

Planning & Zoning Minutes

February 2, 2012



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Nephi Allen
Jedd Walker Marilyn Rasmussen
Cory Sorensen

City Staff and Others:

Bruce Sutherland – City Council Liaison
Val Christensen – Community Development Director
Kelvin Giles – Technology Coordination Services
Craig Fisher – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:00 pm and welcomed everyone, including several students here to observe the meeting process.

Roll Call of Planning and Zoning Commissioners:

Cory Sorensen, Jedd Walker, Nephi Allen, Winston Dyer, Dan Hanna, Marilyn Rasmussen

Thaine Robinson, Mary Ann Mounts, Richie Webb, Gil Shirley, and Scott Ferguson were excused.

Minutes:

1. Planning and Zoning meeting - January 5, 2012

Marilyn Rasmussen motioned to approve the Planning & Zoning minutes of January 5, 2011.

Dan Hanna seconded the motion.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm - Conditional Use Permit – LDS Church, Smith Property – approximately 2400 W. 2000 S.

Chairman Dyer explained the procedure that is followed for a public hearing. The applicant or a representative will present the proposal. The Commission may then ask clarifying questions of the applicant and of staff. The audience may also be given the opportunity to do so. Public input will then be heard from those in favor of, neutral to, or opposed to the proposal. Staff evaluation and recommendations will be given. The Commission will then deliberate in order to come to a decision on the proposal. Any final decision made by the Commission is appealable to the City Council.

Scott Nielson, NBW Architects, 990 John Adams Parkway, Idaho Falls. He presented the proposal for an LDS Church in the Smith Ranch West proposed subdivision. The eastern portion of the site is about 1500 feet west of 12th West and southwest of the John Deere dealership. The site location was shown on the overhead screen. The size of the subject property is 4 acres. They will be providing 204 parking spaces, which is in conformance with the City ordinance and also in conformance with the Church policy for this size of a facility. The building will face to the south. Mr. Nielson pointed out a future subdivision street. The Church, as part of the development agreement, will develop that street to the north extent of their property. They will also provide some widening and improvement along 2000 South to the west extent of the property. There will be an access coming off of 2000 South. Accesses into the property are in compliance with requirements. The developer will be extending utilities to the site. A waterline will connect near 12th west.

They have met with City Engineer John Millar and with Community Development Director Val Christensen.

They are proposing to extend the sewer line coming south from University Blvd and down to the planned subdivision street. They will provide a public utility easement, flows to the city for both culinary and fire use, and for anticipated sewer flows. The water line would connect near the John Deere dealership.

The site is buffered as if there were residences around it. Currently the use of the property is agricultural. The plat for the property is being prepared and will come to the City for review in the near future.

Mr. Nielson stated there has been a pre-application meeting with City staff. There has not been a design review meeting; it may not be necessary because this church building is identical to the one that is currently being constructed. The building is about 19,000 square feet in size. It is not currently programmed to be a stake center; however, room is being left on the north end for a potential stake center addition.

Chairman Dyer asked for clarification of the separation of the subdivision street.

Scott Nielsen said this plan is all concept. The property has not been platted.

He showed a drawing to the Commission. To address the issue, they have moved the site to the east. They are anticipating a reconfiguration of the area to move the street over further to the west.

The **Chair** asked for more information on the indicated buffering around the north and west sides of the site.

Scott Nielson said there would be landscaping buffer and fencing. The Church has recently modified their design criteria for landscaping. They recognize their extensive use of water and want to cut down on water usage and have developed a design standard for the different eco-regions of the country. More planter beds, shrubs, and trees around the buildings are going to be used. Perimeter areas would be primarily plants of various sizes.

On the west side of the property, the plan is for a 10- foot buffer with a 5- foot high chain link fence with slats.

Chairman Dyer asked where traffic would be coming from to attend this church if the subdivision is not immediately built.

Scott Nielson stated that traffic would likely come from the southwest, the Burton area.

The Church will serve three family wards.

Chairman Dyer asked Val Christensen if he had additional clarification information for the Commission.

Val Christensen stated that the City Engineer has added a review note regarding this proposal which will be addressed when he gives the Community Development staff review.

The **Chair** asked the audience if they had any questions to help them understand the proposal. There were no questions.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion and asked for the staff evaluation and recommendations.

Val Christensen reported that subject property is zoned Low Density Residential 2 (LDR2), which requires a conditional use permit for a church. That is the purpose of this public hearing. The Comprehensive Plan land use designation is Moderate-High Density Residential. The LDR2 zoning in this location was established prior to that Comprehensive Plan map land use designation, so the LDR2 zoning here is grandfathered in (previously existing, non-conforming with the Comprehensive Plan). His staff report states two proposed conditions. The first addresses that the applicant would need to provide the deed right-of-way for West 2000 South and the proposed new subdivision road directly to the east.

