

Planning & Zoning Minutes

March 6, 2008

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Commissioners Attending:

Winston Dyer – Chairman
Ted Hill Charles Andersen
Mary Haley Thaine Robinson
Dan Hanna Mary Ann Mounts
David Stein Randall Porter
Mike Ricks

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – Planning Administrator
Stephen Zollinger – City Attorney
Elaine McFerrin - Secretary

Chairman Dyer opened the meeting at 7:02 pm.

Roll Call of Planning and Zoning Commissioners:

Mary Haley, Charles Andersen, Mike Ricks, Ted Hill, Winston Dyer, Dan Hanna, David Stein, Randall Porter, Thaine Robinson, Mary Ann Mounts.

Josh Garner was excused.

Minutes:

1. Planning and Zoning meeting – February 21, 2008

Thaine Robinson motioned to approve the Planning & Zoning minutes for February 21, 2008. **Dan Hanna** seconded the motion.

Mary Ann Mounts, Randall Porter, and **David Stein** abstained for not having been present. None opposed. **Motion carried.**

Public Hearings: None

New Business:

1. Founders Square – PUD Final Master Plan/Final Plat for Phase 1

Chairman Dyer said there are actually 2 separate items to address. Each item needs individual and separate actions. He said there is 1) the Final Master Plan, and there is 2) a Final Plat for Phase 1.

Thaine Robinson asked if the Final Master Plan needs to be approved before proceeding to Final Plat Phase 1. **Chairman Dyer** said that would be the logical sequence.

Chairman Dyer excused himself, due to direct conflict of interest as the project engineer.

Thaine Robinson acted as chairman.

Bill Collins, 740 East Pearl, Jackson, WY - He and his two partners own and are proposing to develop the Founders Square Planned Unit Development (PUD). He said that his comments will be an overview. He pointed out the 35.5 acre area of Founders Square on the projected map. There are 108 residential lots, all single family. Open space makes up about 10 per cent of the land area. There will be 3 parks, which meets Rexburg's open space requirement. The developers are proposing 3 phases; Mr. Collins pointed out the phases on the projected map. A park will be in each of the 3 phases. Founders Square will be part of Phase 1. The Activity Park will be within Phase 2. The View Park will be in Phase 3. He said there is a very detailed landscaping plan. They are proposing a divided median boulevard at the entrance, with trees. There would be perimeter trees around Founders Square. Streets would be lined with trees. All of Founders Square would be of sod, appropriate for activity by the residents. The homes are colonial style architecture, with 3 levels of cost. There can be as many as 18 different architectural looks for houses, helping to promote diversity. He said they will help finance construction of Sunrise Drive. Mr. Collins addressed some issues mentioned in staff comments. One is the issue of connectivity with Sky Meadows to the south. He feels there are 2 purposes of connectivity – as a life safety purpose, and as just getting through from 1 point to another, or driver convenience. He is proposing that a portion of Stone Drive, which he pointed out on the projected map, be built to its gravel sub-base as part of Phase 1 and that the developers keep that open and maintained until Phase 3 comes on line, so that life safety connectivity is provided. The plan is also to include using drought tolerant plants. They are proposing that the View Park will use native grass, non-irrigated, which will be 100% drought tolerant. For the Activity Park, 80 percent of it will be native grasses, non- irrigated.

Mike Ricks asked for clarification of what native grasses are. His concern was that non-irrigated areas could be a fire safety issue. Mr. Collins said his landscape architect would be the one to clarify exactly what those are.

Bill Collins then said they are looking for something that would be mowed but has limited growth. This would be in areas of the parks that would not receive a lot of foot traffic.

Dan Hanna asked if the developers would be replacing the existing vegetation there with something more landscaped. Mr. Collins answered yes.

Bills Collins stated that ash and maple trees will be used in the proposed development; they are moderately drought tolerant.

Dan Hanna asked if there was going to be a themed monument in Founders Square. He thought that something to do with the city, or veterans, might be appropriate.

Bill Collins said they do have a plan to put something there, but no decision on what it will be has been made. He then addressed the issue of the sloping grade of a pathway near the Activity Park.

Engineering Department staff review comments indicated it was perhaps not doable because of the slope. He said the plans for the path actually meet ADA standards.

