

Planning & Zoning Minutes

August 7, 2008

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Ted Hill
Dan Hanna Richie Webb
Charles Andersen Mike Ricks
Randall Porter

City Staff and Others:

Rex Erickson – City Council Liaison
John Millar – Public Works Director
Stephen Zollinger – City Attorney
Elaine McFerrin - Secretary

Chairman Dyer opened the meeting at 7:05 pm.

Roll Call of Planning and Zoning Commissioners:

Ted Hill, Dan Hanna, Thaine Robinson, Winston Dyer, Randall Porter, Charles Andersen, Richie Webb

David Stein was excused.

Minutes:

1. Planning and Zoning meeting – July 17, 2008

Charles Andersen motioned to approve the Planning & Zoning minutes for July 17, 2008.

Randall Porter seconded the motion.

None opposed. **Motion carried.**

Agenda Items Tabled and Carried Over from July 17, 2008 P&Z meeting:

Conditional Use Permit Conditions: - Madison High School Supplement

Randall Porter motioned to pick the Conditional Use Permit Conditions up off the table. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Johnny Watson, 1152 Bond Ave., of JRW & Associates. At the July 17, 2008 P&Z meeting, the siting of the buildings for the Conditional Use Permit (CUP) for the Madison High School supplement was approved. Tonight, he will go through the site plan review, to discuss any issues or concerns of the Commission in the development of this property, so it can fit well in the community. They have been working with John Millar and **Winston Dyer** for a number of months. Most of the infrastructure is actually in place. The extension of water and sewer, out to University Blvd., and the connection of water to the water loop up on 7th South, are being addressed. They are letting Mr. Millar guide them on what is needed on that side of the city. A traffic study has been

done by Keller & Associates. Mr. Millar is also working with the state on modifying the transportation plan. The school district's part in helping with these and other developments such as improvements on 12th West or the University Blvd. extension, still need to be discussed. Mr. Watson said that they committed, in their Conditional Use Permit for Burton Elementary, to do some turning lanes and to help with the widening of the intersection of 7th South and 12th West. They are in the midst of designing these changes, which will be completed prior to the opening of the high school. Mr. Watson stated they have already started pouring concrete, based on the Commission's approval, for the main building. He pointed out the locations and layout of the parking spaces. The parking requirement for schools and colleges in the city's ordinance is 1 space for 4 persons; the high school is designed for 1400 students. They took the figure of 1500 students plus 200 faculty, which would require only 425 spaces; they thought that amount was quite short. One parking space is required per 4 seats in regard to the gymnasium, which seats 2216 people, which would require 554 seats. There will be just under 700 parking spaces, which exceeds what is called for by over 200 spaces. A main focus is the closed camera security system, which can oversee the parking area and can control entrances into the high school. There will be landscaped islands to help with the location of parking stalls in the winter when space lines are covered. There will be a 20 foot landscaped strip along University to help buffer the area.

Chairman Dyer asked if there was a development agreement that would state the developer's commitments to the city, including street turning lanes, etc.

Johnny Watson said the development agreement is not yet formalized. The design of University Blvd. has been based on Keller Associates traffic flow calculations. There have been discussions with John Millar.

Chairman Dyer asked if JRW & Associates would be comfortable with a condition in the conditional use permit tying them to a development agreement with the city. Mr. Watson said he does not see any problem with such a condition.

There will basically be one entrance and one exit at the site, which will work with the amount of people the school will generate. There will also be "bus only" areas. Johnny Watson pointed these areas out on the site plan that was projected on the overhead screen.

Thaine Robinson was concerned with the parking lot having enough landscaping so that there is not a "bone yard" appearance. Johnny Watson answered that some of the planned islands were removed because of snow removal concerns. He pointed out areas of landscaping.

Randall Porter asked where the Kartchner Planned Unit Development (Summerfield PUD) is in relation to the high school. Johnny Watson pointed the area out on the screen. Traffic signals and crosswalks have yet to be addressed.

Chairman Dyer stated that a commitment concerning pedestrian connections had been made in regard to Burton Elementary and the high school.

Charles Andersen asked about mechanical equipment location, which Johnny Watson pointed out areas. The equipment will be screened.

Chairman Dyer reminded the Commissioners that public input on the Conditional Use Permit for the high school site plan was taken at the previous Planning & Zoning meeting (July 17, 2008), at which time the siting of the buildings was approved. The Commissioners now need to consider what

conditions should be placed on the Conditional Use Permit to make it work for the public and for the school.