Condition two needs to be modified to state the City Engineer's determination that this project would require a development agreement.

Marilyn Rasmussen asked for clarification on whether the Church was going to help to upgrade the roads, or if it was the Church and the City.

Val Christensen clarified that the developer will build the road that is to be part of the future subdivision. The road that is already there will be widened by the developer.

There would be some City participation in upgrading as part of the development agreement.

Chairman Dyer stated this proposal looks to be an appropriate development in the appropriate zone, and serving a projected growth area. It is laid out in conformance with the thoroughness, completeness, and professionalism that the Church always demonstrates in putting together these proposals. Proper conditions could be put on it to make sure it does not have any kind of impact to the future neighborhood, and then the Commission could look at moving forward to grant this conditional use.

He gave ideas for conditions. There should be adequate separation of the driveway from adjacent roads. There could also be a condition addressing buffering requirements, although at this time it is not sure where development will go.

With a conditional use, the Commission would want to make sure that the proposal would not have or in the future would not have any kind of detrimental impact on the surrounding properties and the neighborhood.

Buffering review of the project by staff could be a condition.

Standard conditions for a conditional use as stated in the Development Code could be a condition.

Dan Hanna motioned to grant a Conditional Use Permit for an LDS Church for the property located at approximately 2400 W. 2000 S., to include the two proposed conditions in the staff report: #1 Applicant to provide deeded right-of-way for West 2000 South and the proposed new subdivision road; modifying condition #2 to state that: A development agreement between the City and the developer will be required; and to include three additional conditions: #3 There will be adequate separation of roads for parking access; #4 There will be buffering for adequate separation from adjoining properties per review by City staff; and #5 The development shall meet the standard conditions for a Conditional Use Permit, as stated in Section 6.12B of the Development Code No. 1026. **Cory Sorensen** seconded the motion.

None opposed. **Motion carried.**

Conditions of Approval
12 00008 CUP LDS Church, Smith Property

1. Applicant to provide deeded right-of-way for West 2000 South and the proposed new subdivision road.
2. A development agreement between the City and the developer will be required for this project.
3. There will be adequate separation of roads for parking access.
4. There will be buffering for adequate separation from adjoining properties per review by City staff.
5. The development shall meet the standard conditions for a Conditional Use Permit, as stated in Section 6.12B of the Development Code Ordinance No.1026.

(“6.12B. - Standards Applicable to Conditional Use Permits. The approving body shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence to show that the proposed use will:

1. *Constitute a conditional use as established in Table 1, Zoning Districts, and Table 2, Land Use Schedule.*
2. *Be in accordance with a specific or general objective of the City’s Comprehensive Plan and the regulations of this Ordinance.*
3. *Be designed and constructed in a manner to be harmonious with the existing character of the neighborhood and the zone in which the property is located.*
4. *Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibration, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic.*
5. *Be adequately served by essential public facilities and services such as access streets, police and fire protection, drainage structures, refuse disposal, water and sewer service, and schools. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use.*
6. *Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points.*
7. *Be effectively buffered to screen adjoining properties from adverse impacts of noise, building size and resulting shadow, traffic, and parking.*
8. *Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazards unless suitably designed to protect lives and property.*
9. *Not result in the destruction, loss or damage of a historic feature of significance to the community of Rexburg.”)*

Break was called.

7:20 pm – Conditional Use Permit – The Lofts Apartments – 555 S. 3rd W. – to take advantage of a lowered number of parking spaces through the use of the Pedestrian Emphasis Zone (PEZ) Ordinance No. 1021

Kurt Roland, 310 North 2nd East, Eagle Rock Engineering, representing Westland Investors. He presented the proposal. The project is the former Teton Assisted Living Center. It is in the Pedestrian Emphasis Zone (PEZ) Area 2. They wish to have lowered parking through the PEZ Ordinance, which they are requesting tonight.

Updated plans were given to the Commissioners by the applicant and were projected on the overhead screen. There will be 810 beds on a 4.2 acre site. They will demolish the assisted living center buildings. They are proposing a 4-level parking garage as part of the project.

There would be 482 parking stalls in this garage plus 13 stalls on the site. The ratio is .61, which complies with PEZ Area 2 requirements. There will be bike racks, benches, and sidewalks that will comply with the ordinance. Landscaping is at 27 percent, which meets requirements.

Dan Hanna asked for clarification on what property is included in this project. The site area was pointed out on the projected map. It will be fully landscaped.

