

Planning & Zoning Minutes

October 3, 2013



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Thaine Robinson
Jedd Walker Richie Webb
Cory Sorensen Melanie Davenport
Gil Shirley

City Staff and Others:

Natalie Powell – Code Enforcement Officer
Bret Stoddard – Electrical/Fire Inspector
Daniel Widenhouse – Community Development Intern
Elaine McFerrin- P&Z Coordinator

Chairman Winston Dyer opened the meeting at 7:00 pm. He welcomed everyone, including a number of students who were present to observe the meeting process.

Community Development Director Val Christensen was excused.

Roll Call of Planning and Zoning Commissioners:

Gil Shirley, Melanie Davenport, Dan Hanna, Richie Webb, Winston Dyer, Thaine Robinson, Jedd Walker, Cory Sorensen

Chuck Porter, Mary Ann Mounts, and Mark Rudd were excused.

Minutes:

1. Planning and Zoning meeting - September 5, 2013

Richie Webb motioned to approve the Planning & Zoning minutes of September 5, 2013. **Dan Hanna** seconded the motion.

Cory Sorensen abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings: None

New Business:

1. Amended Planned Unit Development (PUD) – University Parks (formerly Founders Square)

Chairman Dyer clarified that the applicant had come before the Commission previously (August 15, 2013 P&Z meeting) and had indicated a desire to make some changes to the approach and scoring of this PUD. The applicant's purpose tonight is to present the changes to the Commission, for a vote that would approve modifying the existing PUD.

Chairman Dyer declared a conflict of interest due to his previous contractual relationship on this development. He recused himself.

Thaine Robinson acted as Chairman.

Bill Collins, Jackson, WY. He is one of the two developers of Founders Square. The name of the PUD is being changed to University Parks. They are continuing to reorganize their approach, to get some construction activity going in this subdivision. The price point on the houses will be brought down to create a more affordable product which could potentially cater to BYU-I faculty and staff. The intention is to begin selling lots below their cost for as long as they can sustain that, in hopes of jumpstarting some construction activity. They see this as a real opportunity for a win-win.

It is fundamentally still the same development. There are the same 108 residential lots. There will still be three parks. There will be the same tree lined streets, even though they are slightly backing off of the original landscaping requirements for homeowners. The developer will continue to plant two trees along each lot frontage between the curb and the sidewalk. Garages will continue to be required to be recessed back.

The bones of this development remain unchanged. They want to change some of the CC&Rs (Covenants, Conditions, and Restrictions) and increase flexibility for buyers. The changes would include: emphasis on colonial architecture would be removed; the prohibition of multiple materials for siding would be removed – the requirement had been a single type of siding. The prohibition of vinyl siding would be removed. Mr. Collins reiterated that they are backing off on landscape requirements for property owners.

The requirement for a front porch has been added into the CC&Rs, with the minimum size of 80 square feet.

These are subtle changes that would increase the flexibility for buyers and have a less imposing package of design criteria.

Mr. Collins referred to the point totals document that was shown on the overhead screen, which showed a summarization of the history of points for the original PUD, and the proposed points. It was difficult getting a grasp of the points because in a sense they are in the eye of the beholder. There are 100 points required to get the density bonus. The total of this PUD remains 140 points.

Chairman Robinson, stating he was representing a Commissioner who was not in attendance, asked about the removal of the colonial architecture theme from the CC&Rs. This architectural feature was one of the biggest reasons the PUD was approved. The one house in the subdivision does not conform, as the CC&Rs were not in place.

Bill Collins said today is a different world from an economic standpoint. To mandate or require colonial architecture was a good idea at the time. Times do change. That type of narrow restriction in 2013 would impinge on their ability to market the property. It is not a positive time for such a restriction. Nothing prohibits someone from building a colonial style home if they wish to do so.

Richie Webb asked Mr. Collins to address what he feels the reasons are for why the lots have not sold.

Bill Collins said it is the overall economic condition of the country and the housing market nationwide, although Eastern Idaho and Rexburg never really went into the tailspin of other areas. He feels the project would have taken off three or four years earlier.

Richie Webb asked if Mr. Collins felt the proposed changes would make a significant difference in the ability to market the development.

Bill Collins said the changes are minor changes. The changes themselves are not going to make the difference. These changes will supplement other efforts. Hopefully the timing is better. If three or four houses can be gotten under construction, that would generate more excitement and more

activity. If they have to sell a few lots below cost to make that happen, it will pay off in the longer run. He is not holding up the changes as the panacea; it is just going to remove a little bit of the pressure.