Bill Collins asked for clarification of **number 14 (PUD Approval Time Limitations)** of the **proposed conditions of approval** stated in the **Planning and Zoning Department staff report**. His understanding was that upon approval of the Final Plat (in regard to Phase 1 at this time), they have two years to get the plat recorded and to get construction underway. Then, when he comes back for approval on the next Final Plat- Phase 2, he will again have two years to get the plat recorded and start construction for it, followed by the same 2 -year clock for the Final Plat Phase 3. Gary Leikness stated that was correct.

Chairman Robinson asked Mr.Collins to refresh their memories on what this PUD and its point system.involves.

Mr. Collins said Rexburg's PUD ordinance allows a density bonus with smaller lot sizes and the number of lots.

Gary Leikness said he would review the PUD standards later in tonight's meeting.

David Stein asked what phase of Sky Meadows the connectivity is located. Mr.Collins said it was to Sky Meadows, Phase 1. **Mr. Stein** also asked about the price for the homes in Founders Square, given all the amenities that will be provided in the subdivision. The developers are looking at three price levels – one would be below \$200, 000, the next level would be at about \$250,000, and the last level would be somewhere between \$300, 000 to \$350,000.

Dan Hanna brought up the fact that one of the street names that Founders Square wanted to use, Franklin Drive, was already in use in another subdivision. Stephen Zollinger said that a similar street name (for example Ben Franklin Drive) would probably not be allowed by the City due to its similarity to the existing street name.

Mike Ricks asked about a statement on the plat illustration concerning sidewalks and their costs.

Mr. Collins said they are planning on installing all internal sidewalks..-Sidewalks on Sunrise Drive will be taken care of by the city through a cost sharing mechanism.

Randall Porter asked about the detention pond and what steps would be taken to landscape it and make it manageable, for now and in the future. There is a potential mosquito problem – he wondered what steps would be taken to move water through the hollow that is in that area.

Mr. Dyer said that the city is in the process of designing a plan for a water detention pond system with a pump station on approximately 3 acres of land. Regarding the landscaping of the area, the city was going to build it in such a way that it could be used as a play field at other times of the year. Each lot in Sky Meadows and most likely in Franklin Square will retain its own runoff; Mr.Dyer indicated that this responsibility would be stated in the covenants. This detention pond will serve the region – his understanding was that the city was going to operate and maintain it.

Mary Haley asked Mr.Dyer how snow is removed from gravel bedded roads. Mr. Dyer answered that a plow will do the job as it does for the streets, without losing too much of the gravel. He said

the development agreement would spell out how often the roads are plowed. All of the roads will eventually be dedicated to the city.

Gary Leikness gave a brief explanation of a PUD (Planned Unit Development). Density bonuses are awarded when something special is done – easements as far as hillsides, homes that make more sense as far as customizing, more units or flexibility of lot numbers, or clustering. The PUD allows the developer to take densities and make them work with the environment. This is Rexburg's first PUD. He said the developer is acting for Phase 1 of the final plat at this time. Mr. Leikness's concern is that at the public hearing phase, this PUD was going to be phase 1 of 1, but now that has become 3 phases. The question the Commission needs to ask is are they in need of more detail in order to move this development along. He referred to his staff report, which the Commission had copies of, for items that he feels need to be addressed. The Commission needs to determine if the phasing of this subdivision is appropriate. Mr. Leikness referred to his proposed conditions of approval. He said there is a lot of information provided in these conditions but that this development proposal is a unique project which calls for extra scrutiny.

Mary Haley asked if the Commission approves each phase, does the developer have a certain amount of time to complete it? Gary Leikness explained that the preliminary plat is kept alive by completing each phase in a reasonable amount of time. The applicant did not provide a phased plan at their preliminary master plan hearing, and therefore phasing and completion were not an issue at that time. Submitting phasing details would help the Commission to better understand what is happening and what is planned to happen with this project.

Chairman Robinson asked if Mr. Collins or Mr. Dyer had any further comments. Mr. Dyer wanted to clarify 2 things. One is that in his and the developer's minds, this development proposal is a normal plat phase 1 where a master plan is shown for the whole project – the past record would show that they made clear they would develop this PUD in phases. Secondly, they are now proposing a Final Master Plan for the entire PUD (he pointed it out on the projector) and are asking for Final Master Plan approval and Final Plat Phase 1 approval. He said their understanding was that they do not need to submit a final master plan for each phase, but just a final plat.

Mary Haley asked if lot size might change in future phases in relation to the sold lots. Mr. Dyer said size would not change substantially.