Chairman Dyer asked for clarification on access to the property.

Kurt Roland pointed out the access and stated there will be hammerhead turnarounds for the fire department. He pointed out the entrance to the parking garage. The parking garage will be concrete and will be sprinkled.

There is one access to the property.

The **Chair** asked where pedestrian movements were expected.

Mr. Roland said the movement would likely be on West 5th South or West 6th South.

Erik Mattson, Portland, Oregon; representing the developer. They have communicated with the townhomes to the north for a fire truck easement.

They are concerned about pedestrian access, particularly because this is a residential area. There will be a fence to buffer the neighbors from the new development, as there was concern expressed about pedestrians walking across neighboring properties. They have been in communication with one of the property owners and are making progress.

Chairman Dyer asked the audience if they had any questions to help clarify this proposal.

A man in the audience asked if there will be a solid wall on the north side of the parking garage or if it will be completely open, as the developer has indicated there will be a fence there.

Mr. Mattson said there would be a half wall and the fence.

Venae Hokanson asked how many stories the parking garage would be.

The garage will have 4 stories.

She is concerned about the garage overlooking her property on Grandview Drive. Will the east side of the garage be enclosed for her privacy? She is also concerned about noise and lights.

Ken Harris, project architect, 579 South Canyon View, Elkridge, Utah.

The garage will be an open, ventilated garage, so that air can flow through the parking structure. There will not be any lights on the back surface of the parking garage. There will be lights in the garage that are directed inward. Any light that could be seen through the openings will not be bright and will not project into Grandview Drive homes.

Venae Hokanson asked if there will be a partial wall as part of the parking structure to stop cars. There will be a wall - about 3 ½ feet in height, with the rest open.

A man asked if the wall is on the property line.

It is not. The distance between the Grandview Drive homes and the parking structure is 27 feet.

They have tried to tie the parking garage colors and architecture into the style of the rest of the development. They plan to have a number of trees and landscaping.

A 6-foot fence would be on the property line.

Erik Mattson said the development would be fenced so there is no access to Grand View Drive.

Marilyn Rasmussen asked for clarification of snow storage.

Mr. Roland pointed out snow storage areas on the projected site plan. Snow will be hauled off if it is necessary.

The **Chair** clarified that the top level of the parking garage is for parking and asked how snow would be removed from this level.

Mr. Harris said snow would be lifted up and pushed over. There is quite a bit of space around the parking structure for snow storage.

Chairman Dyer asked if Val Christensen had any information to help clarify the proposal.

Mr. Christensen said this would be Rexburg's first parking structure, so the Commission during their deliberation, would want to consider looking at it differently than a regular parking lot.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

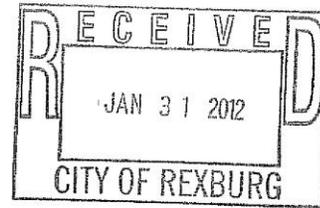
Neutral: None

Opposed: None

Written Input:

Letter from Dolores Marlowe, neutral/opposed to the proposal – read by Chairman Dyer

Attention Eliane Jan. 31st 2012



To Whom It May Concern:

I live on 215 Grandview Dr. in Rexburg, Idaho and I am a home owner.

I do not want people using our road as they walk to school.

It is a privately owned road and I do not want the liability.

I also do not want student walking on my back yard.

It would have been helpful to have been notified of this meet  two weeks ago; for as of now, I will be attending a meeting in Boise.

Dolores Marlowe

Dolores Marlowe

1/31/2012
This letter is in reference to:
12 000.16
Conditional Use Permit -
The Lofts Apartments
(2/2/2012 Per 2 agenda)
-Eln-

The **Chair** for the record, asked the date the Public Hearing notice mailings went out. The secretary said the mailings were sent out on Tuesday, January 24th.

Rebuttal:

Erik Mattson said they are very aware of the concern expressed regarding pedestrian access to Grand View Drive, which is why they plan to put in a 6-foot high fence to address this concern.

Val Christensen wanted to update the Fire Department staff review comment regarding aerial apparatus access. The developer met with the Fire Department, and the department agreed to a new fire access change: a central stairwell in the parking garage where the standpipe will be. It is noncombustible. There was concern of a possible car fire and fuel load in the garage. A central stairwell would provide better fire department access.

The proposal's three stairwells are adequate for the Fire Department for life safety requirements.

A CUP is required for the applicant to be able to provide a lower amount of parking spaces. The applicant is showing more than the minimum amount of spaces that are required.

Size of individual parking spaces fit the ordinance.

Staff would recommend approving the CUP with the conditions suggested in the staff report.

