

# Planning & Zoning Minutes

August 15, 2013

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CITY OF  
**REXBURG**  
America's Family Community

## Commissioners Attending:

Winston Dyer – Chairman  
Dan Hanna           Thaine Robinson  
Mary Ann Mounts    Jedd Walker  
Cory Sorensen        Melanie Davenport

## City Staff and Others:

Bruce Sutherland – City Council Liaison  
Val Christensen- Community Development Director  
Michael Bagley – Technology Coordination Services  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:07 pm. He welcomed everyone.

## **Roll Call of Planning and Zoning Commissioners:**

Cory Sorensen, Mary Ann Mounts, Winston Dyer, Thaine Robinson, Jedd Walker, Melanie Davenport

Richie Webb, Gil Shirley, Mark Rudd, and Chuck Porter were excused.

## Minutes:

1. Planning and Zoning meeting - July 18, 2013

**Thaine Robinson** motioned to approve the Planning & Zoning minutes of July 18, 2013. **Cory Sorensen** seconded the motion.

Jedd Walker and Mary Ann Mounts abstained for having not been present.  
None opposed. **Motion carried.**

Public Hearings: None

## New Business:

1. Revisit Founders Square Planned Unit Development (PUD) – Bill Collins

**Chairman Dyer** welcomed Bill Collins, developer of the Founders Square subdivision south of the LDS Temple. The Chair explained that Founders Square is a Planned Unit Development (PUD), the concept being where certain things are enhanced beyond the norm and then in return there can be considerations or incentives such as density or setbacks, etc. Mr. Collins wants to speak to the Commission about the current state of the subdivision.

Chairman Dyer declared a perceived conflict of interest, as he was the engineer of record for the Founders Square subdivision; that work is complete. There were no concerns expressed by the Commission; he stayed on the dais and did not step down.

**Bill Collins**, Jackson, Wyoming. He and partner Stuart Sugarman are the developers of Founders Square. Judy Hobbs has been their realtor since the beginning of the project, and she is here tonight. A Founders Square subdivision map was projected on the overhead screen. Mr. Collins pointed out Sunrise Drive and the entrance into Founders Square. The subdivision has 3 phases.

Phase 1 is constructed. The park in the middle of the property has been constructed. One lot has been sold. One house has been built.

The anticipated Phase 2, which will include an activity park, is not developed.

Phase 3, which also will include a park, is not developed. However, the street has been built to the Sky Meadows subdivision to the south for connectivity, so there actually is a through street from Sky Meadows all the way up to Sunrise Drive.

Founders Square was the first PUD in Rexburg. The basic zoning of the property would allow 91 lots. The PUD density bonus would allow 121 lots. As shown on the map, there are a total of 108 residential lots plus 3 parking lots.

Dan Hanna arrived at 7:13 pm.

**Bill Collins** stated they have begun to refocus and have been looking for ways to get the project jumpstarted. He spoke with Val Christensen, who suggested he come before the Commission. He is not here looking for a decision and does not have a specific proposal. He sees tonight as an informal discussion. They are beginning to think about some minor changes. He wants to know the Commission's perspective. It is important that they find a win-win situation.

Mr. Collins said they feel really good about the location, including its proximity to the college. They rode this out to the market minutes ahead of the crash. They could possibly accommodate some of the University growth and demand for housing. They possibly could lower prices in order to sell some lots, but they want to maintain their level of quality – well built homes with a nice neighborhood environment. They want it to be affordable, but they do not want to just give it up. It is apparent they need to sell some lots significantly below what it cost to build them, for the pure purpose of trying to get some activity going.

As part of PUD approval, there were a number of categories that had to be addressed for the purpose of accumulating 100 points. Founders Square accumulated more than the 100 point minimum that is required. They were given a lot of points for landscaping. The subdivision has about 160 trees, with trees in front of every lot.

**Chairman Dyer** explained for the benefit of the newer Commissioners what a PUD involves. It was determined that the City could get some enhanced development if the developers were asked to do certain things. In this way, greater density or smaller lots which normally would not meet the Code could be developed, but the developer would give back to the community with amenities. Founders Square has three parks. An architectural style for uniformity is part of the subdivision. There is interconnectivity with pathways. There are different types of building materials to give the look and feel beyond the standard. There is lots of landscaping. All of these issues accumulate points and score beyond the minimum allowed. Some things for the community have already been achieved.

**Dan Hanna** felt Founders Square is a nice subdivision and nice location. He asked what the biggest hindrance is in not having sold more lots and if the covenants may be too demanding.

