

January 7, 2019

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, Joanne Denney, George Swaney, Lindsey Romankiw, George Morrison, Brent Dixon, Natalie Black. (8 present 7 votes).

MEMBERS ABSENT: Arnold Cantu

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; 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 December 3, 2019 minutes, Morrison seconded the motion and it passed unanimously.

Public Hearing(s):

1. PUD 16-005: PLANNED UNIT DEVELOPMENT AMENDMENT. Linden Trails

Townhomes. Beutler presented the staff report, a part of the record. Wimborne asked if the garages are new from the original plan. Beutler indicated that the garages are new since the initial plan of 2016 but were included in the plan that was amended in the summer of 2019. Morrison asked if the Townhouses are double car garage on the first level and then the living space is second floor. Beutler indicated it is a single car garage for the four units attached. Beutler stated that the development does have some detached garage structures and the parking lot style parking.

Wimborne opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated that the intent of the original PUD is still being met. Jolley stated that the units that were amended last Spring was a decrease in the overall number of units but kept the common open space and amenities the same. Jolley stated that this additional amendment the numbers are still below the original count of 172. Jolley stated that they are keeping the common space available and nearly 40% of the development. Jolley stated that Periska is a residential collector and is designed to handle traffic for this development and when they met with the City Engineer in 2016 that was the intent is for Periska to be built with the wider right of way.

Black asked what the reasoning behind the requested change in July and the reasoning behind the current requested amendment. Jolley deferred to Dennis Hourany.

Dixon asked what is behind the existing units shown as a reddish hashed area. Jolley stated that is requested by Fire and is a secondary emergency fire access that is similar to the one constructed on the south end of the development. Dixon asked about the feature on the north west corner. Jolley indicated it is a tot-lot and farther west is a storm water retention pond.

Support of Application:

Dennis Hourany, 6382 Stateline Road, Wyoming. Hourany is part of the developing team. Hourany indicated that the count was originally 172 units and the belief and vision was to have a

multi-generational subdivision that would be well received. Hourany stated that when they converted Division 2 and 3 townhomes to twin homes, they thought that the market was stronger for the twin homes and it has proven to not be, and there is a huge demand for entry level starter homes. Hourany stated that young families are demanding the fourplex style that are individually platted. Hourany stated that the market is lower for the twin homes due to price point it made sense to go back to the townhome style on the north end of Division 4. Hourany indicated that their density is still well below the 172 that were originally approved. Hourany stated that they have two different products on the Townhome style (1 w/attached garage, 1 w/ no garage). Hourany stated that the ground floor space on the units without garages has much more living space, so it appeals to families. Hourany stated that the ones with the single car garage were appealing to working couples, retired couples. Hourany stated that when they put the garage buildings in, they offered the non-garage units and they found that no one wanted a garage. Hourany stated that they had to sell the units below cost to move them as there is no demand. Hourany stated they decided to not build any more garages as no one wants them.

Swaney asked about the snow removal problems in the development and asked who is responsible for snow removal. Hourany stated that Periska, Donna and Thomas all are City streets and they are class 3 road and the bottom of the list for City streets. Hourany stated that the PUD streets are to be maintained by the HOA. Hourany stated they hired a new firm this winter and met yesterday with the firm owner and told him it was unacceptable, and they needed to use small equipment that could do a better job. Hourany stated that they showed up today with the smaller equipment and got 1/3 of the development done and will be back. Hourany stated that it is unacceptable the way the roads have been left.

Black clarified that each unit has 2 parking spots. Hourany stated that they are in excess of the minimum requirement. Black asked what the cost of the townhomes that were selling that you want to switch back to. Hourany stated that the townhomes are \$165,000 – 170,000 and the way commodity prices are they will likely push upon the remaining 16 units. Hourany stated that the twin homes now are pushing \$270,000. Black asked what the square footage is of the twin homes. Hourany indicated that the Townhomes are right at 1450 square feet, and the twin homes are (duplex) are just under 2600 square feet. Black confirmed and Hourany agreed that they did not find a market for the twin homes. Hourany added that it doubles the cost of the HOA dues. Hourany stated that the HOA dues on the townhomes are \$75 and the twin homes are \$150.

Hicks clarified that there are two parking spots per unit and no street parking. Hourany confirmed there is no street parking.

