

February 4, 2020

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, George Swaney, Lindsey Romankiw, Arnold Cantu, Brent Dixon, Natalie Black. (7 present 6 votes).

MEMBERS ABSENT: George Morrison, Joanne Denney

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; 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: Dixon had minor typographical changes on page 7. **Hicks moved to approve the January 7, 2020 minutes, Dixon seconded the motion and it passed unanimously.**

Public Hearing(s):

2. RZON 19-016: REZONE Kingston Corp Latah Property Mixed Residential R2 to Limited Commercial (LC). Beutler presented the staff report, a part of the record. Dixon asked about the alley on the west side of the PB. Beutler indicated that it is a platted alley and City right of way. Dixon confirmed and Beutler agreed, that with the requested zone change they could still develop condominiums or something higher density residential, or commercial similar to the east and south. Swaney asked if Latah is a paved street. Beutler indicated it is paved and has curb, gutter, sidewalk on the east side and west side is not improved.

Wimborne opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley stated that this is an older part of town and has the original Eagle Rock Town Plat that has the 25' w x 125' d lots, that have not developed, and it shows this area is in the planned transition area. Jolley stated that the Comprehensive Plan shows this area as planned transition and the LC zone does fit that. Jolley indicated that Latah is undeveloped, and his client was contacted regarding when they will finish improving the property so Latah would be developed out with curb gutter and sidewalks and that is what started them looking into the best way and highest use of the property. Jolley stated that LC was chosen for the flexibility for residential or commercial that would bring an advantageous use to the owner and the City.

Black asked if there is direct access to the Greenbelt. Jolley believes there is direct access from the property.

Support of Application: No one appeared in support.

Opposed to Application:

Greg Crockett, Esq., 428 Park Ave., Idaho Falls, Idaho. Crockett represents the citizens of North Park Village living in the contiguous condominium project. Crockett indicated that the residents oppose the application. Crockett indicated that North Park Village is 42 condominium units with garages. Crockett pointed out that this is unique neighborhood and the primary features include Russell Freeman Park and the Idaho Falls Riverwalk. Crockett indicated that the

neighborhood is older and mature, and the residents have been there for decades. Crockett believes the problem with LC zone is the high-density potential that concerns the residents. Crockett indicated that the density of 35 units per acre on the <5 acres with the possibility of 164 units that would be adjacent to the 42 condominium units in North Park Village. Crockett doesn't believe the property is big enough to accommodate high density parking and buffering. Crockett stated that no purpose is served by granting the rezone without more information. Crockett feels the citizens are being asked to support the rezone and a presumptive development of the property without any idea of what is intended as the application is not accompanied by a development plan. Crockett indicated that LC provides a lot of options and variety. Crockett doesn't feel that this rezone needs to be done now absent a plan that the neighbors can review and comment upon and give input. Crockett stated that the last development proposal was for the north east corner that was rezoned to professional. Crockett stated that the neighbors accommodated well the proposed office building for Green Giant (Potandon) and Potandon decided the site was too small and went to Snake River Landing. Crockett stated that the citizens of North Park Village worked with the developer and it was a cooperative effort and the development was proposed to move forward. Crockett is unsure why there is no development plan, but feels the residents deserve to know more about what is going to happen. Crockett commended the staff on the new iteration of the Idaho Falls Zoning Code as it is comprehensive and modern. Crockett believes that a PUD would be appropriate for this site and other uses that wouldn't include a high-density development on this small parcel that is uniquely situated to one of Idaho Falls nicest public parks and the Greenbelt walkway. Crockett asked the Commission to oppose the application as it is premature and there is not any good reason why this has to happen now with no other information.