The City Engineer has looked at and signed off on this application but did not have any added comment at this time.

Cory Sorensen asked the minimum width for a roadway.

Val Christensen said the width is 24 feet, but it must be 26 feet for the fire department.

Mr. Christensen said this open parking structure is a new feature for Rexburg. The only other parking structure here is one now being built that will provide underground parking. Snow storage for such a structure is a different situation than a typical parking lot.

Parking spaces in the parking structure would all be full size.

The **Chairman** said the question before the Commission is, shall a CUP be issued allowing the applicant to take advantage of a lowered number of parking spaces through use of the PEZ Ordinance?

As in any land use decision, the Commission needs to look at impacts to the neighboring properties and the neighborhood and should set any proper conditions that need to be imposed.

Jedd Walker expressed that this development is in line with what the Commission had hoped for in the PEZ overlay – density closer to campus. The Commissioners need to look carefully at conditions.

Cory Sorensen agreed. Part of the reason the PEZ overlay was created was to keep sprawl from happening. The parking structure will be a lot prettier than a large parking lot.

He thinks this project is great.

Dan Hanna said pedestrian flow needs to be addressed.

Jedd Walker said pedestrian flow should not go through neighbors' properties, as was expressed as a main concern tonight. The project needs to be fenced.

Cory Sorensen said the only drawback is that all the students have to go away from campus to get to campus.

Chairman Dyer stated he is very concerned about the 800 plus students making this movement. This will be an impact on the neighborhood.

A condition might be to widen the other existing sidewalks.

Marilyn Rasmussen wondered if pedestrian flow could be observed by City staff.

Dan Hanna said it is not just this one development that is going to impact the sidewalk use.

Widening could be implemented through a Local Improvement District (LID).

The **Chair** said the Commission does not want to get into designing something for the applicant, but does want to address any impacts.

There is a bigger pedestrian impact that needs to be mitigated.

Val Christensen said the Bountiful development across the street will use the same streets for pedestrian movement. Another development also will be coming in to the south.

Chairman Dyer said the City has some responsibility.

The best solution is an LID eventually.

Mr. Christensen said the City initiates the LID process. The LID usually has a loan associated with it. People who will benefit from the LID would pay back on a loan over a period of 20 years.

Jedd Walker motioned to recommend approval to City Council to grant a Conditional Use Permit for the Lofts Apartments located at 555 South 3rd West to allow a lowered number of parking spaces through use of the Pedestrian Emphasis Zone (PEZ) Ordinance No. 1021, to include the 6 proposed conditions of approval stated by staff in the Community Development Department staff report, with clarification to include that regarding condition #1: the property will be fenced on all sides except on the west ; condition #2: lighting shall be cut-off lighting, and #6: there shall be 10 foot wide sidewalks extended to West 5th South. **Cory Sorensen** seconded the motion.

None opposed. **Motion carried.**

Proposed Conditions of Approval #12 00016 CUP Lofts Apartments

1. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, drainage, etc. to include showing that the subject property is fenced on all sides except the west, shall be submitted and approved by the City prior to the issuance of a building permit.
2. Lighting shall be cut-off lighting and shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance.
3. To encourage alternative travel options, i.e. bicycling, bike racks and hard surface must be provided. Location of racks needs to be shown on revised site plan. This requirement is identified in the PEZ Ordinance.
4. Sidewalk and pathway maintenance to be performed as per the PEZ Ordinance.
5. Parking Contracts to be approved by the City Attorney.
6. Requirements of the PEZ Zone Ordinance to be applied to this project. Including but not limited to wider sidewalks - wider sidewalks of 10 feet in width will be extended to West 5th South.

Chairman Dyer asked **Val Christensen** to address the issues of sidewalks, pedestrian movement in the PEZ overlay, and potential LIDs at a future meeting so the Commission can discuss these concerns and eventually send a recommendation to the City Council.

Dan Hanna was excused.

Unfinished/Old Business: None

New Business: None

Compliance: None

Non controversial Items Added to the Agenda:

The Commission discussed inviting the City Council to come to a Planning and Zoning Commission meeting. It was suggested that it might be best to wait for a meeting in which a hearing would take place so that Council members could see how the hearing process is carried out. Also, an agenda item for that meeting could be that the Commission could explain some of the things being worked on by the Commission and some of the present concerns regarding planning and growth. The Council would then have the opportunity to discuss with the Commission some of the community concerns they have that the Commission may assist with.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

February 16 - Several discussion items will be scheduled.

March 29 – Joint P&Z Commission meeting – Rexburg will host – an email will be sent to the 5 Commissions

The meeting was adjourned at 9:05 pm.