The Commissioners discussed the issue.

There are seven proposed conditions listed in Gary Leikness's planning staff report. Johnny Watson indicated he did not have any issues with these seven proposed conditions.

Chairman Dyer asked for John Millar's input.

John Millar stated there are potential traffic development problems, but they will be addressed in the development agreement. A development agreement will need to be in place before occupancy.

Thaine Robinson motioned to include, in the granting of the Conditional Use Permit for the Madison High School supplement, the seven (7) proposed conditions of approval stated in the planning staff report, and the condition that there be a development agreement with the city. **Dan Hanna** seconded the motion.

None opposed. **Chairman Dyer** abstained. **Motion carried.**

Proposed Conditions of Approval

1. Trash receptacles shall be fully screened from the public right-of-way and should not be visible from adjacent residential property.
2. There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in it self is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.
3. Commercial lighting standards per the City's development code shall be adhered to. Light plan with photometric layout and fixture type shall be approved by City staff.
4. Large equipment that is to be located on the subject property and is to used for heating/cooling/ventilation of the proposed building(s), or similar uses, shall be located the maximum feasible distance from any adjacent residential dwelling unit, and shall incorporate any current technology that reduces noise generation.
5. The applicant shall agree to dedicate internal road rights-of-way as determined by the City public works department to ensure future road connections in all directions which will allow greater connectivity to surrounding areas and alleviate road congestion.
6. The proposal shall include improvements off-site that will allow for increased connectivity to the rest of the City. These improvement shall be determined by the City Engineer and shall include recommendations from the submitted traffic impact analysis. Improvements should consider all forms of travel including, automobiles, bicycles, and pedestrians. Installation of recommendations must occur before occupancy of building occurs or as approved in phases by the City Engineer.
7. All other conditions of approval as determined in the first part of this conditional use permit shall apply (see permit 07 00561).

Mike Ricks arrived at 7:45 pm.

Variance – Madison High School

Johnny Watson and Brent McFarland , 1152 Bond Ave., of JRW & Associates presented the proposal . Mr. Watson first stated that the superintendent of the Madison School District wished to be excused, as he could not attend tonight’s meeting. The variance proposal addresses 2 variance requests:

- 1) Building height (additional height is needed for building function – auditorium fly-loft)-

Mr. McFarland distributed copies of the overall exterior elevations for the new high school to the Commissioners. The fly loft (area over the stage) measures to a height of 54feet 8 inches. The height is 38 feet 8 inches to the top of the gymnasium. It sits back from the property line with a 50 foot setback. Nothing extravagant is being done; the school district is struggling with budget, and the applicant is trying to use the monies wisely. Materials are noncombustible and fully sprinkled. Johnny Watson stated a 32 foot height restriction will not work. The ground water is an issue that limits the ability to go deeper in building this school.

Thaine Robinson asked if the variance was denied what the hardship would be to the project; and if it would change the design because they would not be able to go higher.

Mr. Watson stated denial of this variance would change the design. The auditorium’s acoustical performance would be affected, as would the seating. The gymnasium seating would also be limited.

Charles Andersen commented there would be complications and much cost if the applicant had to go downward in the design. Cost wise, they are doing a very good job in keeping it where it needs to be.

Ted Hill asked how high the new fire equipment can reach.

John Millar stated that the new Fire Department apparatus can reach up to 109 feet.

Mike Ricks asked if they have noticed a difference in the sub-water. Mr. Watson answered they have noticed it has lowered about a foot to 20 inches because the area is not farmed as much. They elevated enough so that the sub-water will never be a problem in creating deterioration of the structure.

- 2) Parking lot pole height (increase in pole height is requested due to volume of parking required).

Brent McFarland handed out a written analysis and drawings (**3 options – option 1=** Metal Halide lamps, **option 2 =**High pressure Sodium lamps; **option 3=** as per city ordinance’s 25 foot height restriction) by their electrical engineer Todd Payne. Johnny Watson said the City lighting design

standards severely limits them; it does not allow for adequate lighting at the entrances and creates uneven lighting through the parking lot. It doubles the amount of fixtures. The first option is using Metal Halide Lamps; JRW & Associates feels this 1st option is the best option – best safety, best type of color and fits best with their design criteria. What is being proposed would make a \$51,000 lower cost difference for the school district from the city's ordinance requirements. The light poles would be 40 feet high. It provides the best safety for the public while keeping the night sky visible, and it fits best with the scale and design of the buildings. The night sky ordinance has nothing to do with the height of the pole. It has to do with the type of the lamp used to light the area.