Dr. Brook, 1405 #4 Presto, Idaho Falls, Idaho. Dr. Brook has been in his condo for 30 years. Dr. Brook believes this is dejavu for the citizens of North Park Village as Green Giant wanted to put an office building and they were very courteous in laying out their plans and had meeting with the citizens. Dr. Brook indicated that 20 years ago they were in the City Council Chambers and Mr. Kingston proposed high end condos that would be similar to the second portion of their development and the citizens supported that endeavor, but then in the middle of the discussion Mr. Kingston suggested 150 high end condos and so they understood it to be apartments. Dr. Brook indicated that their lawyer at the time argued that it would be disruptive of the neighborhood that is beautiful and near the park and river. Dr. Brook stated that parking along Latah will be congested and anyone leaving for work will realize that there is an influx of people at 6:30 – 7 going to the Willow Creek and Cases buildings and it is difficult to get onto the road at that time. Dr. Brook doesn't believe the streets will be good access. Dr. Brook doesn't know where the parking will go. Dr. Brook indicated that they have mistrust based on fact that they are told one thing and Mr. Kingston opens his checkbook and he could put 150-160 apartments. Dr. Brook understands that Mr. Kingston is entitled to development but would like to know what is planned and there is no objection to the original Green Giant building or high-end condos, but not 150 apartments.

Hicks asked Dr. Brook is there was any kind of communication or neighborhood meeting between the owner/developer and the residents in the area. Dr. Brook indicated that there was no communication and they had to find out themselves and Mr. Crockett found the application for the rezone.

Ralph Francis, 1405 #7 Presto, Idaho Falls, Idaho. Francis has lived in his condo for 28 years and has been acting president for 18 years. Francis stated that North Park is the first half of what was supposed to be built on the property started in 1981 and when they ran out of money the land sat vacant. Francis added that it is hard to accept an LC when there doesn't seem to be any plan for the property, and he feels that is voting for the President with no name on the ballot. Francis is concerned with high density apartments. Francis would support higher end, but not high density. Francis suggested looking at Energy Drive to Energy Place and look at the 4-plexes and it is not clean and clustered. Francis stated that 164 units and 2 people per unit is 328 people each with their own car and that is too much for 5 acres. Francis is not opposed to neighbors on the pristine property, but they want the developer to build something that adds to the property as being pristine, not high density. Francis indicated that the dentist office on the corner is very nice and good neighbors. Francis stated that the second phase of North Park was supposed to have another 63 units on the 4.695 acres and that would be a nice asset. Francis would like whatever is put on the property high end. Francis stated that with LC they can build a repair shop, funeral home, etc. Francis stated that they want to know what is being built knowing it is good with integrity and they would welcome the development. Francis would like a plan because once they start building, if it is an eye sore it is there forever.

Sheila Montague, 1315 #3 Presto, Idaho Falls, Idaho. Montague is new to the Condominiums. Montague's condo overlooks the property that will be developed and is faced south. Montague stated that it is extremely congested with events in Freeman Park and adding more people will always have the roads congested. Montague stated that to get to a stop sign to get to Freeman they will have to go to the University entrance to the light because at early morning you cannot get on Freeman Ave., from Presto or Latah. Montague stated that the businesses have very little on the back end with all the development on the front and they have very little traffic being professional buildings. Montague agrees with her neighbors and opposes because they aren't suggesting what they are building. Montague wants to know what is being built and have the developer interact with the citizens around the area.

Terry Montague 1315 #3 Presto, Idaho Falls, Idaho. Montague understands that the commercial support for communities would be on the outlying areas and the inside would work into the residential area. Montague believes that is how it is already laid out with the commercial areas along Freeman and the backside of Latah which would supply the restaurants and auto body shops or mortuaries, and then it would make sense that the subject property would stay residential because it is being supported by the commercial outlying. Montague stated that the dentist office is amazing and if you didn't know better, you'd think it was a resort and not an office building. Montague stated that if it rezoned in the near future without know what is going on the property, he has a concern with that action. Montague is not opposed to something being built on the property, but just doesn't want "Some stuff" there.

William Meeken, 1405 Presto, Idaho Falls, Idaho. Meeken came out from South Carolina and grew up in Miami. Meeken complimented and indicated that he loves the City and he has come from places that have not done a great job with their Cities (Miami Dade, Ft. Lauderdale). Meeken believes Ammon is becoming just like Simpsonville and congested with too many cars. Meeken feels that they are being asked to take a blank check. Meeken is sympathetic to the owner of the property and is not opposed to development. Meeken simply wants to know what the intent is for the property.

