to replicate the next block south with 4 buildings. Swaney stated that removal of the PT Overlay and changing to R3A will give the opportunity for the realtor to market the property and encourage development, whereas the PT overlay is currently discouraging development.

Morrison added that R3A gets to the point that Ms. Lewis wants, and it is an improvement and it will give her property the protections she is concerned about.

Black moved to recommend to the Mayor and City Council approval of the Rezone of the Fremont Avenue Subdivision from R1/PT Overlay to R3A, Hicks seconded the motion and it passed unanimously.

6. RZON 18-018: REZONE. Sanitation Field I&M to P. Stevens presented the staff report, a part of the record.

Applicant: City of Idaho Falls

Morrison opened the public hearing.

Dorothy Swiss, Idaho Falls, Idaho. Swiss indicated she is in support of the rezone.

Morrison closed the public hearing.

Swaney moved to recommend to the Mayor and City Council approval of the Rezone of Sanitation Field from I&M to P, Black seconded the motion and it passed unanimously.

Miscellaneous:

Cramer indicated that they are having a thankyou dinner at Stockman's on Monday October 29.

Morrison adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder