

open. He appreciates the willingness to listen. He would never have dreamed of putting up a 5-story building a year or two ago. He referred to his submitted site plan, which was shown on the overhead screen. Mr. Birch has no problem with the proposed conditions of approval in the Community Development Department staff report. He pointed out the building location and where dumpsters will be located. Lighting will be per City requirements. Mr. Birch said the entrance to the building will lead into a lobby similar to a motel's, with a manager desk area and a laundry facility. Outside the building there will be bicycle racks for the convenience of the students. He wants to have an eight-foot sidewalk, which will be adequate for college students and other pedestrians/bikes. All PEZ Ordinance requirements will be addressed at the time building plans are submitted for review. Storm water will remain on site. An infiltration system will be used.

Trent Birch said the property is buffered from surrounding properties by existing cedar and chain link fences. He plans to improve on these buffers. He enjoys working with the City when he is doing his architectural planning. He has no problem with City ordinances because he knows they are there for a reason. There is expense involved in changing architectural plans. The submitted site plan addresses much information, such as number of beds, and number of parking spaces on surface and underground. When the architectural design is addressed, all site plan issues will also be addressed.

Thaine Robinson asked for clarification of why a Conditional Use Permit(CUP) is needed for this project.

Val Christensen said the reason is two-fold: for the density and because of the parking (PEZ).

Chairman Dyer asked Mr. Christensen if there was a higher level of site plan than what they have before them.

Val Christensen said there was not. He said Mr. Birch was asking if the Commission is okay with the general layout of the building and the look of the building; is the Commission okay with the density and the parking? Mr. Birch would like to get past this stage before he commits to the costs of an architect.

Chairman Dyer said the Commission needs a site plan that clearly addresses parking, aisle spaces, access points, etc., in order to make appropriate conditions of approval.

Mr. Christensen said this site plan does show the footprint of the building and the parking area and underground parking facility. It also shows the areas where there will be landscaping and an approximate setback that appears to have plenty of space. Everything will be reviewed and put in by City standards. Can they live with the density and the parking in this location that Mr. Birch is asking for? All other issues could be worked out and even brought back to the Commission if there are concerns.

Dan Hanna said he was comfortable with this information.

Trent Birch stated he wished he had a printed set of plans, but the cost involved is high.

Chairman Dyer said the Commission is not looking for an architecturally designed building. They need a site plan that helps them to understand the parking demands, aisle spaces, buffer spaces to neighboring properties, access locations, etc., in order for them to make appropriate conditions of approval. These are all things to be considered when siting a development like this one in a neighborhood. It looks like the cart is ahead of the horse.

Trent Birch said the building will sit in the center of the property. There will be the necessary fire truck lane. This development will have the first underground parking in Rexburg. The underground parking will be for compact cars. He asked for Val Christensen's assistance to explain the issue. Val Christensen said it appears Mr. Birch will have what he needs in regard to enough room on the property. The question is – is this group willing to give him a CUP based on the items that were asked for by staff? He said there appears to be room for the underground parking structure proposal. The aisles will be about 58 feet. Compact space would be 8' by 15' with a 22-foot aisle. Mr. Christensen said that Trent Birch is asking to go ahead with the Conditional Use Permit with the premise of the idea more than the specifics.

Dan Hanna said Trent Birch's parking plan is at the minimum requirement of the PEZ Zone, with 46 visitor spaces.

Thaine Robinson asked where the entrance and the exit for the underground parking will be, as he cannot tell the location from the provided site plan.

Trent Birch pointed out the entrance/exit location. There will be assigned parking. The housing will be for girls. The majority of the cars they drive are compact size, according to his observations. There will be more than adequate parking (surface) for larger vehicles.

Val Christensen said if a developer wants to build a parking structure in town, the City is not going to require that they have full size spaces or compact size spaces. The developer would just have to meet the requirements for a parking structure.

