

magazine. Rather than having one long building, they are breaking the buildings up into smaller units. The buildings will be connected with shared flights of stairs and a breezeway. Each building would be 120 feet long, with a different roof line level.

The elevations were shown on the screen.

Chairman Dyer noted the developers are taking advantage of the PEZ Zone in reduction of parking spaces. Are they intending to provide some spaces in the universal parking area that the University is planning?

Chris Carr said they are not intending to provide parking spaces at this time in the universal parking area that the University is planning.

Chairman Dyer said in return for the reduction in parking offered in the PEZ Zone, there are some requirements for the developer in terms of making the project more pedestrian friendly, including pathways and connectivity, bicycle parking, etc.

Christopher Carr said they will provide 67 or 68 percent parking, so they are not reducing parking spaces a lot. They will comply with the PEZ ordinance. Additional bike parking is not planned at this point. They currently have 130 covered, lighted bicycle stalls. It is felt this amount is more than enough – they are at 200 percent. The sidewalk follows the entire length of the property and is and will be well maintained by the complex.

Thaine Robinson asked how many parking stalls are planned

Mr. Carr said they will have approximately 450 spaces by the end of the project.

Thaine Robinson asked what was going down the center of the parking lot shown on the site plan layout.

Mr. Carr said the center is a median for dumpsters that they will enclose, a maintenance facility, and snow storage areas. It will be pedestrian friendly. Potentially they would like to add volleyball or basketball courts.

Thaine Robinson said the PEZ Zone offers some leniency to the developer, but he does not see on this site plan any green scapes or other amenities for the students such as a basketball court. All that is shown is a lot of parking spaces. He asked about snow storage and removal; the intended areas were pointed out on the projected map by the applicant.

Mr. Carr said there will also be areas for a basketball or volleyball court that could also store snow. They may haul snow out or around back on the street side.

Mary Ann Mounts said her car was booted at Nauvoo House. She asked how many visitor parking spaces are planned and if they would be designated as visitor parking

Christopher Carr said the requirement is 10 per cent, which they will provide. The visitor parking spaces will be designated.

Mary Ann Mounts said she is concerned that there will be a problem with booting of cars in the PEZ Zone when parking only a few minutes, as students pick up other students. She would like to see more visitor parking as part of the PEZ Zone ordinance.

Mr. Carr said booting solves a problem and gets the message across.

The elevations of the buildings were again shown on the overhead screen. Mr. Carr said there are 3 units per building – one on the lower elevation and two on the higher elevation, with a breezeway/ staircase connecting the buildings.

Mary Ann Mounts wondered about breezeways in this climate.

Christopher Carr said the breezeways could be enclosed in the future; they want to comply with the rules.

Chairman Dyer asked if there was any information Val Christensen could give the Commission to help them understand the proposal.

Val Christensen feels the proposal is straightforward; he stated he would address concerns when he presents his staff report after public input.

Mary Ann Mounts commented on this proposal not matching the existing buildings on the other side of the property; this could be addressed during design review.

Chairman Dyer said the other side was built prior to design standards being in place; now there is the requirement to break up a long wall.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input:

Letter from Brigham Young University Idaho (Philip Packer) – in favor of the proposal, read by **Chairman Dyer**.

Chairman Dyer closed the public input portion of the hearing

He clarified the reason for this Conditional Use Permit - the existing complex is over 24 units and the proposed project would add 45 more units. According to the City's Development Code 926, any project over 24 units in the High Density Residential zone requires the proposal to come before the Commission to request a Conditional Use Permit. He asked Val Christensen for his staff evaluation.

Val Christensen stated in a meeting between the City and BYU-I representatives, the University requested that the Nauvoo House property owner and the property owner to the south of this project create a pedestrian path (addressed in proposed condition #1 in the Community Development staff report). The area was pointed out on the projected map. In the Pedestrian Emphasis Zone ordinance, the working together of adjacent property owners is encouraged to allow pedestrian access easements. The two property owners could possibly each do 5-feet of a 10-foot wide pathway. This issue is the main one that the City would like conditioned. Each project/property in the PEZ Zone is looked at independently. Snow storage/removal is an issue and could be conditioned. Making sure visitor parking stalls are marked is important, as brought up earlier by Commissioner Mounts.

Nephi Allen asked the exact parking required in this instance.

Val Christensen said it is a floating number. The Commission could determine the reduction, as this proposal is in the PEZ zone. It may depend on the amenities the developer is going to do.

