

Planning & Zoning Minutes

January 5, 2012



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Thaine Robinson
Nephi Allen Jedd Walker
Richie Webb Marilyn Rasmussen
Scott Ferguson Cory Sorensen

City Staff and Others:

Val Christensen – Community Development Director
Stephen Zollinger – City Attorney
Kelvin Giles – Technology Coordination Services
Craig Fisher – Community Development Intern
Alex Wilde – Information Technology Intern
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:02 pm and welcomed everyone.

The Chair announced that Councilman Bruce Sutherland has been appointed to be the new Council liaison for the P&Z Commission; he asked to be excused this evening. The Commission looks forward to working with him.

Roll Call of Planning and Zoning Commissioners:

Richie Webb, Cory Sorensen, Scott Ferguson, Winston Dyer, Thaine Robinson, Jedd Walker, Dan Hanna, Marilyn Rasmussen

Mary Ann Mounts and Gil Shirley were excused.

Minutes:

1. Planning and Zoning meeting - December 1, 2011

Scott Ferguson motioned to approve the Planning & Zoning minutes of December 1, 2011.

Marilyn Rasmussen seconded the motion.

Winston Dyer, Dan Hanna, and Cory Sorensen abstained for not having been present.
None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – Rockwell Court Apartments, 796 West 7th South – to allow buildings with more than four (4) units.

Chairman Dyer explained the procedure that is followed for a public hearing. The applicant or representative will make the presentation of the proposal. The Commission may then ask clarifying questions of the applicant and staff; the public will also be invited to do so. Public testimony will then be taken. Staff evaluation and recommendations will be given. The Commission will then deliberate the matter in order to come to a decision, which is a recommendation to City Council.

Bob Smith, Hutchison Smith Architects, 270 North 27th Street, Boise, ID. He is representing Community Development, Inc., a nonprofit developer of low income housing. Because the plan is to include buildings with more than 4 units, a Conditional Use Permit (CUP) is required. The project consists of 6 six-plexes, 1 ten-plex, 1 four-plex, and a one-story community building with an office, a meeting room, a computer and exercise room, a laundry room and a manager's

apartment. There will be a total of 51 apartments. There will be a children's playground and a small picnic area behind this building.

Nephi Allen arrived at 7:08 pm.

Bob Smith provided copies of the site plan, which he said was essentially the same as what was submitted with the application. A preliminary landscape plan was also included. The images were projected on the overhead screen.

He described the area. World Gym is located to the east of the subject property; to the north are 3-story multi-family apartments; on the west are single family homes; to the south are single family homes and a church. The property had been previously approved for 60 units of 4-plexes (Pioneer Pointe Condominiums). Quite a bit of site work was done for that project by the previous owner. All the utilities have been installed.

Concrete curbing and paving for about half the property has already been done.

They are trying to take advantage of what has already been constructed and are keeping the same roadway and parking areas as was originally planned for the 4-plexes.

There will be more parking than is required – about 120 parking spaces (submitted application had stated 130 spaces).

Mr. Smith clarified that this project is a low-income housing project. It is funded in part by federal funds that are administered through the Idaho Housing Authority. The rest of the funding is from private sources. There are a number of requirements that go along with the funding. That includes an ownership requirement that the developer has to own the property for at least 20 years. There are specific energy efficiency requirements. Low maintenance materials would be used on the exterior of the buildings.

The landscape plan was projected – there would be screening along the back property line, with planters around each of the buildings. There would be low berms along West 7th South, with plantings to screen the playground area.

Currently there is a six foot high vinyl fence on the north property line, which they want to continue.

Chairman Dyer asked Mr. Smith to review the proposal regarding fences, as this is a new site plan being presented to the Commission tonight.

Bob Smith clarified that there is currently a six foot high vinyl fence only on the north property line, and they want to continue that fence along the east property line and west property line. The two sides will have new fence, while the rear has an existing fence.

The plan of the manager's unit and community area was shown on the screen, along with a typical elevation plan of one of the six-plexes. "Hardy" building products will be used – they have a 50-year material warranty and a 15-year paint warranty.

Each unit has a washer/dryer hook-up location, or residents can use the community facilities.

The development will provide 52 carports (covered parking).

Photos of similar completed projects in other areas were shown.

Thaine Robinson asked what would be in the planters shown in the parking lot on the proposed plan.

Bob Smith said there will be shade trees in the planters, surrounded by grass.