Opposed to Application:

David Lloyd, 3093 Willow Wood, Idaho Falls, Idaho. Lloyd almost bought a home in the neighborhood for over \$400,000. Lloyd stated that there are high end custom homes in the neighborhood (4,000 – 4,500 square feet). Lloyd stated that those custom homes came in and built based upon the City's ordinances and density levels. Lloyd stated that they are now proposing to change the density levels and potentially lower their residential values. Lloyd's daughter built in the neighborhood. Lloyd is concerned that people are spending \$450,000 on a home and then the developer gets to come in and get more money by changing. Lloyd indicated that part of the job of the Commission is to preserve property values. Lloyd stated that by them allowing the developer to make more money that is potentially going to cost the current residents who bought based upon the ordinances.

Swaney asked Lloyd if within the PUD someone bought a \$400,000 home. Lloyd confirmed that within Linden Trails. Lloyd stated that the home buyers were given a plot of the neighborhood that showed what was going to be built and it did not show the two-story glorified apartments that are going to be rentals. Lloyd stated that it is not fair for them to buy the houses then have someone change the rules.

Black stated that when this PUD was originally approved in 2016 it was for townhomes and then in July 2019, they requested a lower density with the duplex properties. Lloyd stated that his understanding is that in 2016 they went to the twin homes and now after they have bought their house and built their houses now, they are going to the townhomes. Black stated that the original plan was for Townhomes. Lloyd stated that the builder sent the current zoning when they bought their house and it did not include townhomes that they are asking for and only included twin homes. Lloyd feels that the message that is being sent is the developers can change the plan. Lloyd stated that people bought homes based upon the current ordinances, and now the ordinance is being changed. Black confirmed that the ordinance is not being changed, but the development had a plat and what the Commissions recollection is that the plat showed it to be all townhomes. Lloyd asked if the presentation tonight indicates that in 2016 it was townhomes and then in 2019 it was twin homes. Black again confirmed that in 2016 this current section was townhomes and then this Commission had nothing to do with the July 2019 change, that requested a less dense development with the twin homes and now they are requesting to go back to the original design of townhomes for the last section.

Taylor Houcke, 525 Fox Wood, Idaho Falls, Idaho. Houcke drove past this development prior to buying a home and watched this development come up from the ground. Houcke stated that the first homes were purchased in 2018. Houcke walked through the first model home and fell in love. Houcke was shown a picture that included twin homes. Houcke stated that it might not have been the official zoning, but it was what was advertised. Houcke stated that on March 23, 2019 when she asked about the twin homes when they were being built, she requested a copy of the plans from the builder and was sent the plat that shows twin homes, and it is new knowledge to her that it was not approved until July 2019. Houcke stated that she went door to door to talk to her neighbors and talked to over 25 property owners in Linden Trails and after they learned the details no one was in favor of the rezone. Houcke is speaking on behalf of the herself and the others signed on the petition in objection to the zoning change. Houcke stated that the zoning change would have a significant negative impact on all of the property owners living in Linden Trails. Houcke stated that her first concern is the unethical origins. Houcke stated that the images given to her as the owner of the home depicted twin homes as was the case with the other property owners. Houcke stated that it was advertised in writing and verbally that the area within PUD 16-005 would be twin homes and less traffic which was an obvious selling factor. Houcke stated that it was also advertised to potential buyers that the Linden Trails subdivision would be a neighborhood with opportunities for people in all stages of life due to the townhomes, twin homes (duplex), and single family. Houcke stated that the deletion of the twin homes and the addition of more townhomes would ruin the idea of the stages of life idea. Houcke stated that the quick and quiet change and lack of notification to those affected is negligent on the part of the builders. Houcke stated that the sign was posted on a trail that should be maintained by the HOA and the snow has not been removed and the sign was unclear, and the maps shown today were not included. Houcke stated that most people thought tonight's meeting was about zoning for more twin homes that were already approved, given the drawing that