Guy Fredericksen 1315 #7 Presto, Idaho Falls, Idaho. Fredericksen commented about the uniqueness of the property. Fredericksen stated that there is no place he'd rather live than this area. Fredericksen stated that this is a unique neighborhood in the City similar to Tautphaus Park area. Fredericksen urged the Commissioners to come and look at the complex.

Dixon asked staff if this property within the alignment of one of the still active proposals for reroute of highway 20. Beutler indicated that the main influence would be further south, although one proposal did have a bridge crossing that would connect with Higham, but they didn't go further north with the impact, but the conversations are still active.

Swaney clarified that when the rezone to R2 occurred by the change in the City Code it was expected that people that had arbitrarily had their property changed, then rezoning in those cases would come forward. Swaney added that multifamily is allowed in both R2 and LC. Swaney stated that if the fear of the property owners is that multi-family housing will occur it can occur as it sits with the R2 zone. Beutler agreed and indicated that the difference is the density as R2 density allows for 17 units per acre. Swaney stated that the residents seem to be happier with a professional service building like doctors' offices, etc., and under R2, that is not allowed. Swaney stated that the process for a rezone does not require a detailed plan to be presented to anyone.

Beutler indicated that the rezone application is a very simple 2-page application and there is no requirement that they submit a development plan, and that is intentional because the City does not rezone property per a plan because plans come and go.

Sheila Montague, 1315 #3, Presto, Idaho Falls, Idaho. Montague stated that the community is not against building something that is the same as their zone R2, but they are against the high density. Montague asked why they would take a place that is that pristine and put high density and trash it.

Swaney clarified that the highest density that is allowed in both R2 and LC is multi-family units like 4 plexes, but the maximum density is still the maximum density and nothing in the ordinance states "high density".

Wimborne indicated that R2 is 17 units per acre and LC is 35 units per acre. Beutler agreed and indicated that the use is multi-unit and multi-unit would be a 4-plex or more. Beutler indicated that with R2 you could have a 4-plex or more, but you just can't exceed 17 units per acre.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated they are willing to take the concerns into consideration as they figure out what to do with the property. Jolley did math on the property and stated that if they had 165 two-bedroom units that would require 330 parking spaces and that would require 2.42 acres of the 5-acre property; 20% landscaping that is required for site plan and that is an additional 1 acre. Jolley stated that if they wanted to put 165 units, they would have to fit that on 1.5 acres. Jolley stated that with the requirements that are set forth with the development of that nature it wouldn't be possible, and you are never going to reach the 35 units per acre. Jolley stated that if they are 1 bedroom 1 bath it would decrease the numbers, but it would still be difficult to get the unit count. Jolley stated that the client is unsure of what he wants to do, and the LC zone allowed for the option to do some commercial or some residential. Jolley stated that traffic is not unique to this

area of town and traffic is a problem all over town at certain times of the day. Jolley stated that their application was complete as required by the City and was accepted by staff.

Wimborne asked if they have considered Traditional Neighborhood zoning for this area as that would allow a lot of the commercial uses, but preserves the neighborhood feel. Jolley stated that they did talk about TN, but with the LC adjacent to the south they felt LC would be the best use.

Beutler stated that they did discuss the possible zones and the closes TN zoning is to the east across Fremont Ave. and the concern was no close proximity and they don't have a gridded street pattern and alley service and other times when TN has been presented to the City they've looked to have existing alleys and narrow streets.

Wimborne closed the public hearing.

Black had hoped that there would be condominiums built like the Presto area. Black stated that traffic and parking is an issue and it doesn't matter what development is proposed. Black stated that when they looked at the new zones it was changed from PB to R2 and that made the most sense. Black stated that Fremont Ave., is the area for commercial and not back with a direct route to the river and the Park. Black stated that there are some LC things that she would object to, including an amusement center, building material, drive through, equipment sales, car wash, etc. Black stated that she has objected to car washes next to residential. Black believes that R2 still makes sense and LC is available on Fremont where it is the most appropriate.