Richie Webb said there are a number of requirements to qualify for low-income funding status. He asked if all requirements had been met.

Mr. Smith stated that all requirements have been met.

Mary Ann Beck in the audience asked if the proposed housing project would be similar to Brenchley Apartments.

Stephen Zollinger said this project would be similar.

Chairman Dyer asked if this non-profit group has done other projects in Rexburg.

Mr. Smith said they have not.

Chairman Dyer asked if the building of the project would be done in phases.

Bob Smith stated the project would be done all at once. Funding requirements dictate completion time for the entire project.

Chairman Dyer asked the building height to the crown of the roof, in regard to the fire department review comment about height of the building and fire lane width.

Bob Smith said the height would be about 32 feet.

The Chair said the previous proposal on this property is in the Commissioners' minds. There was some difficulty in meeting design standards. Has Mr. Smith had discussion with staff about these proposed structures meeting design standards?

Bob Smith said not specifically, but these buildings have more relief and features than the 4-plexes that would have been part of the earlier proposal.

The **Chair** said they do on plan, but the shown photos give the Commission some concern.

Val Christensen said he has not reviewed the proposal for design standards. Design review will be done before a building permit is issued.

Buffering requirements will also be looked at.

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

Teddie Steiner had several developer questions and will get together with the proposal representative after this meeting. She has lived in other areas. They are surrounded by apartments, and she has several concerns.

Russ Van Allen said the fence on the north side is 8-feet (not 6-feet), because the Van Allens asked for it at that time. It is a berm with a six foot fence on top of it on development side and 8 feet on his side. He wants the new fence to be 8-feet on both sides of the fence - for privacy.

Mr. Van Allen asked when the fence is put in, if they could get information about the fence company in order to salvage what may be taken down.

Bob Smith said that can be done. They are willing to work with surrounding property owners to figure what is the best construction for everyone.

The **Chair** thanked Mr. Smith. It is clear that there are concerned neighbors. He encouraged the applicant to continue working with them and to exchange information at the end of this meeting.

Mary Ann Beck asked about covenants for the development.

Stephen Zollinger said there are no covenants for the proposed apartments because all the property is owned by one owner.

Snow storage areas were clarified for the Commission.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral:

Russ Van Allen, 635 Casper Ave. Part of his east boundary is part of this proposal's west boundary. He is concerned. There is a bike path on the south side of this property; they would like to see it maintained. In addition, the fence is of great concern. An 8-foot fence should be a part of this proposal's approval – Mr. Van Allen's east line and the developer's west line.

Teddie Steiner 846 West 7th South. Her concern is that she has lived in large cities and seen changes. It starts with nice apartments which eventually get shabby; a shabby look turns into a slum. There are so many apartments around her home. Another concern is that her family has owned property in the area for over 100 years; her home is situated on land that was given to her great-grandfather through the Homestead Act. Her family does not want anything to come in around them that would degrade that property. They are trying to keep it up.

Mrs. Steiner is concerned about property values. She is neutral and would like to see the land developed. She would prefer condos or something that will enhance the property and the area. That way the property values would at least stabilize.

The photos shown tonight of similar projects have no design. They do not fit the neighborhood. Please look at what is in the area. There is a beautiful church across the street. Set standards that benefit new residents and those who have been here for a long time. This is a growing city that is going to see more and more of the problems that big cities have.

Their house turned 100 in 2009. They want it to last a lot longer. There are just a few single family dwellings here. Mrs. Steiner would really appreciate the Commission looking at all of these concerns. Low income housing can be a real problem for a neighborhood.

Opposed: None

Written Input: None

Rebuttal:

Bob Smith said the applicants, Community Development, Inc. are required to oversee and manage their developments for the entire time they own them, which is for 20 to 30 years.

A manager will live on site, which they feel makes a tremendous difference in how a property is managed and maintained. There would be commercial maintenance of the property.

The developers will also work with planning staff to make sure the exterior of the buildings meet the design standards of the City of Rexburg. Rexburg is growing, and there is a great need for quality low-income housing, which they aim to provide. They believe this development will fit into the neighborhood and will be an asset to this city.

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

Val Christensen said the purpose of this Conditional Use Permit is to allow buildings with more than 4 units. The issue was addressed in P&Z and City Council meetings not long ago - the Development Code Ordinance 1026 was changed to allow a multiple range of buildings, allowing larger buildings and getting away from the 4-plex checkerboard look.