Chairman Dyer said the minimum for parking is 10 per cent of the number of units for visitor parking (68 to 70 visitor parking spaces). That is the bare minimum. There could be no parking at all for the new units.

Nephi Allen asked how many parking spots are shown on the projected site plan.

Mr. Carr said 450 parking spots were the total.

Chairman Dyer asked Val Christensen to address Design Standards.

Val Christensen said the project would have to come before the Design Review Committee prior to the issuance of the building permit. One item would be if the stairway is set back enough visually to give the appearance of a separate building, visually breaking up a long wall.

Discussion continued.

Chairman Dyer said the question before the Commission tonight is, shall a conditional use permit be issued for this proposal, and if so, what conditions should be attached to it?

Gil Shirley said his only concern is snow removal; he does not think there is enough room in the snow storage areas indicated and feels some snow may need to be hauled away. He thought that this issue should be addressed in a condition.

Thaine Robinson thought that there should be a condition that the plans show where a play court is going to be located. The parking lot on the projected site plan looks like a bone yard. He also felt there should be a condition that the visitor spaces be marked.

Chairman Dyer said they are looking to densify in this PEZ zone area close to campus; this project fits well. The only concerns he has are those that have been expressed about functionality and operation.

Mary Ann Mounts feels this proposal is a good project, although she pictured the new addition matching what already exists. She has always liked how Nauvoo House looks; it is well built and kept up nicely. She feels that as long as requirements and conditions are met, it is great to finish the area.

Thaine Robinson motioned to recommend approval to City Council of a Conditional Use Permit for Nauvoo House, at 175 West 5th South, to include the eleven (11) proposed conditions of approval in the staff report plus 3 additional conditions - **#12**: The site plan shall show the location of the play court(s) and other amenities; **#13**: Visitor parking stalls shall be marked; and **#14**: A snow removal plan shall be reviewed and approved by the City; – a total of fourteen (**14**) proposed conditions of approval. **Gil Shirley** seconded the motion

None opposed. **Motion carried.**

Chairman Dyer suggested that, due to the expense of designing a building of this size, a design review meeting should be scheduled in the near future.

***Nauvoo House
Proposed Conditions of Approval***

1. Work with adjoining property owner to the south to create a pedestrian pathway on the south boundary of this project. Dedicate 50% of the land required for this path, provide 50% of construction cost and provide an easement for its use. The Community Development Director shall approve the path as part of the Site Plan Review.
2. Stairway construction between buildings shall be designed in a manner to clearly emphasize the breakup of length of the buildings. The Design Review Committee shall meet prior to the issuance of building permit to review and approve the design.
3. Trash dumpsters/receptacles shall be located within the interior (behind front building line, but minimum is required setbacks) of the lot and shall be enclosed.
4. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, etc. shall be submitted and approved by the City prior to the issuance of a building permit.
5. Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance.
6. 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.
7. Sidewalk and pathway maintenance to be performed as per the PEZ Ordinance.
8. Parking Contracts to be approved by the City Attorney.
9. Requirements of the PEZ Zone Ordinance to be applied to this project.
10. Buildings to meet design standards.
11. Storm drainage and other Engineering considerations to be reviewed and approved by the City Engineer.
12. The site plan shall show the location of the play court(s) and other amenities.
13. Visitor parking stalls shall be marked.
14. A snow removal plan shall be reviewed and approved by the City.

7:25 pm – Conditional Use Permit – Kartchner Student Housing – 6th South and 4th West

Troy Kartchner, Kartchner Homes, 601 West 1700 South, Logan, Utah. He stated that the Commissioners were shown the conceptual plan of this proposal at their last meeting. They have named the project Southgate and Northgate. A map of the projected area was shown on the overhead screen. He pointed out where they will put in 4th West. They hope to work with neighboring property owners to put in 6th South, the entire road. He pointed out where they wanted to connect roads safely to the University. They want to make sure that their development agreement includes that they are eventually able to recoup 100 per cent of those costs.

They requested a Vacation of 31-feet of the 6th South right-of-way, from 4th West to 3rd West; in return they will landscape and put in a 12- foot wide pedestrian bike path.

Troy Kartchner stated they are very concerned about the parking they provide and have worked hard to get their numbers up. There will be 81 and 85 percent parking for the north and the south parcels of the project. They are farther away from campus than some of the other single student complexes.

