

Planning & Zoning Minutes

September 5, 2013



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Mary Ann Mounts
Dan Hanna Jedd Walker
Richie Webb Mark Rudd
W.C. Porter Gil Shirley
Melanie Davenport

City Staff and Others:

Bruce Sutherland – City Council Liaison
Val Christensen- Community Development Director
Elaine McFerrin – P&Z Coordinator
Darrik Farmer - Community Development/GIS Intern
Daniel Widenhouse - Community Development Intern

Chairman Dyer opened the meeting at 7:03 pm and welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Melanie Davenport, Richie Webb, Mary Ann Mounts, Winston Dyer, Thaine Robinson, Jedd Walker, and Gil Shirley

Cory Sorensen was excused.

Minutes:

1. Planning and Zoning meeting - August 15, 2013

Thaine Robinson motioned to approve the Planning & Zoning minutes of August 15, 2013. **Jedd Walker** seconded the motion.

Mark Rudd, Richie Webb, and Gil Shirley abstained due to not being present.

None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Conditional Use Permit – Approximately 146 & 148 Harvard Ave. - to allow a Twin Home in a Low Density Residential 3 (LDR3) zone.

Chairman Dyer explained the procedure that is followed for public hearing. The applicant or a representative will present the proposal. The Commission and the public may ask clarifying questions to help them to understand the proposal. Public testimony will be taken, followed by the staff evaluation. The Commission will then deliberate the matter, based on the City's Development Code, the community's input, and the information presented, in order to come to a decision.

Ralph Kern, 158 Harvard Ave. He is the property owner and applicant and lives next door to the subject property. He is requesting a Conditional Use Permit for a twin home to be built on the specified property that is in the LDR3 zone. Several years ago (March 2009), he went through a rezone process with most of his neighbors joining him that changed the zoning of most of the block to LDR3, with the idea that it would be a suitable buffer zone between student housing and LDR2. Tonight is his effort to move forward with what he planned.

The subject property was shown on the overhead screen. There are two lots.

The site plan was viewed. The parking and 2-car garages would be in the back of the property.

Landscaping would be more than is required, and the building and paving would be considerably less

than the maximum percentage allowed. There would be a wide drive created by taking a small piece from the lot his current home is on.

Dan Hanna arrived at 7:09 pm.

Ralph Kern showed a rendering and floor plan of the twin home. The appeal to him of this twin home is that the master bedroom and all the necessary living areas are on the main floor, with the other bedrooms upstairs, in each unit.

He would like flexibility in doing this project. Part of the reason for building this project is for handicapped accessibility, as his wife has multiple sclerosis. He wants to go ahead with the project, but it may not be this particular home. He may want to build a home with a basement apartment. It would be a duplex rather than a twin home but still would be a 2-family dwelling. In their current home, there is a basement apartment where Mrs. Kern's caregiver lives, which gives them comfort.

The Chair asked staff if this issue regarding a possible duplex affects how this CUP is approached.

Val Christensen stated Mr. Kern spoke to him just before the meeting about this issue. The information Mr. Kern has provided shows a certain product. Mr. Christensen does not think it would be building a lesser product but it may be a different configuration than is shown. The reason Mr. Kern might do this is to keep the same configuration that his wife has now in their home - up and down instead of side to side. Look at the actual use itself and establish whether or not from a conditional use standpoint either case would be satisfactory.

Chairman Dyer reminded the Commission that this Conditional Use Permit request is under the authority of Commission approval. The proposal does not have to go forward to City Council.

Chuck Porter arrived at 7:15 pm.

Dan Hanna asked if there are any different requirements for a twin home or a duplex in regard to lot size.

Val Christensen said the duplex would be less restrictive. It is looking at two smaller lots versus one large lot. The area requirement is met with either project. Staff does not have a problem with this. Mr. Christensen said his staff report would have been the same.

Richie Webb asked the effect of taking a piece of the parcel Mr. Kern's current home is located on to make this project work.

Ralph Kern said his home has a huge back yard. Using a piece of the yard will make little difference other than he will have to redo his landscaping, but it will give a wider drive and allows an easier turning radius to the garages that are planned.