Density will stay the same – it is only about the building configuration. It is the same plat as in the earlier proposal, other than where the units sit.

Chairman Dyer said the question before the Commissioners is shall the Commission recommend to City Council approval or not for a CUP to be granted to allow buildings larger than 4 units for Rockwell Court Apartments.

Scott Ferguson said allowing larger buildings is positive. He sees it as a win-win for Rexburg and for the developer. It is important to include a design review.

Jedd Walker agreed with **Mr. Ferguson**.

Cory Sorensen felt an 8-foot fence requirement could be a possible condition.

The **Chair** said the Commission needs to address any conditions that would make the proposed development more harmonious with the surrounding neighborhood.

Thaine Robinson said his main concern is that design standards requirements be met.

Chairman Dyer wanted to go on record in confirming what Mr. Smith stated about developments such as this one having very exacting standards and requirements by the Idaho Housing Authority, in order for the project to have funding. There are site visits and inspections on a routine basis. They must maintain the facilities in order to keep their eligibility for the funding. He has been involved with several such projects in this area; the projects were done well and have been well maintained.

Richie Webb asked about the expressed concern regarding the bike path to the south.

Stephen Zollinger said that Public Works had looked at the property and was not concerned about this development affecting the bike path. Mr. Van Allen's point is well taken; the developer should be aware of this bike path.

Parking will not be allowed in the bike path.

Scott Ferguson motioned to recommend to City Council to grant a Conditional Use Permit for the property located at 796 West 7th South, to allow buildings with more than four (4) units, to include that a design review meeting will be held (before issuance of a building permit) that will address the structures, the fence, and the landscaping of this project. **Jedd Walker** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Compliance: None

Non-controversial Items Added to the Agenda:

1. Setbacks – Keven Snell

He is planning a project at 34 North 5th West and is trying to figure the setbacks. Val Christensen suggested he come to get the Commission's suggestions of what they would consider regarding side and front yards. He showed the Commission three different plans.

What needs clarification is the definition of a lot line that is created by a flag lot.

Val Christensen said flag lots or interior lots are confusing. He felt the Commission could help with what makes more sense for the yards. A front yard is only against a street.

It was clarified that a lot line that is adjacent to the rear yard of the lot in front of the flag lot is a side yard and not a front yard.

2. Parking update

Chairman Dyer stated that the Commission has been concerned about the parking situation and asked for a parking update now that vehicles cannot be parked on the street overnight.

Stephen Zollinger stated there are empty parking spots in the Ivy complex, because the development is not fully completed. Southgate and Northgate complexes have all the parking they need.

Citations are being given to vehicles that are parked on the street.

3. Development update

Val Christensen said that the City is being inundated with developers looking to build married student housing.

The concern is that there should be more work done by staff and the Commission on moving forward and looking at areas or perhaps looking at blocks to rezone, concentrating on where to put married housing, as was planned for single student housing.

Possibly look at infill lots.

Stephen Zollinger stated that traditional housing should also be looked at. Every time zoning has been opened up to High Density Residential, it has not encouraged traditional housing to be built.

The possibility of creating a different zone was mentioned as an idea. Possibly create a different approach to non-dormitory style housing.

Think about what can be done with small, skinny lots.

Possibly create standard housing on these small lots.

Commissioners Sorensen, Webb, and Hanna will work with staff on putting together some information/ideas on married housing. **Val Christensen** will report on information regarding findings on traditional housing location.

These two issues will then be discussed at the January 19th P&Z meeting.

4. Conditional Use Permits (CUPs) that can be approved by the P&Z Commission without going to City Council were clarified and are stated in the Development Code Ordinance No.1026, Section 6.12F:

“Authority of Commission to Review Conditional Use Permits. The Planning and Zoning Commission may, without approval of the Council, grant the following conditional use permits:

1. *Permits for parks.*
2. *Permits for nursery schools, day care centers.*
3. *Permits for churches, synagogues, and temples.*
4. *Permits for funeral and crematory services.*
5. *Permits for boarding houses.*

6. *Permits for home occupations under Section 4.10 B.*
7. *Permits for developments with four or less dwelling units.*
8. *Permits for government buildings.*
9. *Permits for household goods warehousing and storage.*
10. *Permits for reduced parking space size in parking structures.*

All other conditional use permits may only be granted after review and recommendation by the Commission and approval by the City Council.”

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Chairman Dyer adjourned the meeting at 9:15 pm.