Chairman Dyer said he cannot clearly see the surface parking on the presented site plan. There is a mechanism for bringing “what-if” discussions to the Commission, but this a public hearing for a conditional use permit.

There is not a site plan at this time that shows the specifics of parking. Val Christensen said that such a parking plan could be part of the conditions for this conditional use.

Trent Birch said site plans are costly; he wants to be sure he can move forward.

The site plan states the number of surface parking spaces (90).

Chairman Dyer feels they are in the wrong venue. A conditional use permit is being asked for without the Commission having the details of how this site will lay out, etc. The project needs to be worthy of getting to the conditional use permit stage. He is struggling, as there is not enough specific information. He thought they could take public input, discuss the proposal, and then the Commission could discuss how they want to proceed with the proposal.

Nephi Allen asked if a conditional use permit is granted if they would see the project again as part of the procedure.

Val Christensen said the Commission would probably not see it again unless stipulated in the conditions. The project would go to staff for review to make sure all City requirements and any P&Z conditions are met.

Trent Birch said he would be happy to come back with further information if the Commission found it necessary.

Thaine Robinson asked if a Conditional Use Permit that involves a development of this size will go on to City Council.

This CUP will go to City Council. The P&Z Commission will make a recommendation.

Thaine Robinson asked about the existence of lava rock on the property. There is a hole on the subject property when another building was previously demolished there.

Trent Birch said there is no lava rock on the property. The soil is very good.

There is an area on the site for storage of storm water; Mr. Birch has spoken with the engineers.

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

Val Christensen said the site plan submitted is hard to see, but this plan has a lot of information on it. The plans Mr. Birch went over with Mr. Christensen were clearer. The bottom line is the parking; there is plenty of setback from the road, the entrances are clearly identified, and there is room for underground parking. His concern at this level is whether or not the location, the height of building, and what they want to have provided for PEZ zone requirements is sufficient.

Thaine Robinson asked for clarification of this project.

Val Christensen said the plan is for a 5-story apartment building of single student housing, with 77 units, with 462 students and 60% parking (with one manager space). Staff will do a close examination of the specifics. There would possibly be a Design Review meeting at the time of a building permit application. The question is: is the amount of parking adequate for this area? Is the density adequate for this area? The applicant needs to meet requirements of the PEZ zone - this would be examined at the submission for a building permit for the project. Wider sidewalks and bicycle parking, etc. will be provided. The Commission could also condition this proposal to bring in clearer plans if they wish to do so. The applicant would like a nod that he is moving in the right direction.

The Commissioners viewed the projected zoning map, to see this property and the area around it. This property was approved for a zone change to High Density Residential 2 (HDR2), at last night's (March 17) City Council meeting.

The applicant is asking for the extended higher density (77 units are being asked for rather than the 66 units by right) and the PEZ parking - thus the necessity of a Conditional Use Permit.

Val Christensen apologized to the Commissioners for the plans being difficult to read. He requested clearer plans, but he was asked by Mr. Birch to move the CUP application forward due to Mr. Birch's financial considerations and concerns, etc. Mr. Christensen told him he would attempt to do so.

Chairman Dyer said the more they discuss issues, the better they understand them and can act on them. He appreciates everyone's patience while the Commissioners have talked through this matter to clarify what is not evident in the initial proposal.

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 staff evaluation.

Val Christensen said he has spoken with City Engineer John Millar, who wanted to look at traffic movement coming in and out of this facility (**Chairman Dyer** pointed out the 2 accesses). Mr. Millar will review this issue at a later date and is not too concerned at this time. Conditions regarding snow storage, lighting, landscaping, bike racks, and requirements of the PEZ Zone including pedestrian- friendly pathways, etc., will be provided to comply with City Standards. The applicant said he would provide 8- foot wide sidewalks. Storm drainage needs to be on site. It could be detention versus retention, but that will be determined by the engineers.

Chairman Dyer said the PEZ zone requires guest parking and asked if that has that been figured in.

