

June 7, 2022

7:00 p.m.

Planning Department

City Annex Building

**MEMBERS PRESENT:** Commissioners Joanne Denney, George Morrison, Glen Ogden, Brent Dixon (late 7:15 p.m.) Kristi Brower (via Webex), Arnold Cantu (via Webex) Lindsey Romankiw (via Webex)

**MEMBERS ABSENT:** Margaret Wimborne

**ALSO PRESENT:** Assistant Planning Director Kerry Beutler; planner Caitlin Long, Naysha Foster, Assistant City Attorney Michael Kirkham, Esq. and interested citizens.

**CALL TO ORDER:** Joanne Denney called the meeting to order at 7:00 p.m.

**CHANGES TO AGENDA:** Applicant for Item No. 7, has withdrawn the application (Plat 22-017: Final Plat for Bentley Subdivision No. 1.

**MINUTES:** Morrison had 3 typos to modify. **Ogden moved to accept the minutes of May 3, 2022, Morrison seconded the motion. Denney called for roll call vote: Romankiw, yes; Cantu, yes; Brower, yes; Morrison, yes; Ogden, yes. The motion passed unanimously.**

**Public Hearing(s):**

**1. RZON 22-007: REZONE from P, Parks and Open Space to R3A, Residential Mixed use and LC, Limited Commercial Zones.**

Denney opened the public hearing.

**Applicant: City of Idaho Falls.**

Foster Presented the staff report a part of the record.

Morrison asked about them rezoning a park to something else and asked if the City is planning to sell the property. Foster stated that they have had some thoughts of selling. Foster added that Parks and Rec has enough to do with the current staffing and turning this into a park would be a burden.

No one appeared in support or opposition.

Denney closed the public hearing.

Morrison is in approval.

**Morrison moved to recommend to the Mayor and City Council approval of the Rezone from P to R3A and LC and remove the PUD overlay as presented, Cantu seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes. The motion passed unanimously.**

**2. PUD 21-008: PLANNED UNIT DEVELOPMENT for Terrace Gate Apartments & Barnwood Estates.**

Denney opened the public hearing.

**Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont, Idaho Falls, Idaho.**

Roland presented that it is 11.25 acres zoned LC, with surrounding property zoned LC, County A1, HC, and R1. Roland is proposing 192 apartments, and 28 townhomes on the property. Roland stated that there will be 2 access points on the property, and they are meeting the 25% landscape. Roland stated that they have 412 parking spaces, and the townhomes will have 2 car garages. Roland stated that the zoning will allow 35 units per acre, and this development proposes 19 units per acre.

Ogden asked if they should address the letter now. Ogden stated that there was letter received from the New Sweden Irrigation referencing the canal. Roland indicated that they have been in contact with the Irrigation District and all concerns have been satisfied.

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

Morrison asked if they could do any sort of architecture on the ends of the buildings as they are plain. Roland deferred to developer. Developer indicated that they turn out nice in the end.

No one appeared in support or opposition.

Denney closed the public hearing.

Ogden asked if they needed to include the requested adjustments in a motion.

**Ogden moved to Recommend to the Mayor and City Council approval of the PUD for Terrace Gate Apartments and Barnwood Estates and approve the variance requested, as presented, Morrison seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes; Dixon, Abstain. The motion passed.**

Dixon abstained because he missed the first part of the presentation.

**3. PLAT 22-016: PRELIMINARY PLAT for East River Townhomes.**

Denney opened the public hearing.

**Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Idaho Falls, Idaho.**

Bane presented that this is approximately 58 acres on the northwest portion of town. Bane stated that this was recently zoned and annexed R3A. Bane showed the road network that will have a continuation of Cove Fort to the development to the north. Bane stated that they have worked with the City and the Airport that owns the property to the north, they have agreed to connect to Cove Fort and the road to the west will connect to the east west road that will connect to N 5<sup>th</sup> W. Bane stated that multiple access points will not be allowed onto N 5<sup>th</sup> West so they talked with City staff and the solution they found is they will have one access point on the City property. Bane stated that they are building the Cove Fort Road for the secondary access for the proposed development and will give another access to the subdivision to the north, that currently doesn't have a secondary access. Bane showed on the northwest corner of the plat that has a storm pond and that will take on the entire storm water of the development because this corner is the overlay from the airport that is non-buildable. Bane stated that there is one comment from engineering and public works that a temporary turn around is needed at the western street, and they plan to provide a temporary turn around. Bane stated that there was a traffic impact study done, and they will work out all of the details with the City of Idaho Falls, when it comes to the final plat.