Mr. Kartchner also pointed out areas planned for snow storage. They feel there is room for adequate snow storage that meets the requirements. They may need to add an access in order to get to some of the snow storage.

There will be 288 living spaces for men and 324 living spaces for women. There will be a clubhouse for each. There will be 12-plexes and 4-plexes. Every bedroom has its own bathroom. The exterior elevations were shown on the over head screen. Mr. Kartchner stated they are working hard to meet the City's design standards on all elevations. The clubhouse was also shown. Each will be central to the complexes. They will be townhome style and two-story, with more green space for the tenants and more walkable areas. They want to have a place where people want to come for the long term. Storage in the winter for bikes will be inside in the basement of the clubhouses. The bikes will not have to be in apartments or out in the weather. There is also a large porch for bikes in front of the units. There will be exterior bike parking also to accommodate summer bike use.

Proposed condition #1 in the staff report addresses not creating a traffic access through the parking lot that connects 7th South and 6th South. The developers want good access in and out of the project. They may use speed bumps and signs to discourage through traffic.

Chairman Dyer asked if they had thought of making the 7th South access fire vehicle accessible only, possibly with a break-away gate.

Troy Kartchner said that may be a possibility. They will do a traffic study (stated in conditions) per the request of City Engineer John Millar.

Thaine Robinson said the snow storage areas shown indicated that the south lot, which is the smaller lot, will have five locations for snow storage. The north lot, which will have more beds, shows only one snow storage area.

Troy Kartchner clarified that they will push the snow from the north to the south, or they will haul it away.

Chairman Dyer asked if the 4th West access had been discussed with the City Engineer. It had not.

Thaine Robinson suggested that possibly the 4th West access could be right turn only into the complex, with the other access being an output.

The 7th South access could also be right turn only.

Discussion continued.

Chairman Dyer asked if the pedestrian pathways shown on the site plan are 5-foot wide sidewalks. Troy Kartchner said they are that width.

Chairman Dyer said the pathways may need to be wider because of the amount of people that will be using them.

Troy Kartchner said they are willing do so, but he would like others on board to do this too - for it to be carried out as bike and pedestrian friendly throughout the PEZ Zone. He does not mind being a pioneer, but he would like a plan that would generate where paths will be and where they should go, with everyone participating. He suggested if the City would like 6-foot wide sidewalks, they should adopt that and then require it.

Chairman Dyer asked Troy Kartchner if the Commission made it a condition of approval that he would build substantially in conformance with the building elevations and plans shown at tonight's meeting, if that would be agreeable.

Troy Kartchner said he would not have a problem with that. He would not show something that they were not going to build.

Chairman Dyer said that at the last P&Z meeting, he had questions on the staggering of the buildings, and it appears his concerns were answered in the elevations shown tonight, because they show a lot of relief in texture and change in roof lines, etc.

Chairman Dyer asked Val Christensen for any input he had to help the Commissioners understand the proposal.

Val Christensen stated that the Commissioners needed to be aware of the storm drainage ditch that runs through part of the property. They also should look at the bigger picture of the PEZ Zone and where this property is located.

Ted Hill asked where the drainage ditch ended.

Val Christensen pointed out the ditch; it goes across 7th South and goes into the canal.

The City owns the drainage ditch.

Thaine Robinson asked if there was a safety issue with the fault line running on the property that they needed to be concerned with.

Val Christensen said the City has not expressed so in the past.

Chairman Dyer asked what the plans are for the ditch.

Troy Kartchner said they will pipe it. They have discussed this issue with John Millar.

Chairman Dyer opened the public input portion.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer declared the public input portion of the hearing closed and asked Val Christensen for his staff evaluation and recommendations.

Val Christensen stated the single biggest issue is the through traffic problem within the development— staff would recommend a serpentine rather than straight shot parking lot. Flipping the center could be looked at. He stated that staff had no problem with the 7th South access, which was earlier suggested as fire only. There are a lot of possibilities. Snow storage concerns will be addressed at the time of the building review. The project may need additional snow storage area. Mr. Christensen said that if the Commission puts the shown elevations as a condition, he would suggest that it be considered as the design review being complete, so there would not have to be an additional meeting for the project. In addition, they are looking for wider sidewalks as a route to the college is defined. However, is a wider sidewalk for pedestrian access to be looked at on this level?