**Bill Collins** said it is the market. Possibly the CC&Rs (Covenants, Conditions and Restrictions) are too demanding, which in part is why he is here.

**Thaine Robinson** asked Judy Hobbs if the lots are too small to sell.

**Judy Hobbs** did not feel the lots were too small. At the time this PUD came forward there was a kind of frenzy in the market. Everyone was looking for something unique. Now there are hundreds

of lots ready to build on in the City and the County. One really cannot even give away lots in this kind of market.

**Mary Ann Mounts** stated she was serving on the P&Z Commission when this PUD originally came forward. She was one of Founders Square's biggest fans. Since that time she has purchased two building lots elsewhere to build a home; the lots already had mature trees and an island strip. When Founders Square was first presented, it was said that the subdivision was going to look like the Daybreak development in Utah. Her concern at the time was that it was not going to happen. The house that is currently in Founders Square does not represent what the Commission was told. It was supposed to be an old fashioned looking development like Daybreak. She would have been interested. She feels the lots would have sold.

**Melanie Davenport** wondered how drainage and wind issues were being addressed.

**Bill Collins** said he is not aware of any drainage or wind issues.

**Dan Hanna** said the development drains really well.

**Melanie Davenport** felt if really great street lighting were done, it would be of positive benefit.

**Mr. Collins** said there is some very attractive, expensive street lighting in place – colonial light fixtures with light going downward and not interfering with the night sky.

**Bill Collins** said the architectural theme is stated in the CC&Rs. It prohibits vinyl siding. They are learning that this is difficult to sell in this market. They have to get these lots on the market at a price where someone will buy them. They have been told that \$30,000. is about the price, which is well below their cost. They would like to make some changes to the CC&Rs – possibly lessen landscaping requirements but keeping street trees, and possibly removing the architectural theme requirements.

**Chairman Dyer** clarified that in concept the Development Code says a developer of a PUD has to reach 100 points in order to get incentives like smaller lots, greater density etc. Founders Square originally exceeded the minimum points. In concept Mr. Collins is asking consideration regarding if there is a way to reduce some of the things originally committed to as long as the 100 point minimum PUD commitment is still reached.

**Bill Collins** said that is about it, but whether there needs to be 100 points or not would be a matter of opinion.

The Chair said staff would determine the point score. Val Christensen said that was correct.

**Mary Ann Mounts** said the greatest thing about this project is the CC&Rs. If there were spec homes built it could help. She does not think the CC&Rs should be changed – it would not help sell the lots.

**Val Christensen** wondered if there were 3 show homes that were built at the location, would that drive the chances to be better rather than a possible buyer looking at just a piece of paper.

**Judy Hobbs** felt that would probably not make a difference. It is time now for them to find something that will sell in today's market.

**Cory Sorensen** said he is in the exact same situation with his subdivision in the County. It is the market. The market is just not there at this time. There is nothing wrong with the development.

**Judy Hobbs** clarified that the Founders Square homes priced out at well above two to three hundred thousand dollars. The developers know that they cannot sacrifice quality. If they were able

to soften the architectural design and material requirements and landscaping requirements it might help their situation. Allow people to build whatever design they want, but it would have to meet the basic requirements of quality. They could include vinyl siding and masonry. Those make affordable, attractive homes.

**Jedd Walker** asked how Founders Square compares to the Sky Meadows subdivision to the south.

**Val Christensen** said Founders Square lots are smaller, there are park amenities, and there are detailed CC&Rs that include a theme.

Both subdivisions are zoned LDR1.

**Mr. Walker** said that since Sky Meadows is also not selling, it may not be the Founder Square's CC&Rs that are an issue. It could just be that the timing is still not there.

**Chairman Dyer** said the PUD is providing things for the community in return for the given incentives. The community has and will have the parks, nice streetscaping, decorative lighting, and connectivity.

Really what the Commission is looking at would be giving up things that would apply to individual property owners and the way they build their home but not so much representing a loss for the overall community or the look and feel and all the amenities that were committed to.

**Judy Hobbs** said one of the things the developers hope to do is create something that is a quality affordable subdivision that would very much cater to the University.

The **Chairman** asked for clarification on what Mr. Collins would want from the Commission tonight. Would he want the Commission's nod to the feasibility of just looking at possible changes and coming back later with a more formal proposal?

**Bill Collins** said he wanted Commission input and could eventually submit a proposal.

It was clarified that the Planning & Zoning staff report from 2008 at the time of PUD approval of Founders Square stated that the total points awarded to the Founders Square proposal was 140 points. The minimum points requirements for a PUD is 100 points.