Morrison asked if they will restripe East River Road to create a left turn lane. Bane stated that is something that will be brought up on the traffic impact study and will come up in the final plat. Bane stated that they will be required to upgrade the frontage roads on 5<sup>th</sup> West and 33<sup>rd</sup> and the improvements that are suggested on the traffic study.

Ogden confirmed that this development will have no access to 5<sup>th</sup> West. Bane stated that the future road north of the property will be on the City property. Bane stated that they have worked with the airport on road construction and constructing the road through their property.

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

Dixon asked if R3A allows office building and if there is a size restriction. Beutler stated that the R3A zone requires a 20% landscaping requirement, so that would create limitation. Beutler stated that there is not a footprint restriction. Dixon stated that this property is close to the INL research facilities are starting to get close to this area, and Dixon wondered if this area is something that if interest is shown, would development be available. Beutler stated that there isn't a limit to the height or footprint. Dixon asked if they could use it as a laboratory. Beutler stated that R3A is restricted to professional office use, so a lab facility wouldn't be allowed. Dixon asked if apartments 3 stories high are allowed in the limited zone for the airport approach. Dixon asked about the western road and what that road would connect to. Beutler stated that the airports future use is not determined, but they are intending to use it for instrumentation and calibration. Beutler stated that the area does allow for development and is zoned a mix of R&D and LM so they could have non-residential uses in that area, as long as they don't conflict with the airport uses.

### **Support/Opposition:**

**Chris Jensen, 3901 Cove Fort, Idaho Falls, Idaho.** Jensen is in Heritage Hills that connects to this plat. Jensen stated that Connect Engineering did a neighborhood meeting, but Heritage Hills was not aware of the meeting, and Jensen would love to see the meeting better attended in the future. Jensen would love to see the City work with Connect Engineering getting the future road in place, as Jensen would not like to see all the development property traffic go through Heritage Hills subdivision. Jensen stated that 5<sup>th</sup> West cannot handle this many people and things need to change with that road. Jensen stated that he would love to see curb and gutter and sidewalks so his family can walk to church.

### **Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Idaho Falls, Idaho.**

Bane stated that they got the addresses for the meeting from the City and the radius is 300'. Bane stated that it is hard to include everyone that is affected. Bane stated that they just stop at the 300' requirement from the City. Bane agrees with Jensen and everyone wants to see the road built out to the east, but that is not their decision and that is up to the City. Bane stated that curb gutter and sidewalk will be part of the development on their frontage on 33<sup>rd</sup> and N 5<sup>th</sup> West.

Dixon asked about the eastern of the north south roads that would provide connectivity to Cove Fort and asked if they are going to develop all the way to connect to Cove Fort Drive, or only developing to the end of the property. Bane stated that they are connecting and developing that road all the way to Cove Fort Drive. Dixon suggested that they look at the impact on Independence Drive when they do the traffic study. Bane stated that the traffic impact study has been done and is into the City for review and they will work with the City. Beutler stated that

Independence will be a residential collector and there is a wider width right of way on the west and that is the most division of Heritage Hills and that section of the road was platted as a 70' right of way. Beutler stated that the other portions were designed with a 60' right of way and when they were designed, they matched the asphalt widths, and it was always planned as a residential collector for the entire Heritage Hills development and was intended to feed the western neighborhood out Independence Drive to 5<sup>th</sup> West. Dixon added that at the time that it was developed there was not the Airport overlay zone, so Heritage Hills was planned to be a large development.

Ogden asked Bane who owns the property between Heritage Hills and the proposed development. Bane indicated that it is the City/Airport property. Ogden asked staff is the City has plans for that section. Kirkham indicated that the City has plans.

Dixon stated that they are running into the potential for East River Road to be wide, narrow, wide narrow. Dixon asked if there is anything that can be done with the impact fees to develop the full road instead of waiting for all the pieces to be annexed and developed. Dixon stated that the need for N 5<sup>th</sup> West to be a City arterial is high.

Beutler stated that the answer is yes and no. Beutler stated that the Impact Fee Ordinance does give the City more flexibility and funding capacity to build large stretches or road. However, the challenge is that each of the properties along 5<sup>th</sup> West that are not annexed and still County parcels, and in order for the City to widen that road, the City would need to acquire additional right of way, so the City would go and negotiate with the property owners to acquire the sufficient right of way necessary to widen the road, and if a property would just not want to participate in that the City would have no jurisdiction in order to use eminent domain or some other means to acquire the land. Dixon asked if the County could claim eminent domain. Beutler agreed that the City would need to work with the County.

Denney closed the public hearing.