The Commission asked questions for clarification before the public input portion of the hearing was opened.

Chairman Dyer said concerns for the commission to consider regarding lighting are intensity and clarity of lighting, and brightness versus dark spots that are created by certain types of lighting.

Dan Hanna asked if this lighting plan takes into effect the trees and landscape. Johnny Watson stated it did.

Randall Porter was concerned about the metal halide lighting and its effect on the night sky.

Charles Andersen said one will see the light around the area, but because of varying elevations, the lighting would not be intrusive.

Chairman Dyer opened the public input portion of the hearing on the Variance for a height increase of the building and the lighting of the parking area for the new Madison High School.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing.

The Commissioners discussed the height of the building, followed by a discussion on the lighting.

Thaine Robinson felt it was common sense to allow the height of the building to be increased due to the planned structure and placement of the building.

Chairman Dyer wanted the record to reflect that this building height issue has been explored fully. It is an unoccupied part of the building, built of noncombustible material, and the impact to the facility and the public has been examined.

Charles Andersen asked if there was a smoke evacuation system on the fly loft. Brent McFarland stated there was such a system.

Charles Andersen motioned to recommend to City Council to approve the Variance for height increase of the Madison High School building from the standard 30 feet to 58 feet. **Dan Hanna** seconded the motion.

None opposed. **Chairman Dyer** abstained. **Motion carried.**

The Commissioners discussed the Variance lighting issue.

Metal halide lamps, as described in Option 1 of the lighting analysis, would provide better color recognition and better security for people and for vehicle identification.

Charles Andersen and **Richie Webb** were supportive of the lighting variance.

Randall Porter felt the night sky should be preserved.

Charles Andersen said metal halide would be more directional light.

Chairman Dyer said the high school is out in its location by itself at this time .He is looking at this variance in terms of use and the function of the lights.

Mike Ricks felt the lighting plan was a good one.

Dan Hanna motioned to recommend to City Council to approve the Variance for an increase in the parking lot light pole height from 25 feet to 40 feet and using Option 1 of the lighting plan submitted, which uses metal halide lamps. **Richie Webb** seconded the motion.

Those in Favor:

Ted Hill
Dan Hanna
Mike Ricks
Richie Webb
Charles Andersen
Thaine Robinson

Those opposed:

Randall Porter

Chairman Dyer abstained. **Motion carried.**

Public Hearings:

7:30 pm – Planned Unit Development (PUD) – Preliminary Master Plan and Preliminary Plat - Summerfield

Troy Kartchner, Kartchner Homes, 601 W.1700 S, Logan, Utah , developer of the project, presented the Summerfield Planned Unit Development proposal, which include a base layout as well as a construction layout. They have met several times with the planning administrator, the public works department, and the mayor. The property is a big piece of ground-250 acres with about 130 acres platted. It is a long term project for which they have their master plan. It will be a

combination of townhomes, twin homes, 6 plexes, and starter homes, a place where people can be comfortable in their homes and among their neighbors. He pointed to the presentation on the screen. Kartchner Homes wants the development to be the way the city and the citizens would like it. There will be 30 foot landscaped buffers to buffer the backs of lots. Nice monuments are planned at both entrances as one enters the community. Mr. Kartchner feels that entrances are very important. No driveways will front onto busy roads. Summerfield will be a tree lined community. He pointed out where the LDS Church would be situated. There will be a number of parks, but the main park in the development is Summerfield Park. Entrances will be buffered. There are lots of units which may take a number of years to complete. There are some lot sizes averaging 6500 square feet. They are narrower. These lots are very affordable. There are also some lots of about 7000 to 8000 square feet, some about 12,000 square feet, and in the future up to 16,000 square feet..

Thaine Robinson asked Mr. Kartchner to show setbacks, as they are asking for something different from what the city normally allows.

Mr. Kartchner is willing to go to a 20 foot rear setback and a 20 foot front setback, but he needs a 5 foot setback for the side yards.

Chairman Dyer said 20 foot front and rear setbacks would already be allowed here because the developer is planning to have boulevard style sidewalks.