Mr. Christensen said this has been figured (10%) into the necessary number. He clarified that 278 parking spaces are the minimum required.

Chairman Dyer said the Commission has been asking for a sidewalk width of 10-feet on previous PEZ Zone requests. Is that something that staff could support?

Mr. Christensen said to look at the location of this proposal. It is further from campus than the earlier requests, which have other student properties near to them. Tonight's proposal has a married student development to the west. There may eventually have to be an L.I.D.(Local Improvement District) for sidewalks in the area.

Stephen Zollinger clarified that there are no properties in the area that can be merged/converted. They are all already in existence as high density uses.

Chairman Dyer said the question before the Commission is: shall a Conditional Use Permit for this particular development be granted? If so, what appropriate conditions should be placed on it so that fits properly in the neighborhood and is conducive and congruent?

There was discussion.

Scott Ferguson commented that staff, as they reviewed everything, appears to be very comfortable with obtaining more detail at a later date on this proposal.

Thaine Robinson said they need to be careful of what conditions are specified.

Chairman Dyer suggested that they should include *pedestrian amenities* (after the word *drainage*) in the wording of proposed condition # 2 to make sure a site plan shows them.

Dan Hanna wondered if the site plan should come back before the Commission.

Jedd Walker asked who determines if a Design Review Committee meeting is needed.

Chairman Dyer said a Design Review meeting is called if the developer is requesting anything that deviates from the standards stated in the Development Code.

Val Christensen said City staff usually makes the determination for such a committee meeting, as he goes through his review, detail by detail to see if the project meets ordinance standards. Such review often generates that the project, especially a larger one, go to the Design Review Committee. The developer can also request the meeting.

Dan Hanna asked if the Commission was okay with the number of units being requested.

Scott Ferguson felt that if the property will bear it and the traffic will accommodate it and parking is not an issue, then the Conditional Use Permit should be granted.

Thaine Robinson added that the PEZ Zone encourages such a development.

Jedd Walker asked, in regard to this proposal's having a 5-story structure, if they could condition it to have design review.

Thaine Robinson agreed with Val Christensen, in that with these bigger developments, there is almost always something that prompts it to go before the Design Review Committee.

Regarding seeing the site plan again, **Dan Hanna** felt that he did not need to oversee what the City staff will be reviewing. He felt the same way about the elevations, because if there is an issue, the Design Review Committee would see it.

City Council Liaison Rex Erickson felt the development's site plan could come back to the P&Z Commission prior to sending the proposal to City Council, in order to clear all their concerns before it moves forward.

Dan Hanna understood that tonight this CUP is being examined for density and parking issues, along with the specific conditions. Once he would get a recommendation of approval from this body, followed by approval from the City Council, the applicant would have the green light to move forward toward the building process.

Thaine Robinson reminded the Commission that they do have the option of recommending denial of the CUP.

Chairman Dyer clarified, in regard to Mr. Erickson's comment, that a permit would not be issued until all conditions have been met.

Val Christensen asked what level of specifics for this Conditional Use Permit the Commission needs to identify the issues. For example, if it is decided that a 10-foot sidewalk is required, does he have to bring the applicant back before them to show that information, or is it sufficient (through verbiage) to state that such a condition must be met?

Chairman Dyer said the Development Agreement between the City and the applicant could state such specifics. Regarding this CUP, the site plan should be better, addressing what is stated in proposed condition #2. A consensus of the Commission was in agreement with him.

Dan Hanna said they are getting into way more than what is being requested. The issues before them are with density and parking – are they acceptable? These issues would be addressed in a site plan that the City reviews. Normally, the Commissioners do not see those site plans. He does not feel the need to micromanage or review in detail the site plan.

Chairman Dyer said there is more to the decision tonight than those two issues. The request is for a conditional use, which is triggered by these two requirements; but, a conditional use permit encompasses a lot of other issues.