The two subject lots were shown and clarified for the Commissioners.

Mark Rudd commented about the garage on the property just to the west of the two subject lots and the need for access.

Ralph Kern said that garage is owned by neighbor Steve Herdti who is here tonight. One of Mr. Kern's agreements with Mr. Herdti who he bought the subject property from, is that Mr. Herdti would be allowed access to the garage in question.

It was clarified for **Dan Hanna** that the planned building will face the road.

Melanie Davenport asked what the Comprehensive Plan land use designation is for the subject property.

Val Christensen stated that the Comprehensive Plan land use designation is Single Family Residential. The LDR3 zoning could allow the conditional use, and the Comprehensive Plan allows this zone.

The **Chair** asked that duplexes in the neighborhood be pointed out for clarification.

Ralph Kern pointed out several properties on the projected aerial photo map.

The **Chair** said the Commission encourages applicants to talk with the neighbors when something like this CUP request is proposed.

Mr. Kern stated he has talked to neighbors Steve Herdti and the Barricks. He communicated with all of the neighbors at the time of the rezone request several years ago (March 2009). Only a couple of properties in the area were not included in the rezone to LDR3.

Chairman Dyer asked if there have been others who took advantage of the zone change since that time.

Mr. Kern said there was some attempt to develop property to the north, and there also was the idea of building a church. These ideas did not work out.

Gil Shirley asked about selling the property in the next 20 years and how access and parking would be affected.

Val Christensen said part of the review at the time of the building permit would be that there is a required easement.

Chairman Dyer asked if those in the audience had any questions.

Steve Herdti commented that he had discussed the easement issue with Ralph Kern.

There were no other comments from the audience.

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 the staff evaluation and recommendations.

Val Christensen reviewed his staff report. The square footage complies. Minimum lot size is met. Staff considers the lots as grandfathered. There are other homes in the area with duplexes.

The City Engineer did not have concerns with infrastructure or traffic.

Parking in the rear is a very good solution especially if there is room to turn rather than cars having to back into the right of way; the Commission may want the parking in the rear to be a condition.

Staff recommendation is to approve the Conditional Use Permit.

Chairman Dyer clarified that the subject area was rezoned with this type of development in mind. The neighborhood has similar uses. It appears to be an acceptable application. The Commission could discuss any impacts or conditions.

Thaine Robinson stated that this project is a very good start to improve the subject street and an area which has some empty lots. He is in favor of the proposal.

Chairman Dyer added that there was significant effort in the past made by the applicant to join with other property owners to perhaps have a large development, possibly a Planned Unit Development (PUD) on this block. This did not come to fruition.

Melanie Davenport said the presentation of a twin home tonight would be attractive to the neighborhood. She wondered if something else would be as aesthetically pleasing. In her mind, it is twin home versus duplex.

The Chairman said one approach to addressing this concern would be that if the CUP is granted to include a duplex, have a condition that it would be reviewed by staff or come before the Commission again.

Jedd Walker asked if the two subject lots would have to be combined if a duplex is to be built.

Val Christensen said the lots would have to be combined.

Gil Shirley felt this would be good project and an improvement for that street.

Thaine Robinson said he would be in favor of a condition of having parking in the back not only for aesthetic purposes and safety, but also it would help the neighbor Mr. Herdti to have a right of way.

Richie Webb said if the garage had been presented as in front, it would have been alright with most of the Commission, but if the applicant is willing to do as his site plan shows and have the parking in the back, that is a positive and sets a standard for aesthetics and functionality. For that reason, he would support a condition to have parking in the back of the property.

Val Christensen stated Mr. Kern is already giving access to Mr. Herdti for his garage to the west of the parcels.

Dan Hanna said duplexes or twin homes do not have design standards architecturally.

Melanie Davenport said there are certain basic design requirements. The building has to look like it fits into the residential area.

Mary Ann Mounts said it makes the most sense to just have staff review the project at the time of the building permit process.

Dan Hanna motioned to approve the Conditional Use Permit (CUP) to allow a Twin Home in an LDR3 zone at approximately 146 & 148 Harvard Ave., to include a condition to have parking in the rear, and that staff review the elevations at the time of the building permit. **Richie Webb** seconded the motion.