Chairman Dyer said a conditional use permit is required in this zone (High Density Residential 2) due to the fact that there will be over 24 units in this complex. The question before them is should they approve this CUP, and if so with what conditions. He noted the Commission had some issues from the discussion they may want to address— the storm drain ditch, marking visitor parking, a snow plan, and building plans substantially in conformance with what was presented tonight.

The Commissioners discussed the proposal.

Mary Ann Mounts stated that speed bumps may not solve the avoidance of a through traffic access within the project.

Thaine Robinson complimented Troy Kartchner on the project, saying it was very refreshing to see good design standards on the building drawings presented that are up front and in place, and that adhere to the design standards. Other Commissioners agreed.

Sidewalk width was discussed.

Thaine Robinson motioned to recommend approval to City Council of a Conditional Use Permit for Kartchner Student Housing, at 6th South and 4th West, to include the fourteen (14) proposed conditions of approval in the staff report , plus 5 additional conditions - **#15:** Visitor parking stalls shall be marked; **#16:** A storm drainage ditch plan shall be approved by City staff; **#17:** A snow removal plan shall be approved by City staff ;**#18:** The building elevations shall be substantially in conformance with those plans presented at tonight’s meeting , and that these elevations are accepted as the completed design review, and **#19:** Staff shall work with the applicant in figuring the width of pedestrian path sidewalks that leave the project property – a total of nineteen (**19**) proposed conditions of approval. **Mary Ann Mounts** seconded the motion.

Thaine Robinson amended his motion to include that proposed condition **#1** shall have the added words: “*Applicant shall work with City staff on a plan...*”. **Mary Ann Mounts** seconded the amended motion.

None opposed. **Motion carried.**

***Kartchner Student Housing
Proposed Conditions of Approval***

1. *Applicant shall work with City staff on a plan so that a through traffic access is not created through the parking lot that connects 7th South and 6th South.*
2. Provide an Engineered Traffic Study.
3. Provide a Development Agreement that will include but not be limited to the widening of 7th South, the construction of 6th South and 4th West, the construction of the bridge over 4th West and all infrastructure adjacent and extending through the area of the project. This Development Agreement must be approved by the City Engineer and the Community Development Director.
4. Council approval is required for the use of 4th West right-of-way.
5. Provide buffering on the east and north sides of the northernmost parking lot.
6. Trash dumpsters/receptacles shall be located within the interior (behind front building line, but minimum is required setbacks) of the lot and shall be enclosed.
7. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, etc. shall be submitted and approved by the City prior to the issuance of a building permit.
8. Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance.
9. To encourage alternative travel options, i.e. bicycling, bike racks and hard surface must be provided. Location of racks need to be shown on revised site plan. This requirement is identified in the PEZ Ordinance.
10. Sidewalk and pathway maintenance to be performed as per the PEZ Ordinance.
11. Parking Contracts to be approved by the City Attorney.
12. Requirements of the PEZ Zone Ordinance to be applied to this project.
13. Buildings to meet design standards.
14. Storm drainage, snow removal area and other Engineering considerations to be reviewed and approved by the City Engineer.
15. Visitor parking stalls shall be marked.
16. A storm drainage ditch plan shall be approved by City staff.
17. A snow removal plan shall be approved by City staff.
18. The building elevations shall be substantially in conformance with those plans presented at tonight's meeting, and that these elevations are accepted as the completed design review.
19. Staff shall work with the applicant in figuring the width of pedestrian path sidewalks that leave the project property.

New Business:

1. Preliminary Plat – Lille Landsby Subdivision

Kurt Roland, Schiess & Associates, 859 South Yellowstone, representing Neal Smith. They have spoken with staff on the proposal. The site plan was shown on the overhead screen. They plan on putting in four lots at the project property located on North 5th West, and they will build residential homes and a 24-foot private drive going through the property that they will maintain. A hammerhead turnaround will be provided to accommodate fire department vehicles. They will do their own snow removal. The zoning is Low Density Residential Two (LDR2). An aerial map of the property was projected on the screen.

Chairman Dyer asked the size of the homes.

Developer Neal Smith (in the audience) said they would be small starter homes. The driveway is against the south property line.

Kurt Roland said there is enough room for the required setbacks.

The 10,000 square foot lot size includes the driveway.
The minimum lot size requirement in LDR2 is 8,000 square feet.

Neal Smith, in answer to **Chairman Dyer**, stated that Lot 4 faces 5th West.

Kurt Roland said the layout is tight but these will be small houses.