Stephen Zollinger said the focus is somewhere in the middle – what is the potential impact of a higher density? Balance the checklist of necessities against the two issues of density and parking – look at pedestrian movement, additional bicycle, noise, etc. Limit the discussion to the elements that are affected by the two parameters (density and parking) that are being modified.

The Commission examined Section 6.12 of the Development Code 1026, which states the standards that are applicable for a conditional use permit. The conditions for this Conditional Use Permit could reference this section of 1026.

They discussed the number of units planned for the development. There would be 77 units, with a density of about 40 units per acre. The proposal is for 462 beds, which would require a minimum of 278 parking spaces.

Dan Hanna motioned to recommend approval to City Council to grant a Conditional Use Permit for the property located at 357 and 371 West 4th South (Trent Birch) to allow a 5-story apartment building with 77 units of single student housing, with a minimum of 10% visitor parking and 50% residential parking, and meeting specifications of Development Code 1026, Section 6.12B (Standards Applicable to Conditional Use Permits); and to include the eight (8) proposed conditions of approval from the Community Development staff report, adding the words *pedestrian amenities* to proposed condition #2. **Scott Ferguson** seconded the motion.

None opposed. **Motion carried**

***Conditional Use Permit
Trent Birch #10 00052***

Proposed Conditions of Approval

1. *Trash dumpsters/receptacles shall be located within the interior (behind front building line, but in required setbacks) of the lot and shall be enclosed.*
2. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, drainage, **pedestrian amenities**, etc. shall be submitted and approved by the City prior to the issuance of a building permit.*
3. *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.*
4. *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.*
5. *Sidewalk and pathway maintenance to be performed as per the PEZ Ordinance.*
6. *Parking Contracts to be approved by the City Attorney.*
7. *Requirements of the PEZ Zone Ordinance to be applied to this project.*
8. *Storm drainage and other Engineering considerations to be reviewed and approved by the City Engineer.*

Unfinished/Old Business: None

New Business: None

Compliance:

Natalie Powell thanked the Commission for giving her the time to update them on several compliance issues. Regarding temporary signs, a new Sign Ordinance 1027, replacing Sign Ordinance 908, addresses temporary and fixed signs. It is planned to have this new ordinance included in the Development Code document. The Commissioners had previously directed her to check on some temporary signage. She and Jake Rasmussen recently took down several temporary signs. Ms. Powell is looking forward to more compliance on this issue. Several people have come in for sign permit applications that will be entered into the City's permitting system, which will enable the City to keep better track of them. She encouraged the Commissioners to contact her if they see any signs that they have questions about in regard to complying with sign standards.

Chairman Dyer stated that this clean-up effort is making a big difference, and he thanked Natalie Powell for all of her hard work.

Natalie Powell stated that there will be a mobile vendors ordinance that will soon come before the Commission for their input after in-house review by staff. It will address businesses such as Sno-Shacks and the taco bus in regard to design and setbacks.

Stephen Zollinger asked the Commission if this ordinance should also address the trucks that move everyday - i.e. a sandwich or ice cream truck or chuck wagon – they move around on a daily basis. **Chairman Dyer** thought these businesses should be addressed in a specific section.

Nephi Allen asked about the vendors at a farmers' market.

Stephen Zollinger stated that the farmers' market would be a specific exception.

Staff will continue to work on the mobile vendors ordinance and will bring it before the Commission in the near future.

Now that the snow is melting, there are many areas in the City that need clean-up.

Ms. Powell has asked Police Officer Buzzell to take his community service crew to clean up around various recycling bins in town. This project should be complete in the next couple of days. This crew will also help clean up trash along some of the major streets in Rexburg.

John Millar contacted the railroad company about clean-up of their property along the railroad line. They have agreed to maintain the areas. Natalie Powell has requested something in writing acknowledging this agreement.