There was discussion on whether to state the CUP would be for either a twin home or a duplex.

Dan Hanna withdrew his motion.

City Attorney Stephen Zollinger, consulted by phone, clarified that the law is the same on both the twin home and the duplex.

Dan Hanna motioned to approve the Conditional Use Permit (CUP) to allow either a twin home or a duplex at the property location of approximately 146 and 148 Harvard Ave, with 2 conditions:

- 1) Maintain the parking in the rear of the specified property as represented in the P&Z Commission public hearing tonight, September 5, 2013.
- 2) The design and development shall be consistent with what was presented in the P&Z Commission public hearing tonight, September 5, 2013.

The “Standards Applicable to Conditional Use Permits” Section 6.12B in the Development Code Ordinance No. 1026, will apply.

Mary Ann Mounts seconded the motion.
None opposed. **Motion carried.**

Unfinished/Old Business:

1. Development Code Changes - Discussion will be continued at the next P&Z meeting.

New Business: None

Compliance: None

Non controversial Items Added to the Agenda:

1. New BYU-Idaho Student Housing

Val Christensen addressed the issue. He wanted some input and guidance from the Commission regarding this project.

Mr. Christensen pointed out the location of the project on the aerial map. The site plan was viewed. The University has a 60/40 percent coverage requirement (only can cover 60 percent of land with impervious surface). It appears that the submitted plan does not meet this requirement.

Staff would like to see compactness or stacked units at the subject location rather than the buildings being spread out. Four stories would be the height.

The Development Code Ordinance No.1026 states under the University District Zone’s (UD) Permissible Lot Coverage: “... In a UD zone all buildings and structures, inclusive of parking lots, shall not cover more than sixty (60) percent of the lot or parcel of land upon which they are placed.”

The permissible lot coverage in the High Density Residential Zones is 80/20 ratio.

Jedd Walker stated that the legal description for the University District sees the entire University property as all one lot/parcel. The University as a whole would be well within the required percentages.

The subject development would be mainly stucco and brick. There would be about 850 beds. There was discussion regarding the University having stated that they did not want to compete with the private sector, as long as the private sector could meet the housing demand.

Jedd Walker said this development would basically replace the old dormitories; it is not a net gain. It is not competing; it is replacing. It is a by-right development.

Chairman Dyer said the intention at the time the University District zone was written into the Development Code would have been in regard to the area commensurate with the site plan.

Val Christensen said if the Commission is comfortable in looking at the matter as Jedd Walker had stated (the University is 1 parcel), than the submitted plan may not need to be changed.

Mary Ann Mounts said she is comfortable in looking at the issue as Mr. Walker is.

Chuck Porter said he is fine with this issue being in regard to the University as a whole.

The University would not make decisions that would be detrimental for the campus. They are concerned with how their campus looks.

Val Christensen asked for clarification on whether there is anything staff needs to address regarding the lot coverage and parking. The design of the student housing development will be reviewed at the time of the building permit process.

Chairman Dyer said in terms of the parking and the 60/40 permissible lot coverage ratio, it comes down to thinking of the entire University property as 1 parcel, or just the area of proposed development.

There was consensus of the Commission that 60/40 permissible lot coverage would apply to the University campus as a whole.

Jedd Walker said from the University's perspective, there is ample parking on the basis of looking at the entire campus. Parking on campus is managed through the Parking Committee.

Melanie Davenport said she is concerned about the parking and exactly where the student housing residents would park. To the west of this project, the Ivy Apartments parking is not a good situation. Most of their parking is visitor parking.

Mary Ann Mounts said students living at the Ivy were not supposed to bring cars.

Jedd Walker suggested that staff could ask the University to show how the parking for the new development is going to be managed.

The **Chair** said the subject project would meet the ordinance requirements for parking if it is looked at on a campus-wide basis.

Richie Webb suggested that Val Christensen meet with BYU-I representatives on the parking issue and then come back before the Commission if there are any concerns.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

September 19, 2013 - Development Code Changes discussion will be continued.

The Chairman adjourned the meeting at 8:51 pm.