everyone had already seen and decided to purchase homes based off of. Houcke stated that many of the property owners in the Linden Trails development, including herself, would not have purchased homes, had this additional area been zoned for town houses. Houcke stated that the model homes listing price was \$387,000. Houcke stated that the cost of the townhomes is \$170,000 and having those townhomes closer in the neighborhood starts to effect property values. Houcke stated that the twin homes at \$270,000 is a higher value and gives a sense of single-family neighborhood. Houcke stated that the change will double the density from the twin homes that were proposed to all the homeowners as they purchased their homes and would result in a dramatic increase in traffic. Houcke stated that the roads that will go through the proposed townhomes are not City roads, they are fire lanes and no street parking. Houcke stated that there are cars parked in the fire lanes because the places that have two parking spaces is one garage bay and one driveway in front of it. Houcke stated that the influx of people and vehicles will impact the tedious snow removal of the private fire planes. Houcke stated that there are complaints of cars parking in no parking zones, due to lack of parking. Houcke stated that Periska Way will have more cars parked on the street making snow removal for the City more challenging. Houcke stated that there is no where for people to move their cars during the times of snow removal. Houcke stated that the rezone from Twin homes to Townhomes will negatively impact all current and future homeowners in Linden Trails.

Sara Hamilton, 2830 Blackwood, Lot 103, Linden Trails, Idaho Falls, Idaho. Hamilton is opposed to the changes. Hamilton closed on her home on August 2, 2019 and was shown the twin homes instead of the townhomes. Hamilton indicated that she had known they were going to change to townhomes, she would not have bought her home. Hamilton's property is building 12 and her home will be directly in front of the proposed townhomes. Hamilton indicated that she is concerned about one of the property lines going through the parking lot. Hamilton stated that the twin homes are not out of reach for young families, but she disagrees as she is 22 and it was not out of reach for her and the area supports it with a growing research and medical field. Hamilton stated that the 4 units in 12 and 13 all sold before they were finished being built and she had to convince the developer to sell her the model home. Hamilton stated that the developer wanted her to buy a townhome and then wait until October for building 14 twin home to be completed. Hamilton stated that these buildings have not been sitting empty and she believes 12, 13 and 14 are completed and all of them are full except one section of 14. Hamilton doesn't believe the cost is out of reach for young families. Hamilton agreed with Houcke that continuing with the twin homes will allow for expansion of people coming out of the townhomes into twin homes. Hamilton acknowledged that this amendment is less dense than the original proposed plan, but she bought the home with the understood density of the earlier plat with twin homes. Hamilton believes the townhomes will affect her property value more than anyone else because of the proximity to the townhomes. Hamilton stated that the 40% of common space that has been indicated, but part of that common space is actually part of the yards, so she believes it is inflated number. Hamilton stated that a lot of the townhomes are being rented and when there are less homeowners the property values go down because renters don't take as good of care. Hamilton stated that the HOA agreement limits the number of renters, and the increased density will take a rental opportunity away from others. Hamilton is concerned about noise and there has already been concerns with the already built townhomes regarding mariachi music at 3a.m. Hamilton stated that 3 homes sold on the same street very close to each other, and she suspects it was due to the noise. Hamilton stated that the twin homes have \$150 HOA fee and the higher HOA fees benefit the neighborhood more than the \$75 HOA fee, as it decreases the number of

things that need to be plowed and put more money in the neighborhood for things like landscaping. Hamilton stated that the increased density will take away why they bought their homes. Hamilton stated that if it becomes crowded it will create a negative experience for everyone and that is not what Idaho Falls is about.

Ty Bergeson, 2831 Blackwood, Idaho Falls, Idaho. Bergeson stated that this development presented an interesting opportunity as it seemed like an excellent example of balance, to include full family homes, twin homes and townhomes. Bergeson stated that everyone was given the diagram that showed the twin homes. Bergeson stated that he has been watching the property for almost 2 years and in the 18 months he was actively watching the property the diagram presented (July 2019 amendment) is what he based his purchase on, and the fact that the upper corner would be a balance of twin homes to balance the heavy density of the townhouses. Bergeson stated that February of last year he was given the opportunity to choose any location in the proposed area to build his duplex. Bergeson is concerned with the density and seeing how the southern area has developed and the fire lanes have constant chronic parking problems. Bergeson is concerned about the overall property value.

Curtis Tucker, 685 Periska Way, Idaho Falls, Idaho. Tucker showed on the map where his home is. Tucker indicated that frequently there are cars up and down the street because there is not enough parking in the area. Tucker believes there is a current parking problem and continuing with more dense area to the north will enhance the problem. Tucker stated that when he purchased his home he was told and sold on the idea that all of the townhomes would be to the south and everything else would be twin homes. Tucker was told by Dennis Hourany on December 21, 2018 that the remainder of the build out would be twin homes. Tucker stated that the amendment will negatively affect his home value, the traffic is a problem and he is against the amendment and asked the Commission to not accept the change.