Gary Leikness said he completely disagrees with the final master plan. When broken up in phases, the development needs to be looked at under a microscope each time. If the Commission approves the Final Master Plan for the entire Founders Square, then they lose the opportunity to look under a microscope, and it becomes just a platting issue. He said if they approve the Final Master Plan tonight, the approval should be for Phase 1 only.

Stephen Zollinger said there may be an issue here of semantics. The way the statute currently reads, the master plan is the total package. The developers have added the extra level of approval, using phases. Mr. Zollinger said to bear in mind that when the City Council votes on this proposal, they will consider it a master layout for the PUD; they are not going to come back and visit this big issue of a master plan ever again. In the future, they would look at approving each final plat.

Mr. Dyer said they will give each of the subsequent phases a great level of detail.

Gary Leikness said they did not provide that level of detail tonight for the Final Master Plan for the entire project.

Mr. Dyer said that they have shown the Planned Unit Development in detail tonight and how they will achieve it. In addition, a development agreement will clearly state all that the development must do.

Dan Hanna asked the developers if 2 years was an adequate period of time for each phase to be completed.

Mr. Collins said the time was sufficient to build each phase. As to selling, that may take longer, but they are very motivated to sell. How quickly they move to the second phase depends on how fast the previous phase sells. As long as they have 2 years for each phase, the time clock is fine with them. He feels the discussion about phasing does involve semantics. Tonight they have given the big picture; they have not gotten far enough to give precise detail, such as product names, playground equipment, or light standards. He feels that the landscaping requirements they need to meet are contradictory, but they are meeting and respecting the requirements. The issue of the sidewalk on Sunrise Drive is counter to what is fair to them – it is being built for something a lot bigger than Founders Square. They are paying a proportionate share, and the city is deriving that formula. He feels the Commission needs to address the connectivity condition of approval (#8) in the Planning Department staff report – as worded, they would be responsible for building the whole curb/gutter.

The Commissioners discussed the issues before them, starting with road connectivity.

Stephen Zollinger stated that the city engineer is not concerned with the road being gravel in the interim between phases. The issue is connectivity rather than approval of the road. Mr. Zollinger said they are being asked to decide if they want the road or not; John Millar, the City Engineer, wants it – the nature of how it is built is up to the Engineering Department. Mr. Zollinger said Mr. Leikness was correct - they would not be approving anything in its finality beyond the Final Plat for Phase 1. It is this drawing they are going to be held to, with additional detail to be provided.

The Commissioners continued their discussion.

David Stein motioned to recommend to City Council the approval of the Final Master Plan and the Final Plat for Phase 1 of Founders Square, subject to the conditions detailed in the staff report, with the addition of the Planning and Zoning Commission's recommendation of 600 feet of gravel road for connectivity to the Sky Meadows subdivision, and that lighting and park details are to be addressed prior to the signing of a final plat., and that the sidewalks on Sunrise Drive be built per the ordinance. **Mary Ann Mounts** seconded the motion. None opposed. **Motion carried.**

Proposed Conditions of Approval

General

1. All conditions of approval below and those approved in the Preliminary Master Plan (file #07 00292) shall apply to this project.

2. Language shall be clear in the CC&Rs that no approval granted by the HOA or Architectural Committee cannot violate City Code (e.g. accessory structures, building heights, fencing, location of building on lot, etc.).
3. The final CC&Rs shall be reviewed and approved by the City Attorney prior the recordation of a plat.
4. Requirement of the underlying zoning prevails where no specific requested variation has been considered and granted.
5. Final CC&Rs shall be reworded to include the following setback language:
 - a. Front yard setbacks- Along the boulevard/entrance to the project, 15-foot setbacks to the front of home are allowable, except that garages or carports must observe the full setback as required by the underlying zoning which is 20-feet along a street that has a landscape strip at the front of the property; 25-feet if no strip is present. Within this setback any structure over 30-inches from grade shall meet the required setback, this would include structures such as front porch steps, covered or uncovered.
 - b. Front yard setbacks- On all other interior lots, 10-foot setbacks are allowable except that garages/carports must observe the full setback as required by the underlying zoning which is 20-feet along a street that has a boulevard strip along the front of the property; 25-feet if no strip is present.
 - c. Side yard setbacks- Allowable are 5-foot side yard setbacks. Corner lots are determined to have two front yards and two side yards.
6. Final CC&Rs shall be reworded to include the following setback language:
 - a. Setbacks will be measured to the building wall, or foundation.
 - b. Architectural features, such as eaves, cornices, and chimneys may extend in to the required setback a maximum of 18-inches.
7. Final CC&Rs shall be reworded to include the following language: Homes will use, as a minimum, R-19 wall insulation and r-38 ceiling insulation.
8. In order to increase safety for emergency vehicles and to increase the connectivity of neighborhoods, Founders square shall, for Phase I, include construction of a road that will provide road connectivity from the north on Sunrise Drive through to the south to connect Stone Drive with the Sky Meadows subdivision. Road construction shall be done according to requirements of the City Engineer, which may include the requirement of a gravel road from phase 1 to the northern stub-out of the Sky Meadows subdivision.
9. To supplement the submitted landscape plan, the applicant shall identify what drought tolerant plant species are being used and where zones are located within the common space areas that can maximize water conservation by incorporating plants that have