**Mary Ann Mounts** said it is not the Commission's job to maximize dollars when things go bad. She would be willing to discuss some changes to this PUD.

**Cory Sorensen** said the Commission's purpose is to look out for the good of the community. It is the Commission's role to hear a proposal. There could be compromise.

The **Chairman** stated there is consensus that the Commission is receptive to the idea or concept of the applicant coming forward with a specific proposal regarding looking at any proposed changes to the Founders Square PUD. It is not a guarantee that everyone will agree.

Bill Collins said he is not prepared to be specific tonight. The landscaping and the architectural theme are two areas in the CC&Rs that have attracted the developers' attention. They will look at those areas first to see if changes could be made that would still have them be at the 100 point minimum.

Mr. Collins would come forward with a proposal in the future. He thanked the Commission.

## **Unfinished/Old Business:**

### **1. Development Code Changes - Discussion continued**

**Chairman Dyer** said at the July 18<sup>th</sup> P&Z meeting, the Commission and staff made a worthy effort regarding some proposed changes to the Development Code. This document review is long overdue. There is a lot to discuss; the Code is over 300 pages long. Some items do repeat from section to section. Almost 3 hours were spent on the discussion at that meeting.

It is part of the Commission's charter to talk about formulating the policies and procedures and ordinances used to steer and direct the development and growth of Rexburg in a way that is conducive and enhance to the community and provides for growth, economic development, etc.

The Chair stated that planning is the principle foundation of the Commission's charge. This Code review needs to be done. The question is how it should be done. A couple of Commissioners have indicated that it is really hard to go through a 300 page Code, taking the time of 11 people, for 3 hours at numerous meetings. There was a suggestion that there could be a committee made up of Commissioners to review sections of the document and then bring their conclusions back to the entire Commission; or staff could summarize more or just hit the high points; or the Commission could continue on the way they have been doing. The Commission does not need to make a decision on this issue tonight.

**Val Christensen** said he has made the proposed changes to the document that the Commission suggested at the last meeting. Many of the changes are carried forward to repeat in each zone, etc., so that cuts down on what needs to be looked at and has saved a lot of time. The Commission has gone through the Low Density residential zones and the Medium Density Residential zones. The HDR zones and parking are two main items that still need to be examined, along with other sections. Numerous issues are small – typos, wording, etc.

**Thaine Robinson** said since there is some time now, this is good opportunity although it is not an easy task. When the Development Code changes are completed, it will be very beneficial for the City.

**Melanie Davenport** suggested in the future when discussing the downtown and business areas, that those who have interest in the areas could be invited to the meeting. She added that she has a subscription to the online video library of Roger Brooks (his field is downtown area planning) that she would be glad to share with the other Commissioners.

**Chairman Dyer** clarified that the Development Code review process has been abbreviated from the last time the Commission reviewed changes. Val Christensen said that was correct.

### **Zoning Section of Development Code:**

Under Conditional Uses throughout the document, and under each zone: Change the wording to “***may be*** permitted”.

#### **High Density Residential 1 (HDR1)**

Sight triangle is 30 feet.

An unroofed and unenclosed rooftop terrace, an enclosed stairwell or elevator providing access to the roof, shall not be included in the measurement of total building height. – this issue could require Design Review Committee approval.

Dan Hanna was excused from the meeting.

Discussion on placement of buildings, location of parking, tandem parking.  
Discussion of parking areas and buffering of parking areas (buffering from the neighboring property).  
Discussion on incentivizing.

High Density Residential 2 (HDR2)

Make same changes as under HDR1.

Rural Residential 1(RR1)

RR2 (Rural Residential 2) allows Accessory Apartments (could be rented out) as a conditional use, but at this time RR1 does not, although RR1 has larger lots.

Rural Residential 2 (RR2)

List Accessory Apartment in both RR1 and RR2 as a conditional use. Applicant would need to demonstrate benefits and lack of impact.

RR1 and RR2 height of building –in Development Code, the RR2 now is 25 feet and RR1 now is 30 feet

Discussion of building grade - Further definition of *grade* for the purpose of defining building height. Jedd Walker said if the definition of grade is clarified, a height of 25 feet would be ok. If the grade is not clarified, go with 30 feet.

The building height should be the same in RR1 and RR2. Go with height of 25 feet.

The Development Code changes discussion will continue at future meetings.

Discussion regarding future river crossings and development.

**Compliance:** None

**Non controversial Items Added to the Agenda:** None

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

September 5<sup>th</sup> – CUP – Approximately 146 & 148 Harvard Ave - to allow a Twin Home in an LDR3 zone.

The meeting was adjourned at 9:35pm.