**Morrison moved to approve that Preliminary Plat for East River Townhomes, as presented, including the temporary turn around, Dixon seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes; Dixon, yes.**

**Dixon moved to approve the Reasoned Statement of Relative Criteria and Standards with the addition of #8 to require the temporary turn around, Morrison seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes; Dixon, yes. The motion passed unanimously.**

#### **Business:**

#### **4. PLAT 22-004: FINAL PLAT for Eagle Ridge Division No. 4.**

**Applicant: Jeff Freiberg, 946 Oxbow, Idaho Falls, Idaho.** Freiberg stated that Eagle Ridge 4 is the next extension of what is the existing Eagle Ridge 3. Eagle Ridge is by Snake River Parkway on west and South Utah on the South, and Pioneer Road on the west-ish. Freiberg stated that the developers have plans for multi-family housing. Freiberg stated that the utilities are in Pioneer Road, so they need to finish building out South Utah to the full right of way width

and finish building out Pioneer to the full right of way width. Freiberg stated that there are no internal roads in Eagle Ridge 4. Freiberg stated that it is one big lot and 3 small lots.

Dixon asked about the 4 buildable lots. Freiberg showed that 4, 5, 6 are commercial lots along South Utah, and lot 3 is the multi-family lot.

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

Dixon stated that there is an abandoned segment, and asked if it is owned by the City, along the north edge of the property. Freiberg indicated that ITD owns the property.

**Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Eagle Ridge Division No. 4, as presented, Cantu seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes; Dixon, yes. The motion passed unanimously.**

#### **5. PLAT 20-0: FINAL PLAT for Caribou Crossing Townhomes Planned Unit Development.**

**Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho.** Bane stated that this was recently annexed and zoned LC. Bane stated this is behind WinCo. Bane stated that PUD was brought before the Planning Commission for approval and has now been approved by City Council. Bane stated that this Plat conforms with the PUD for attached single family that will have individually sold townhomes on the property. Bane stated that they will have public utility easements through the site. Bane stated that on the PUD there was a connection on the east side to connect to the sidewalk to the north to allow pedestrian connectivity to WinCo. Bane stated that there are 29 buildable lots on 2 acres.

Ogden asked about access points. Bane indicated that the access will be off of Easy Street, that is north of WinCo. Bane confirmed that there is no access from the north from Kelsey, and there is an 8' wall that stops the street.

Dixon confirmed that there is no road access to the west. Bane agreed and stated that to the west is City owned property. Bane stated that there has been talk about working on a park, but even if a park went there, they wouldn't connect the road because through traffic is not a good idea through the private development.

Morrison asked how they allowed a wall to stop connectivity to Kelsey. Dixon indicated that the wall was part of the agreement to have WinCo go in and it was a deal with he neighbors to provide an 8' cinder block wall.

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

Dixon asked if the properties will be sold off separately. Bane stated that they are individual single-family homes that are attached. (Townhomes).

**Dixon moved moved to recommend to the Mayor and City Council approval of the Final Plat for Caribou Crossing Townhomes Planned Unit Development, Ogden seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes; Dixon, yes. The motion passed unanimously.**

**6. PLAT 22-017: FINAL PLAT for Loock Subdivision Division No. 1.**

**Applicant: Barry Bane, 2295 N. Yellowstone, Idaho Falls, Idaho.** Bane stated that this property is located south of Lincoln and east of Woodruff and zoned LC and the preliminary plat was approved earlier this year for the entire area, and this is Division 1 of the master plan for the area. Bane stated that this includes one large lot and the entire road of Quail that will connect Lincoln to Bentley. Bane stated that farther south of this lot there are lots that will be platted, the entire road will be built with this one lot to allow for connectivity and a secondary access. Bane stated that it is about 9 acres.

Ogden asked about the storm water. Bane stated that there is a storm water pond on an unbuildable lot. Bane stated that there is a drainage easement that is from a connecting pipe that comes under Lincoln Road that is 24” or 30” and across and under Woodruff. Bane stated that is the old Crowe Creek Canal, and then the canal was moved to the east, but it is used as an irrigation drainage.

Dixon asked if the public easements will be dedicated to the City, or will they be retained, and maintenance retained. Bane stated that they will not be dedicated to the City and will be maintained and kept by the HOA of the buildable lot.

Long presented the staff report.

**Ogden moved to recommend to the Mayor and City Council approval of the Final Plat for Loock Subdivision Division No. 1., Morrison seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Cantu, yes; Ogden, yes; Morrison, yes; Dixon, yes. The motion passed unanimously.**

**Next Meeting June 21, 2022 (2 meetings in June).**

Beutler stated that they are working on organizing training for all of the Commissions and Boards. Beutler stated that they have had a planning staff meeting with Ammon and Bonneville County planners. Beutler stated that GIFT went live June 3 (micro transit).

Denney adjourned the meeting at approximately 8:15 p.m.

**Respectfully Submitted**

**Beckie Thompson, Recorder**