At the last P&Z meeting, the Rexburg Gateway project was mentioned regarding entrances/exits into Rexburg off of Highway 20. There recently was a meeting held to discuss priorities. Natalie Powell, Scott Johnson, and one of the engineers went to various areas and took some pictures, coming back and researching them on the Geographical Information System (GIS), taking measurements, etc and looking at how the different areas could be maintained once trees and other landscaping have been put in. She asked Scott Johnson to address this issue.

Scott Johnson said beautifying the entrances of Rexburg is of great interest and importance to him. It plays a vital role in the task that he has been given - to bring economic development to Rexburg. They went out and looked at what they might be able to do. He wants people to pull off the highway and come into Rexburg. The south exit may be a challenge. It is very narrow as it turns. The middle exit is a main focus. Hopefully, staff can soon meet with the Idaho Department of Transportation

(IDT) to discuss getting their help and cooperation. This middle exit is where a U.S. Highway and a state highway meet.

The north exit holds some great possibilities and will be the last one to be focused on.

Natalie Powell wanted to give the Commission a heads up on 2 issues:

1.D.J. Barney property (file #07 00418) - 433 Airport Road –

City staff has been following up on an open permit for D.J. Barney. Ms Powell stated that D.J. Barney would like to come back in to the City with a new site plan. The Commission viewed the aerial photo map of the property on the overhead screen. She stated that Mr. Barney is completing work on a daily basis. Curb and sidewalk are finished. This week he was prepping the land in between the curb and the sidewalk, for eventual landscaping. Mr. Barney intends to put up a fence between his property and the trailer park to the south, as well as putting in the necessary landscaping along Highway 20.

Chairman Dyer stated that he has had several complaints about this property in the last six weeks.

Natalie Powell has also had a number of complaints. She requested that the Commissioners visit this property and give her their concerns and input before the City speaks further with Mr. Barney.

Val Christensen said they need to define the proper screening/buffer – do they want fences, berms, etc. It is not just a question of buffering Highway 20; it is also a question of buffering for Airport Road and surrounding properties (trailer court to the south and the road department to the north). It is a unique situation.

Chairman Dyer stated there was a combination of high and low landscaping, fencing and berms that were specified along that corridor.

Dan Hanna wondered if the materials this property owner is sorting should be done inside a building.

Val Christensen thought that some of it should be done indoors. There could also be staging areas that are buffered, for sorting of materials. He reiterated Natalie Powell's request for the Commissioners to look at the property and come back with input.

Natalie Powell felt there were 3 top priorities that she and Mr. Barney discussed:

- 1) fencing (type, size, etc)
- 2) landscaping
- 3) how to shield the different items on Mr. Barney's property.

She asked the Commission to read through the standards for the Light Industrial (LI) zone. She handed out the original site plan staff comments that have not all been fully addressed. She also asked for their input on fencing material.

Dan Hanna felt there should be a 6-foot privacy fence, at a minimum, or a vinyl or similar fence to be approved. He also suggested a berm as a buffer.

Natalie Powell requested that the Commissioners give her a very specific list to assist the City in following through on these types of development problems.

2. Pioneer Road project (clean-up)

Natalie Powell has spoken with representatives of both the Henderson and the Oakbrook subdivisions (this subdivision does not have a formed Homeowners association). The Henderson area will be worked on within the next week to get rid of the weeds between the fence and Pioneer Road. Their representative would also like to move forward to beautify the area. With the Oakbrook subdivision, the best that can be done at this time is getting rid of weeds. It is hoped that a Local Improvement District (L.I.D.) can assist in this area.

Stephen Zollinger stated that this year, City crews will most likely manage the area, coming through to rid the area of weeds. The extension of Pioneer Road beyond what was built last year is on the list of streets to be improved in the coming years.

Thaine Robinson's main concern is to have a sidewalk in this area. He has observed that many people, including mothers with baby strollers, have to walk in the street. It is a safety issue.

Stephen Zollinger said there is a striped bicycle path in this location that could be restriped and marked with traffic candles. The Commission could forward a request to the Traffic Safety Committee to address this safety issue by carrying out these temporary safety improvement measures.