Dixon doesn't believe the planned transition delegation on the comprehensive plan is appropriate as he feels planned transition is along an arterial ½ block to 1 block deep for the density of traffic along the arterial is changing and so it allows for changes and flexibility between residential and commercial to allow for a changing use. Dixon doesn't feel that this is transitioning from anything as the property is bare ground. Dixon doesn't like R3A and it seems like LC is an advanced version of R3A where people are unclear if they are doing residential or commercial and that creates an issue with neighbors. Dixon is concerned with making this area a TBD zone that would allow everything from mortuaries to apartment complexes. Dixon feels that if it is separated from the Planned Transition and look at it as normal property, they would be asking for a more specific zone rather than something that could go either way.

Swaney stated that originally this was zoned PB and that was changed to R2 by the City with the new City Ordinance and that eliminated the opportunity for professional services. Swaney stated that in order to give the developer a chance to return to where he started and have the opportunity to develop some of his property as professional services and professional buildings along with other things. Swaney stated that the property owner is wanting to develop his property and make the most money. Swaney doesn't feel that a mortuary is going to high on the list of the developer to get a big return. Swaney stated that they need to give the developer the best opportunity to use his property to his benefit and would encourage the developer to have a public meeting when they are at the point of discussing actual site development. Swaney believes that when the city changed it from PB to R2 they knew there would be requests for rezone. Swaney would support the developer in this case in rezoning the property from R2 to LC.

Swaney moved to recommend to the Mayor and City Council approval of the Rezone from R2 to LC. The Motion died for lack of a second.

Black moved to recommend to the Mayor and City Council denial of the Rezone from R2 to LC for Lots 18-23, Block 22, Highland Park Addition and a portion of Park Village Division No. 1, Romankiw seconded the motion and it passed 5-1.

Swaney opposed the motion because it does not make sense that they make the recommendation to Mayor and City Council when the application meets all the requirements of the ordinance and he has not heard any substantive reason for the recommendation of denial in terms of how the request and application for rezone fails to meet the requirements of the ordinance.

Wimborne is torn on this proposal and is not convinced that LC is a good fit. Wimborne stated that she understands that the limits of the land will limit the highest density but there are some uses that are not compatible and she feels this is an opportunity for the TN zone as it is a unique and historic area and the TN zone would provide the developer with some flexibility. Wimborne believes they get hung up on the issue of the alleys, but she feels TN Zone would be worth a consideration.

3. PLAT 20-001: FINAL PLAT. Jackson Hole Junction 1st Amended. Stephens presented the staff report, a part of the record. Hicks asked for clarification on what portion of the property this Final Plat covered. Dixon asked about the project manager, and Stephens indicated it was an old title block.

Applicant: Clint Boyle, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho.

Boyle indicated that this is a replat of a portion of Jackson Hole Junction, known as Jackson Hole Junction First Amended. Boyle indicated this only takes in the North west area of Jackson Hole Junction. Boyle stated that they master planned the entire 42 acres and there will inevitably be changes due to different tenants needing different things and different layouts and configurations.

Black asked if lot 22 is large enough for a building lot. Boyle indicated that lot is a utility lot and used for storm drainage lot.

Swaney commended Horrocks and Boyle on the progress in the development and indicated that the Commission should have confidence in the desire to replat in the best interest of the developer.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Jackson Hole Junction 1st Amended, Swaney seconded the motion and it passed unanimously.

Miscellaneous:

Election of Officers.

Hicks moved to appoint Romankiw as Chairman; Black as Vice-Chairman; and Dixon as Treasurer, Cantu seconded the motion.

There was discussion regarding whether Romankiw is willing to serve as Chairman. Romankiw indicated that she is willing to serve, but it makes more sense to have Black who has more experience chairing be the Chairman and Romankiw could be Vice-Chairman.

Dixon moved to amend the motion to appoint Black as Chairman; Romankiw as Vice-Chairman; and Dixon as treasurer, Hicks seconded the motion and it passed unanimously.

Wimborne called for a vote on the original motion as amended to have Black be Chairman; Romankiw be Vice-Chairman; and Dixon as Treasurer, and it passed unanimously.

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

Respectfully Submitted

Beckie Thompson, Recorder