Wimborne asked the applicant to describe what was presented at different times. Wimborne indicated that the changes were made in July that made the switch from the original PUD to one that included the twin homes in the area, but there have been several people in the neighborhood that say as far back as 2018 what they saw was plans for a PUD that included the twin homes, not the original application that showed the townhouses.

Applicant: Dennis Hourany, 6382 Stateline, Wyoming. Hourany responded to Mr. Tucker, and indicated that when he bought his home there was no mention at that time of changing from the original PUD to twin homes because at that point they were just getting started on selling the townhomes, and they hadn't seen a demand to make the change. Hourany stated that the change was represented in the diagram that was shown with all twin homes in division 3 and Division 4. Hourany stated that it was the first 3rd of 2019 that they decided to do twin homes.

Swaney clarified that the application that was submitted to amend was submitted to the Community Development Department in July 2019, and as presented by the testimony, as early as March of 2019 you were already advertising the unapproved change that was not submitted to the Community Development Department until July 2019. Hourany stated that he's not sure if it was March, but they did talk to planning and Planning had unofficially blessed the change, and in July they went official.

Black asked when the twin homes were started to be built. Hourany stated that the first foundation was dug the first part of 2019. Hourany stated that he'd have to look at the permits.

Hourany stated that because of the weather they had huge delays and dug holes and foundations and they sat. Black stated that part of the testimony tonight is that someone bought and moved into their twin home in August of 2019 and this was only approved in July 2019. Black asked how many twin homes have been built. Hourany stated that there have been 6 built and one still is available for sale. Hourany stated that there are 2 foundations under construction with just concrete. Black asked why Hourany doesn't feel the market is there for the twin homes. Hourany stated that it is not as strong, and the demand isn't there. Hourany stated that because there is a short supply of homes for first time home buyers that is what is driving the demand. Hourany stated that when they started this project the basis was everyone wants a 5000 sq. ft. home, but the cost of building a home is high and this development is beautiful. Hourany stated that the original PUD had a unanimous vote in favor. Hourany stated that they have 40% open space, there is a car wash that isn't complete yet. Hourany stated that they put \$50,000 of trees down the City street to beautify it. Black asked if people are parking in the fire lane. Hourany stated that construction workers have been, and they have called the fire department to police the fire lane and it is hardly seen any more. Black confirmed that it isn't residents. Hourany stated that you might see the package delivery truck stop, but no residents. Hourany stated that Periska has hardly any vehicles on Periska.

Swaney asked if Hourany is directly associated with the HOA. Hourany stated that they are currently controlling the HOA.

Wimborne closed the public hearing.

Swaney stated that it was suggested that the developer had gotten a tacit approval from the Community Development Department to initiate the construction of twin homes months prior to the submittal of the change to the PUD. Beutler stated that he is unsure of specific dates, but prior to the change being approved, there was conversations with the developer about the concept and idea, and would it be possible, would it be a major or minor change. Beutler stated that they had those conversations in advance of the July approval. Swaney asked how the construction permits obtained to start the foundations and construction of the twin homes prior to the change being approved. Beutler stated that permits couldn't be available until after the approval was in place. Swaney asked if they initiated construction without permits. Beutler stated that they'd have to look at the time frame. Beutler stated that when they do the review for issuance of a permit, they are reviewing according to the plan set that is approved, with the approved site plan.

Dixon stated that he believes the size of the hole and the size of the foundation is identical whether its townhomes or the twin homes, so they could be putting in a foundation without knowing what they would build on it. (audience member burst out "that is incorrect"). Beutler stated that they can check the permits, but it is unrelated to the PUD in front of you.

Morrison stated that there is not such a thing as tacit approval by Zoning Department.

Black remembered when this was approved, and the neighborhood did not want it. Black stated that there is need for housing for starter families, first time home buyers. Black stated that there is very little housing for empty nesting, so the mix is necessary. Black has looked into duplexes and is interested in the statement that there is no market for it, when for 6 months 5 of the 6 units have been sold. Black stated that the change was requested but didn't come to the Commission because it was a minor change, but the reason to go back to the original plan is interesting.