Mr. Kartchner is asking for all lots to have the 5 foot side yards to keep it consistent in the covenants. He stated a traffic study has been done, which goes along with the school district's traffic study recommendations. It addresses how the development will impact the different intersections. Regarding waste water, the developer has tried to create several areas to retain it. The site is nearly flat. He pointed out the retention areas throughout the community. The Church will have its own retention area. All the retention areas will be well landscaped.

Thaine Robinson asked how the Commission can be assured that this project does not become a dust bowl, as another project by this developer has become one.

Troy Kartchner stated he was glad to be asked this question, as the specified project is not his project. He built only the homes there, but he has nothing to do with it as it currently exists.

The Summerfield Planned Unit Development project will be in phases. Mr. Kartchner referred to the phasing map and pointed them out. There will be 4 development phases and construction phases.. The 1st phase of development has smaller lots. He pointed out on the overhead screen the planned construction phases. Close to 70 residential units are included in the 1st construction phasing –they may go with what the market demands.

Richie Webb asked when the developer planned to begin the first phase.

Troy Kartchner would like to start putting in water sewer infrastructure by late fall. They would work on the common areas next summer. He stated that all homes will have a Craftsman look. – front porches, rock columns, very attractive, with varied fronts. The garage setback would be 20 feet. Summerfield Park will include many amenities for the community. The parks will be private, for the community neighborhood association, as will all common areas.

After 75 homes are closed, construction will start on the clubhouse (room for gatherings, parties). Regarding Summerfield Park, it will have 10 foot wide tree-lined walking/jogging trails. There will be a basketball court, soccer field, indoor swimming pool, hot tub, picnic tables, park benches, and playground equipment including a climbing wall. There are numerous pocket parks besides the larger parks. There will be over 15 acres of open space, which exceeds the requirement. Lights in the development will shine downward and be friendly to the night sky. CC &Rs (Covenants, Conditions, and Restrictions) will be approved by the City Attorney.

Chairman Dyer asked if there was any discussion with the city about the city possibly wanting some recreational property made available to them for purchase. Troy Kartchner said there had been some discussion that this request might occur sometime in the future. The city was okay with the private park that is proposed.

Regarding children and their route to school, the developer has planned a 10 foot pathway, with open style fencing, for the safety of the children as they walk to school. The developer needs to work with the school district on how people will get across the street – there will be proper walking paths and lighting to make it as safe as possible. Mr. Kartchner is aware of the importance of connectivity as stressed in the staff report. The developer does not agree with all the connectivity recommendations, especially those that do not continue an existing road. They are trying to provide an amount of privacy for the residents. There is a possibility they will require residents to have sprinkler systems in order to conserve water. All residences will have their own trash receptacles. The developers have submitted a detailed landscaping plan.

Troy Kartchner also indicated they will continue to work with public works to meet traffic study recommendations. They are responsible for a percentage of intersections or roads based on these recommendations. He said that the time phases of the development as stated in the planning staff report seem feasible to him.

Regarding the proposed condition number seven (#7) that Block 11, Lot 27 shall not be a part of this PUD master plan, the developer had intended this piece to be part of this current PUD; he stated that keeping it separate would be fine at this time, but in the future he wants it to be part of this Summerfield development. He said the Covenants address adopting other pieces into the PUD.

Chairman Dyer opened the floor to the public to ask questions for clarification on the proposed project, as this development is a very substantial one.

An audience member asked what was going to be done to a border of the proposed development that he pointed out on the projected map, as he lives right next to it. He wondered if it might be lined with trees. The developer stated the plan for the border has not been addressed, but its development will follow the backyard and landscaping regulations set in the strict covenants. It has not been determined if the homeowners association will fence the border. Mr. Kartchner said they could possibly work out something with this property owner – they want to be a good neighbor.

Tim Parkinson, 2581 West 1000 South. He asked if the intersection at 12th West and 7th South is going to be widened. Troy Kartchner stated their in-depth traffic study addresses what needs to be done over the next 20 years. Roads will be widened and turning lanes added according to city specifications.

An audience member asked who is responsible to widen 12th West and 7th South.

Troy Kartchner answered that he could not speak specifically on that responsibility, but he stated that all streets that abut the proposed property development will be widened according to city requirements by the developer. Any traffic studies recommendations addressed to this developer will also be required to be completed by them.