Mr. Smith said the square footage of the homes including garages is 1200 square feet. The utilities will be privately maintained, rather than being maintained by the City. There will be an agreement between homeowners should the utilities require repairs.

Chairman Dyer asked Val Christensen for staff input.

Val Christensen said his review comment states that this preliminary plat complies with the Development Code 926 ordinance. The private drive does not take up any more space than would a driveway. There are still the required setbacks that needed to be met. They still have to get their green space. There is room for these homes, along with the needed yard requirements. The lots are big enough that with a conditional use permit, duplexes could be put on them.

Neal Smith said duplexes are not planned, only single family homes.

The Commissioners discussed the proposal.

Mary Ann Mounts motioned to recommend approval to City Council of the Preliminary Plat for the Lille Landsby Subdivision on North 5th West. **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

Kurt Roland complimented the City on the beautiful new Council chambers.

Unfinished/Old Business:

1. Mixed Use Zones - Discussion

Val Christensen stated that at the last P&Z meeting, the Mixed -Use 1 (MU-1) zone was discussed. It may be less dense and more of a buffer for single family residential than Mixed-Use 2 (MU-2), which will probably be located near Brigham Young University-Idaho and near commercial. The PEZ Zone was discussed as an overlay for MU-2, and potentially to let the geometry of the buildings themselves dictate the density. It was seen as necessary to get with the University, as one concern brought up in the discussion was the areas south of 2nd South and up to 1st South being better at high density, and potentially mixed use. There is potential for the area to be MU- 2. They also discussed College Avenue and the potential problem of coming in medium density, but if trying to go to high density, the Comprehensive Plan Map (Preferred Land Use Map) is designated as Mixed Use. There was discussion of changing the map to high density. There also was the possibility that the University would not want a commercial use within one of their single student projects. Yesterday the City met with representatives from the University (Sharon Tuckett, Philip Packer, and Charles Andersen). It was felt that mixed - use may not be workable if a compromise is not found. In the spirit of compromise, the representatives will communicate with officials at the University and will come back to the City with information. Mr. Christensen would like to wait on proceeding with the Mixed-Use Zones until hearing back from the University.

Mr. Christensen said that Rachel Whoolery, who last year was granted a conditional use permit for dormitory style housing at 165 South 1st East, brought a question to him today about this very issue. She owns four homes; the area was shown on the overhead screen. She is present tonight to tell of her dilemma. The current zoning here is Medium Density Residential 1. In order for her to redevelop, she would want to up- zone, but the only zone change she could ask for is Low Density Residential, as the Comprehensive Plan Map shows Low Density Residential. If the homes were torn down, a complex could not be built. Medium Density should have extended another half block on the Comprehensive Plan Map.

Rachel Whoolery addressed the Commissioners regarding the status of her property and its Conditional Use Permit.. She requested and was granted a year to explore redevelopment possibilities, so she is reporting back. The Medium Density Residential 1 zone allows 16 units per acre. She has eight units on half an acre, so she is at full density. The City's plan in that area was to see the homes possibly torn down, combined and replaced by complexes. The overlay is incongruent with the underlying zone. Other property owners might also be affected

Chairman Dyer thought it would facilitate matters if the property owners were to get together to express support for a change; they could come in for a Comprehensive Plan Map change and then a Zone change.

There was discussion.

If the City initiated the change, there would not be a cost to the property owners.

Stephen Zollinger said they created a PEZ Zone that is incongruent with the underlying zone. They have got to bring the two back together, or they need to write the PEZ Zone in such a way that it overrides the underlying densities as long as certain conditions are met.

Stephen Zollinger and Val Christensen stated that the City would initiate the changes to the Comprehensive Plan Map at the next opportunity.

Discussion continued.

Rachel Whoolery will investigate (through a letter) if surrounding property owners would support a Comprehensive Plan Map change in favor of high density and/or mixed use.

Rachel Whoolery's Conditional Use Permit is requiring a parking lot to be put in or that she act on the PEZ Zone opportunity by June 2010.

The Commission decided that the Rachel Whoolery Conditional Use Permit (#09 00522) may be in a hold status until changes occur regarding the Comprehensive Plan Map.

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

Chairman Dyer reported briefly on the Design Review Committee meeting today for Great Harvest Bread Co., which is relocating to 19 East Main, the former City Annex building.

The Commission came to the decision to cancel the October 15th P&Z meeting.
The next P&Z meeting will be November 5th.

The meeting was adjourned at 9:50 pm.