Black stated that she has seen the homes in the area. Black stated that she doesn't feel like the townhomes in this area are working well, and she hates tandem parking and hates not having enough parking in an area. Black stated that it sounds like parking and snow removal are issues. Black doesn't like when they approve things that do not work well. Black stated that rentals are needed and if the HOA has a restricted number of rentals then that should cover some. Black stated that it has been documented in town that having apartments and having lower income units even though neighbors don't like it, it does not lower your home value. Black stated that Idaho Falls needs all type of housing, they need apartments, townhomes, housing for starter families, empty nesters and retirement. Black stated that this started out as an area that was for all of those people. Black stated that the change is interesting and what buyers were told. Black stated that the Commission cannot be held responsible for what a builder or real estate agent represents. Black stated that they can only be responsible for what they have approved, what is before the Commission and the planning and ordinance. Black stated that this does fit in the ordinance, but maybe not well because of the issues the residents have discussed, including, parking, snow removal, etc. Black feels that often they fail because they allow areas that don't have enough spaces for cars. Black stated that it is always interesting when they have neighbors talking about all the traffic, and they then state they have 5 cars in their household, that does add to the traffic. Black stated growth adds to traffic. Black stated housing is needed.

Morrison reiterated Black's remarks. Morrison is concerned that the change has changed from the original, and it is a running target for people to keep track of. Morrison is concerned and understands the homeowners concern over that. Morrison stated that it does meet all the requirements but isn't sure this is a good fit.

Dixon asked the Commissioners to turn in their packet to the aerial. Dixon stated that the area in red is the area being discussed. The area to the east and north is single family homes. Dixon stated that this body originally approved 172 units, now they are being asked to approve 154 units, so the Commission is being asked to approve a lower density. Dixon stated that in between there was 124 units, but this Commission did not have anything to do with that. Dixon stated that the zoning has not changed, and this amendment meets the requirements for the zoning, but it is a PUD. Dixon stated that the PUD involves additional criteria and they get to look at building design, amenities, etc. Dixon recalls a meeting a couple of years ago, and part of the public testimony as people were parking on Pancheri. Dixon stated that there is likely a parking problem. Dixon asked City Planning to go out and look at night when everyone is home and get a feel for the parking situation. Dixon believes that they adopt standards that are developed in other parts of the Country for little parking spaces and the big vehicles don't fit, and likely a fewer number of spaces per residence than is typical around this area. Dixon believes there might be a need to update the overall parking requirements. Dixon stated that there is single family residential on the north and east, multi-family to the west and south and this development starts higher density on the south (already developed as townhomes) and proceeds after it twin homes and now the request is to take the north end to higher density next to the single family residential. Dixon stated that the other change is that the north access into the development has the main way in going past the twin homes to get to the townhomes, which is opposite of what they try to do, by putting the higher density next to collector. Dixon stated that fundamentally 172 versus 154, but functionally on the ground there are some differences and is the higher density in the wrong place for the traffic patterns.

Swaney stated that this Commission will make a recommendation to City Council in regard to this request for the amendment to the PUD. Swaney stated that the recommendation needs to basically consider this history which is kind of spotty because it appears that the latest amendment was in July 2019 and in 6 months, they decide that what they requested in July is no longer a valid approach to the PUD. Swaney doesn't feel that the quick changes represent a lot of deliberation or consideration especially as 5 of the 6 units have been sold. Swaney doesn't believe it is consistent with the developer's story that there is no demand for the twin homes. Swaney stated that the Community Development Department because of the ordinance was allowed to approve the amendment for the reduced density, but now that the density will increase, the amendment has to come before the Commission, and then be approved by City Council. Swaney believes the amendment meets the requirements of the ordinance for the planned unit development and he doesn't think the amendment makes sense. Swaney believes the Commissioners should recommend to the Mayor and City Council to not approve the amendment to the PUD until there is more substantive demonstration by the developer to support their contention that its adverse to their property interest to now allow them to build the townhomes.

Hicks agrees with what has been said and doesn't think the tandem parking helps and only supports cars on the street. Hicks stated he has gone to check on thigs that they have passed, and he finds in most of them they are overcrowded with parking. Hicks would not approve this based on the fact that there is not adequate parking.