The P&Z Commission requested that the Traffic Safety Committee look into carrying out these temporary safety additions to Pioneer Road.

Chairman Dyer noted that construction started yesterday on the Mariah Avenue bridge.

Natalie Powell feels that great progress can be made on these discussed issues. The Commissioners thanked her for her excellent efforts.

Non controversial Items Added to the Agenda:

1. Discussion of Development Code 1026 clean-up - amendments to Ordinance #1026

Val Christensen stated that the changes discussed tonight would carry through to the various applicable zones as necessary.

There was detailed discussion of changes.

Modify Design Review Committee makeup - who can act as part of the Committee if someone is not present (present staff could act as part of the Committee if someone has not arrived) – the Commission was okay with the change.

PEZ definition - clarified to match the actual PEZ Ordinance document.

Lot Frontage – addition concerning private drives: allowed per review by Community Development Director or designee.

Building height: top of horizontal wall (take out the word *eve*).

Lot area – clarify

Under MDR1 – clarify 2- car garage

MDR2 - front yard setbacks – specifically that the P&Z Commission may allow a reduction of the front yard setback if all parking spaces are located behind the building.

Central Business District (CBD) – clarify: remove the wording that states that “*first floor residential uses are conditional uses*”.

Community Business Center (CBC) zone – add *New and Used Car Lots* as a permitted use. Also add this use to the Light Industrial (LI) permitted uses.

Screening and fencing requirements - addition regarding Hwy. 20 corridor screening – *all developments adjacent to Highway 20 right-of-way must submit a site plan to the P&Z Commission and be approved by the Commission, prior to obtaining a building permit.*

Planned Unit Development (PUD) – P&Z Commission, and the Mayor or City Council member or *designated representative* to review the preliminary master plan at a Pre Application Conference.

PUD - Change table regarding lot area in zone as far as a PUD and what is allowed.

PUD – regarding single ownership or control - add *unless agreed upon by the P&Z Commission.*

PUD – regarding Design Team needed for final development plan - remove specifications of certain professionals

PUD - Water conservation specification – remove

PUD - 1000 square feet per lot for common activity area – remove, but put something else in that says if it is family housing they will be required to have/show common activity area.

Landscaping of PUD – Add: *or other approved plan.*

PUD density bonuses table – add MDR1 and MDR2 explanations

This is PUD guidance for developers, with enough direction but with flexibility. It is to set a minimum standard.

Circulation plan and traffic impact analysis – repetitive language – eliminate. When a traffic impact analysis is necessary, City staff will request it.

Parking plan - Section 5.5 – adding dimensions for parking spaces for parking structures (garages) – minimum of 15 feet long and eight feet wide, *or as otherwise approved.*

PEZ parking opportunity is a conditional use.

PEZ Zone Ordinance – dormitory housing, parking – language may need clarification

Val Christensen will incorporate the discussed changes into the Development Code document. The P&Z Commission gave him their approval to move the amendments forward to City Council for public hearing and adoption.

2. Design Review Committee meeting – report

Chairman Dyer reported briefly on a design review meeting for the Troy Kartchner student housing development near the Armory. All of the buildings are 16- feet longer than the standard of 160-feet, but they will have many architectural assets. This issue of the length of the buildings was approved, and the plans were signed by the developer, staff, and design review committee members, to be built as shown. These signed plans will be put in the official file for this development. The justification and reasoning for this decision was documented in the minutes for this meeting. The buildings were architecturally beautiful.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

April 1 – Rezone – 325 and approximately 275 North 1st East – Light Industrial (LI) and Professional Office (PO) to Central Business District (CBD)
Preliminary and Final Plats for Summerfield L.D.S. Church #2
April 15 – Conditional Use Permit for L.D.S. Church#2 Summerfield

The meeting was adjourned at 10:55 pm.