similar water usage demands. This it to be submitted and verified prior to the signing of a final plat.

10. Other department's notes found in the "staff review" section of the packets given to the planning commission shall be incorporated in to the development and addressed prior to the signing of a final plat for any and all proposed phases.
11. If land is annexed in to the Founders Square subdivision, as allowed in the proposed CC&Rs, only the City's zoning regulations shall apply. No variances to setbacks, lot sizes, etc. shall be granted without obtaining a variance to that specific regulation, or the Founders Square PUD is amended to include those new areas through an amendment to the Preliminary master plan. This language, or similar, shall be included in the final CC&Rs to be recorded.
12. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in the City of Rexburg subdivision ordinance and shall obtain a development permit.

Performance Standards

13. Natural Features- The development intends to incorporate the hillsides as undeveloped areas. Hillsides shall include a conservation easement that precludes any development of these areas, other than identified park areas. This easement was required to be shown on the final master plan, but shall be provided on the final plat that is to be signed for recordation.

PUD Approval Time Limitations

14. The preliminary master plan/plat for unbuilt and unapproved portions of this PUD shall expire within two years of the previous approval of a final master plan for each phase.

Winston Dyer was restored to the chair.

Chairman Dyer reported on last night's Hemming presentation to City Council. Two issues were focused on – parking and streets. The City Council indicated that they would hold the Hemming Development to meeting the parking requirements. A formal proposal can be expected to come to the Planning and Zoning Commission ,and then to City Council, from the Hemming representatives. He said it appears that the proposal is moving forward.

Unfinished/Old Business:

1. Sign Ordinance – Temporary Signs and Banners

Chairman Dyer requested that the Commissioners review sign ordinance information and come prepared to focus on temporary signs and banners only, not the entire Sign Ordinance; he said to plan to discuss it, perhaps at the first Planning and Zoning meeting in April. He asked Gary Leikness to have copies of other cities' temporary signs and banners regulations for the

Commissioners to review. Gary Leikness said that he had e-mailed the City of Idaho Falls a copy of our draft Statement of Intent for the Sign Ordinance.

Compliance:

Non controversial Items Added to the Agenda:

The Commission members briefly discussed the 3 Design Review Committee meetings that were held earlier in the week. The Design Review Committee met with representatives from the Gymnastics Center, the Idaho Eye Clinic, and Henry's Fork Plaza.

The Commissioners discussed with Stephen Zollinger the protocol of Planning and Zoning Commissioner duties, both in regard to their individual actions as Commissioners and to the time frames the Commission is allowed with decisions they make.

The Commissioners also were concerned with where storage units should be located in the city.

Mary Haley motioned to direct Gary Leikness to pursue drafting an ordinance amendment that would limit storage units to industrial zones rather than Commercial zones. **Mike Ricks** seconded the motion.

None opposed. **Motion carried.**

The Commissioners continued their discussion of the issue.

Report on Projects: None

Tabled Requests:

1. Preliminary Plat – Silver Estates

The Commissioners discussed the lack of activity of this plat and how long it could be tabled. Stephen Zollinger said the applicant could be sent a letter giving time for them to respond about the inactivity. If no response is received in a certain amount of time, the plat could be taken off the table and denied for failure to fulfill the Commission's request.

Building Permit Application Report: None

Heads Up:

1. Next P&Z meeting – March 20, 2008 -7:00pm , Council Chambers
2. Final Plat – Willow Brook Estates Division 4
3. Preliminary Plat – Hartland Condominiums

Chairman Dyer adjourned the meeting at 9:47 pm.