Black stated that the developer asked for the change in July 2019. Black stated that they always state that they cannot be held responsible for what residents are told and the recommendation is to check with the City, and if someone checked with the City this would show the PUD as having the first section as townhomes and the second as duplexes, but if they are quickly in 6 months changing how can someone stay current with what the City is showing. Black hesitates where there is such a quick turnaround. Black believes the City was appropriate in approving the change to reduce the density, but now they are changing it again and its hard for resident to know what they are purchasing.

Wimborne shares some of the concerns. Wimborne doesn't believe it is unique to this project. Wimborne stated that things in her neighborhood have changed due to zoning or annexation that surprised her and she didn't expect, but its part of the process as the community grows and changes. Wimborne stated that when you buy a piece of property you can only consider the information before you and what is on record. Wimborne is concerned about how quickly the change was made. Wimborne stated that while there are things they need to consider with parking in the future, at this time the ordinance is set, and this PUD meets and exceeds the parking requirements. Wimborne stated that the possible need for a revision to the parking requirements cannot be considered for this amendment. Wimborne stated that at this point this development meets the requirements. Wimborne stated that they approved 172 units and now they are requesting 154. Wimborne is concerned about the changes being discussed with potential property owners before they were made official. Wimborne stated that it makes this difficult. Wimborne stated that the process that changes were made that the Commission wasn't involved with and now there are other changes that are more difficult to decide and that puts this Commission in a bad spot. Wimborne believes they have to work within the framework that is in front of them.

Swaney disagrees with Wimborne and stated that PUD they have a unique situation as they are controlled by the Mayor and City Council and they can deliberate and determine, even though an amendment may seem reasonable and meet the ordinance, they can choose to reject that because their perception of how the PUD should be implemented can be based upon their perception alone, and if they don't like the amendment, they can still reject the amendment to the PUD.

Swaney moved to recommend to the Mayor and City Council to reject the Amendment as proposed by the developer on the basis that they have an approved amendment that was submitted in July 2019 and there needs to be more discussion between the developer and the Community Development Department of the appropriateness and the best way to continue with this PUD, and there is no indication that they are suffering either financially, or suffering any adverse consequences to the developer to continue development of the PUD with the twin home concept, Black seconded the motion and it passed 5-3.

Denney opposed the motion. Denney indicated that she wanted a split decision and she wants City Council to debate this amendment. Denney was in this area last weekend and there were three guests at a townhome and they each drove a car, and there was no parking, and that is understandable. Denney stated that according to the current ordinance, the PUD has more than enough parking spots. Denney bought her house in 1991 after working for 5 years and saving to get out of the apartment, and the only thing she could afford was the "hood". Denney stated that Idaho Falls needs townhomes and twin homes. Denney is to the point where she doesn't want to do yard work any more and she will likely soon downsize to a twin home or a townhome. Denney believes there is a need for a mixture, and not all people can afford custom homes, and would appreciate more twin homes and townhomes.

Dixon opposed the motion. Dixon wanted a split decision and wants City Council to make the decision. Dixon opposed the motion because they previously approved a higher density than is currently being requested. Dixon is concerned with the idea that they are fluctuating the density and amendments. Dixon is also concerned that the road access to the higher density is via the lower density. Dixon is split and is glad that the decision is split.

Wimborne opposed the motion. Wimborne indicated that everyone has a vision of what they want the community to look like and everyone plays different roles. Wimborne believes it is difficult if they are trying to forecast what the market can bare and what property prices should be and what kinds of homes should be built. Wimborne stated that it a split decision. Wimborne believes the process is muddy with the change that happened in July 2019.

2. RZON 19-014: REZONE. Zoning Ordinance Amendment. Beutler presented the staff report, a part of the record. Dixon asked what the difference is between the front setback and the side setback for the primary building in the TN Zone. Beutler clarified that on a corner lot the setbacks are the same for the front and the side. Dixon clarified that this change would mean the same distance from the street to the porch.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Dixon moved to recommend to the Mayor and City Council approval of the Comprehensive Zoning Ordinance Amendments, Morrison seconded the motion and it passed unanimously.

3. RZON 19-015: REZONE. Zoning Ordinance Numbering. Beutler 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.

Dixon moved to recommend to the Mayor and City Council approval of the Comprehensive Zoning Ordinance Amendment as presented, Denney seconded the motion and it passed unanimously.