An audience member stated there is an irrigation canal near the proposed development and wondered how the residents would be protected from it. Mr. Kartchner stated they would increase the width of the existing buffer, but at this point they do not know if it will be fenced. He feels because of safety reasons, fencing may be a good thing to do.

Thaine Robinson asked if there were any other ditches or water rights that run through the property.

Mr. Kartchner pointed out a ditch on the overhead screen that runs through the proposed project that provides a property owner, Mr. Weimer, with water and also provides water to a farmer downstream. The water will be piped. He showed the location of the planned pump station, in the middle of the round-about. It will have landscaping around it. They have met with John Millar. Access to it meets city requirements.

Mike Ricks asked about the onsite irrigation system that would be required for this development. Mr. Kartchner indicated they wanted to discuss things with John Millar and the city, to look more in depth at the pressurized irrigation system, and also to look at the possibilities of exchanging underground water rights for not doing a pressurized irrigation system.

Mary Ann Beck, 796 West 7th South. She asked if the developer will provide her with the water that she needs. Troy Kartchner stated he will provide her with water– it will be piped to her. Mary Ann Beck asked the size of the pipe. Mr. Kartchner will work with the irrigation company to have the proper size of pipe.

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 of the hearing.

The Chair called a 5 minute recess, and then the meeting resumed.

The Commission discussed the Summerfield Planned Unit Development proposal thoroughly, including the thirty-one (31) proposed conditions of approval listed in the planning staff report. Setbacks, connectivity, open space, and the status of Block 11, Lot 27 were focuses.

Charles Andersen motioned to recommend approval to City Council of the Preliminary Master Plan and the Preliminary Plat for the Summerfield Planned Unit Development (PUD) at 12th West and 6th South, to include all of the thirty-one (31) conditions in the Planning Staff review, except to change condition number 9 (#9) to read “Side yard setbacks shall not be less than 5 feet.”

Thaine Robinson seconded the motion.

None opposed. **Motion carried.**

Proposed Conditions of Approval

General

1. The final master plan/final plat application for each phase shall include all required submittal standards and incorporate all conditions of approval.
2. All recommendations and requirements from the City Engineer shall be adhered to and incorporated in the submittal of each phase’s final master plan/final plat.
3. Language shall be clear in the CC&Rs that no approval granted by the HOA or Architectural Committee shall violate City Code (e.g. accessory structures, building heights, fencing, location of building on lot, etc.).
4. The final CC&Rs shall be reviewed and approved by the City Attorney prior the recordation of a plat.
5. Requirement of the underlying zoning prevails where no specific requested variation has been considered and granted in this PUD request.
6. The City’s clear vision area of 30-feet shall be observed. These areas shall be clear of all permanent and temporary obstructions. Driveways shall not be included in the clear vision areas as parked vehicles constitute a temporary obstruction. Vegetation and fencing in these areas shall follow City standards.
7. Block 11, Lot 27 shall be allowed to be a created lot in this subdivision of land, but shall not be considered part of this PUD master plan approval. This will require the owner of Block 11, Lot 27 to apply for a separate PUD in the future if he should wish to develop it as a PUD. All requirements of the LDR2 zone or current zone shall apply to lot 27, and no part of this PUD overlay shall apply to this lot.
8. No garages or car ports shall be located within 20 feet of a front property line in order to ensure adequate space for off-street parking (15-feet is not deep enough for the City’s parking standards) and to allow for a streetscape not dominated by garage doors, which is in harmony with planned unit development that seek a more traditional neighborhood ambiance. In addition, this reduced setback shall only be granted to allow for well defined

porch areas, not just the fronts of buildings. This would apply to all types of residential uses. Other land uses such as churches, parking lots, etc shall maintain the setbacks as required under the LDR2 zone.