Business:

Wimborne asked Staff how to move forward on this action as the final plat reflects the requested amendment in the PUD which was not recommended for approval. Beutler indicated that the final plat does reflect the amendment to the PUD and the planning commission sent a recommendation on to City Council regarding that PUD and so City Council has the ability to accept the recommendation or not and the same is true with the final plat, and the Commission would be providing a recommendation to the City Council. Beutler indicated that they can send the final plat on with a recommendation, they can postpone until there is an outcome on the PUD or deny the final plat. Beutler asked the Commission if they want a presentation regarding the Final Plat.

Black asked if the Mayor and City Council approve the Amendment to the PUD do they want to discuss the final plat tonight.

Swaney indicated that since the outcome is unknown as to the earlier recommendation and he would propose that the final plat be tabled until a decision is made on the PUD Amendment.

Dixon stated that if the Mayor and City Council approve the change on the earlier item, it would be silly to hold up things another month, and if City Council goes with the recommendation on the PUD, it seems that the motion could be to ask City Council to approve or disapprove the final plat consistent with what they do on the previous one. Dixon asked staff if the final plat is shown the same as what was in place in 2016 that just got changed in July 2019. Beutler stated that it is slightly different from the 2016 approval.

Wimborne indicated that it will be ultimately up to City Council to decide and if they decide to allow the PUD, then it doesn't make sense to wait another month to review the Final Plat.

Wimborne would like to have the presentation and allow the applicant an opportunity to speak, and likely move forward with a motion tying the PUD and the Final Plat together.

4. PLAT 19-027: FINAL PLAT. Linden Trails Addition, Division 4. Beutler presented the staff report, a part of the record. Black confirmed that there are no garages, and only front parking. Beutler agreed it is parking lot style. Black is worried about the road that Commissioner Dixon talked about during the PUD going in through the twin homes instead of going through the end of the higher density. Beutler stated that there are two access points that come out to

Periska and the northern end has the fire access road and the intent is for it to not be used for regular access. Black asked and Beutler confirmed that the road was in the same place in the original plat approved in 2016.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley reiterated that this is largely the same that was approved in 2016 minus the one garage being changed into a four plex townhome. Jolley indicated that the access locations have not changed since the original approval in 2016 and traffic patterns have stayed the same.

Dixon moved to recommend to the Mayor and City Council that they act on this business item Plat 19-027 consistent with the final decision on the previous item, PUD 16-005, Morrison seconded the motion and it passed unanimously.

Miscellaneous:

Hicks gave a report regarding the County Planning and Zoning meetings he is now attending. Hicks indicated that the County is planning a large subdivision, and there seems to be a break down in communication between the City and County regarding the airport and the regulations.

Swaney indicated that the County has been aware and Swaney attempted to initiate the dialogue and the County was adamant that they didn't care and they were not concerned with the City's concern regarding the Idaho Falls Regional Airport maintaining its authority to operate.

Hicks stated that from a personal opinion he feels there needs to be more drive by the leaders of the City and the Commissioners of the County to realize that the airport is extremely important to Bonneville County and surrounding counties.

Black asked if media has been involved.

Cramer defended the County Commissioners and stated that they had been open to listening to the City and they have met with them. Cramer stated that the P&Z Commissioners had not received any of the information that had been passed along to the County Commissioners, but the dialogue is there and they do support the airport and understand the importance of looking at codes, but they do find themselves in a position with land that has existing development rights. Cramer stated that if they have existing development rights it's a different story. Cramer stated that unfortunately this development got ahead of a decision.

Cramer explained that in the County someone has ag land and they have a zone on that farm that does allow them to break up the land into certain number of lots, typically one for every 10 acres and that doesn't require a plat or a hearing. Cramer indicated that the development is 51 units.

Hicks stated that within the presentation from the County they took off 100' of the strip down the full length of the acreage as a boundary to assure that it couldn't be annexed.

Dixon came out of the Area of Impact process convinced that they are ignoring the direction from the State that urban development should be done in incorporated areas. Dixon wants to pursue that issue with the State.

Swaney indicated that the County appears to now have a scheme in mind of putting in boundaries of areas that cannot be annexed of undeveloped County partitions to prevent any city from annexing those areas.

Wimborne agreed that there are issues and they need to be worked through.

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

Respectfully Submitted

Beckie Thompson, Recorder