9. All side yard setbacks shall not be less than 5 feet.
10. All rear yard setbacks shall follow those as defined in the LDR2 zone, rather than the 15-foot fixed setback as requested.
11. If final platting requires adjustments to lot dimensions, then those changes shall be substantially the same as those found on this preliminary plat. If changes are substantially different than what is found in the preliminary plat proposal then the applicant shall re-submit a preliminary master plan/preliminary plat.
12. The City Engineer may determine that any of the roads may function as collector roads which may need greater right-of-way. The applicant shall discuss this with the City Engineer and any required modifications shall be shown on the final plat.
13. The developer shall explore safe routes to school, specifically the new elementary school and the new high school. Proposed improvements should receive support by the Madison School District, the City's Traffic Safety Committee, and the City Engineer, prior to submitting for final plat approval for any phase. The proposed improvement shall include improvement details, costs of improvements, agreements between parties for funding, and a timeline for installation of improvements. Bonding for improvements may be required as part of the development agreement the developer will make with the City of Rexburg, as determined by the City Engineer.
14. The applicant, in promoting pedestrian connectivity and safety, has provided an easement, or access way in the south east portion of the PUD which is intended to provide a pedestrian connection from the PUD to 1000 South (7th South). Unfortunately, when overlaying the proposed PUD on an aerial photo this connection appears to interfere with the property to the east and therefore, the applicant shall provide more information as to the connection's feasibility during the final master plan/final platting for this phase, which is Phase 1.
15. In order for the City to maintain an efficient transportation network in and around the proposed PUD, the applicant shall provide additional road connections to adjacent property and roads consistent with Figure I (see below after *Proposed Conditions of Approval*) of this staff report, or as modified by the City Engineer.
16. Traffic Impacts- the development shall incorporate all recommendations found in the provided traffic impact study. In addition, the development shall incorporate to all onsite and offsite improvements to streets and roads that the City Engineer may

identify as being necessary to mitigate impacts of the proposed development.

Performance Standards

17. Utilities- All new utilities must be placed underground.
18. Water Conservation- The final master plan for each phase shall show, in sufficient detail, how the proposal will incorporate low volume irrigation systems throughout the landscaped areas of the development.
19. Individual lot owners shall be required to incorporate low volume irrigation systems throughout their landscaped areas; this requirement shall be stated in the CC&Rs under Section 4.13.
20. Refuse Bins- Individual trash bins shall be screened from the public right-of-way on days of no trash service in the neighborhood.
21. Future trash receptacles intended for trash service pick-up and that are placed in the common areas such as proposed parks must be screened in a manner that is similar in material and character of the neighborhood. This shall be incorporated in the final CC&Rs.
22. Glare Reduction- The proposal must adhere to the City's lighting standards , details shall be provided with the final master plan/final plat for each phase.

Common Open Space

23. Required Common Open Space- The applicant shall consider not only proposing an open space/park at 10 acres in size, but shall also work with the City in determining if this area should be a City park.
24. Maintenance- As the common areas are proposed to be private rather than public, the homeowners association shall be responsible for common space maintenance. Until such time as a homeowners association is established, the applicant or owner of record shall be responsible for all maintenance of common areas and all unsold lots.
25. Hardscape- In order to determine hardscape percentages the final landscape plan, submitted with the final master plan, shall provide detailed information on hardscape percentages.
26. Common Activity Areas- areas need to be provided at a ratio of 1000 square feet per single family lot, which amounts to 11.5 acres of common activity area for this PUD. These area need to include playground equipment or pathways with benches and tables through natural or landscaped areas. This requirement shall be shown on the final landscape plan to be submitted with the final master plan/final plat application for each phase.

27. Landscaping Per Unit- The applicant has not addressed this requirement during the preliminary master plan/preliminary plat phase, therefore the final master plans for each phase shall reflect this on landscape plans. In addition, the final CC&Rs shall have the PUD ordinance requirement written into the CC&Rs. The final landscape plan shall to consider solar access as required by the PUD ordinance in the placement of deciduous and evergreen trees.
28. Water Conservation- The final landscape plan shall identify drought tolerant species 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.

Master Plan Approval Time Limitations

29. The proposed preliminary master plan/preliminary plat shall expire within two years of approval if a final master plan/final plat has not been reviewed and approved by the City within that time. This requires that a complete final master/final plat for phase 1 be submitted to the City for review and approval within 1.5 years of approval of this preliminary master plan/preliminary plat or the preliminary master plan/preliminary plat will expire.
30. Each additional phase (or remainder of unplatted portions of the proposed preliminary master plan/preliminary plat) shall expire within two (2) years of the approval of a previous phase in the order as shown on the proposed preliminary master plan, unless a final master plan/final plat is reviewed and approved by the City within that time. This will also require the complete application for a final master plan/final plat be submitted to the City within 1.5 years of the previous approval.
31. An extension of up to one year per phase may be requested by the applicant. A request for extension must be reviewed and approved by the Planning and Zoning Commission prior to any expiration date. In addition, once a final plat has been approved by the City, it must be recorded with the County within 6 months or it becomes null and void.

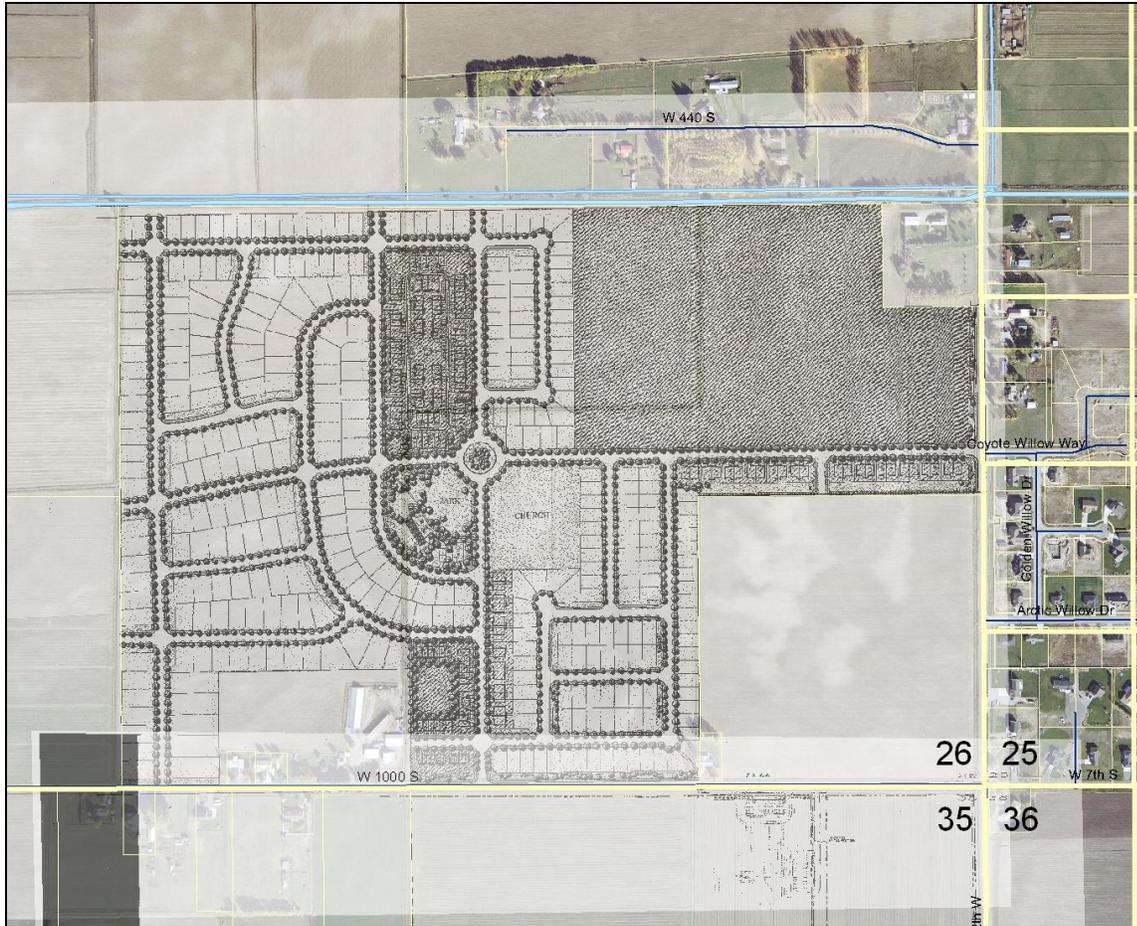


Figure 1. Potential Additional Road Connections

New Business:

Final Plat – Pinebrook Estates Division 2

Kurt Roland, Schiess & Associates, 7103 S. 45th W. Idaho Falls, representing Curtis Ferney, stated that they have addressed all concerns of the City Council. The main concern was the southeast corner of the development and the 2 cul-de-sacs. They had a neighborhood meeting here at the city where the consensus was reached that no one wanted the street to go through. He pointed the area out for the Commission. Lot 12 will be a walking path to the planned park. All staff comments on the final plat have been addressed. They are currently working on a new name for Cottonwood Drive.

The Commissioners questioned the developer about the proposal.

The developer may decide to turn Lots 1 and 2 into one lot, with the house facing on McJon Lane. They stated they would be fine with direct lot access onto 12th West not being allowed.

There will be a 30 foot berm from Hwy.20 for those lots that are on that side of the proposed development..

Mike Mitchell, 1070 McJon Lane, is concerned about the 2 cul-de-sacs that come on to McJon Lane. He and a neighbor assume eventually their properties will most likely be annexed into the city in the future. He and the neighbor would like the intersections moved to line up with property boundaries.

Curtis Ferney, 67 Winn Dr. Suite 100, stated they already have moved the planned roads three times, according to the city recommendations. This change would be the fourth move. He has had to pay for the changes each time. They have done everything they can to address the city staff issues. They had the roads situated at the area Mr. Mitchell pointed out, but the roads were moved to follow the grid lines per city staff request. He appreciates Mr. Mitchell's comment but wonders how many times they will have to make a change. He wondered what the determining factor is to these concerns.

Chairman Dyer asked for John Millar's input.

John Millar stated he was not involved with the first discussion for the roads to align with the grid line system, but he had wanted elimination of some of the cul-de-sacs for maintenance reasons. He stated that Mike Mitchell's statement is correct on where the roads align. He did not know the feasibility of getting 4 property owners to agree to put a road through where it is being requested.

Kurt Roland said the planned roads are on the grid line system.

Chairman Dyer asked what the issue was for Mike Mitchell. No one has come forward with any plans for future development.

Mr. Mitchell feels little can be done with the 4 1/2 acres he will have if the proposal is approved as the developer has planned it. He has no formal development plans at this time.

Kurt Roland said everything for the proposed development is staked. He pointed out the planned roads again for the Commissioners.

The Commissioners discussed the proposal.

Dan Hanna motioned to recommend approval to City Council of the final plat for Pinebrook Estates Division 2, with the condition that all lots fronting 12th West will have no access onto 12th West, and requiring that the Development Agreement with the city be in place prior to the final signing of the plat. **Ted Hill** seconded the motion.

There was a brief discussion with John Millar on the proposed development's water and sewer lines, which will be formally addressed in their Development Agreement with the city.

None opposed. **Motion carried.**

Unfinished/Old Business:

Compliance:

Non controversial Items Added to the Agenda:

Kirby Forbush – Willow Brook Estates Division 5 Final Plat - Clarification on ribbon curbing

Kirby Forbush, 3800 W.1000 N., addressed the Commissioners, asking for guidance. The City Council informed him that they had passed a ribbon curbing ordinance in January of this year which requires ribbon curbing in Rural Residential 2 (RR2) zones. When he presented the preliminary plat in 2003, that ordinance was not in place. The other phases of Willow Brook Estates do not have ribbon curbing. He is not opposed to putting in ribbon curbing, but aesthetically, it will not look right.

Thaine Robinson commented it is in the tax payers' best interest to have ribbon curbing, as it preserves the road.

Stephen Zollinger said the Commission could send a recommendation to City Council, to consider that this ribbon curbing be placed on an LID for the development to be brought up to city standards.

The Commissioners continued to discuss the issue and ask questions of Stephen Zollinger.

Chairman Dyer stated this situation is unique as the development started out in the impact area. There is no development agreement.

Kirby Forbush agreed that ribbon curbing is a good idea to preserve city roads. If there is consistency, either all ribbon curbing or no ribbon curbing in this entire development, it would be alright with him.

Mike Ricks supported the idea of an LID for this subdivision's ribbon curbing.

Charles Andersen motioned to recommend to City Council that the developer provide ribbon curbing to Willow Brook Estates Division 5 if the city implements an LID for ribbon curbing for the rest of the Willow Brook Estates subdivision to bring it up to city standards. If an LID is not imposed, then ribbon curbing should be waived on Willow Brook Estates Division 5. **Dan Hanna** seconded the motion.

The Commissioners discussed the motion.

Those in Favor:

Those Opposed:

Randall Porter
Winston Dyer
Mike Ricks
Thaine Robinson
Charles Andersen
Ted Hill
Dan Hanna

Richie Webb

Motion carried.

Report on Projects:

Tabled Requests:

Building Permit Application Report:

Heads Up:

Chairman Dyer adjourned the meeting at 11:25 pm.