Dan Hanna asked if the proposed changes have been reviewed with other builders.

Bill Collins stated he has reviewed them with a builder who has shown some interest. There has been positive response, in particular regarding the front porch requirement.

Cory Sorensen asked the target price point range of the homes with the proposed changes versus the original price point.

Bill Collins said the homes were originally in the \$275,000 - \$375,000 range.

Judy Hobbs, realtor for the developer since the beginning of the project, stated in order to be able to market the new homes and be competitive; price would have to be under \$200,000.

Richie Webb asked if where this development is headed is comparable to the Henderson Subdivision in Rexburg.

Bill Collins said they are probably headed there more as price point. What will set University Parks apart will be the parks, the trees, and the parkway strips and sidewalks. The fundamental skeleton of this development is still very attractive and can be distinctive.

Richie Webb said he has seen several subdivisions that are similar to what Mr. Collins was trying to do originally; a spectacular one is in Indianapolis. If this development could have gotten a few homes going where people could see them, although the price point was an issue, there could have been some momentum. People may not envision what it could be.

Chairman Robinson wondered if lot size has anything to do with the lots not selling. Many people come to Idaho for more land. This development is also next to another development with larger lots, less restrictions and the same economic ballpark.

Dan Hanna said the subdivisions that are developing, like Summerfield and Stonebridge, have very small lots. In this market there is a reduced inventory, so there is a demand. If builders can get financing for a spec home that would help determine how the homes would sell.

Bill Collins said they have been monitoring the inventory and feel now is the time to start to re-energize this effort. He agreed that spec homes could make a world of difference.

Chairman Robinson asked if Judy Hobbs had any comments.

Judy Hobbs stated Bill Collins has presented the issue very well. Timing is everything. Timing was really poor in the fall of 2007. There is now renewed interest in small, less expensive homes. The young families who are probably not going to be here their whole lives, are raising families, going to school, working, etc., and may not want a large back yard. The success of the Kartchner Summerfield development reflects this; it is a top notch subdivision.

The proximity of University Parks to the University is going to be a big draw. It is within bicycle and walking distance. The time is here and now to re-energize. They have to do something different and come back to the market fresh. Letting people have more autonomy in building their home is a positive. With the Kartchner homes, there are a certain number of floor plans that can be built. The builders get them done, efficiently and well. That is the type of thing being looked at for University Parks.

Dan Hanna asked if the name of the development had to be changed.

Judy Hobbs believes from a marketing perspective that it is a good thing to do.

Richie Webb said that Judy Hobbs spoke of the Kartchner Summerfield homes as being comparable. Does University Parks also plan to do four or five different home plans, letting people select from those plans?

Judy Hobbs said at this point she does not think that Bill Collins and his partner would build the homes. There would be multiple builders used to build the homes.

Melanie Davenport said a couple of weeks ago an applicant came before the Commission regarding building a twin home. The Commission wanted specific details of what that home was going to be. In the description tonight, it looks like almost anything could be built. She wondered why there are not more specifics on the building design and what is appropriate for this subdivision, in terms of roof pitch, insets, etc.

Bill Collins said the CC&RS are detailed.

Dan Hanna expressed that protecting the integrity of the development is important. **Melanie Davenport** agreed.

Chairman Robinson clarified that tonight the Commission is looking at the changing of the PUD requirements.

Bill Collins stated that the CC&Rs do address roof pitch, setbacks, lighting, and other specifics.

Chairman Robinson reviewed the process of the PUD points system. The City planner at that time in 2008 did the review and assigned the points. As mentioned earlier, it is a one-person observation. It is very subjective. This PUD met the required points then and now, needing 100 points and meeting a total of 140 points.

Melanie Davenport said she likes the name change to University Parks and feels the development will look fabulous.

Dan Hanna said the market has changed, but there still is a demand for homes especially in the stated price range. This is infill within City limits that is closer to the University. The Commission has a vested interest in helping people to be successful as they invest in this community.

Chairman Robinson said he did like the original plan better, but he does not want to see the many empty lots continue to be there.

Gil Shirley said he liked the idea of a theme, but pricewise this change is almost the way the developer has to go.

Richie Webb asked Mr. Collins to address trying to create variation, so there is not a tract home look to the development from house to house. He understands the price range issue, as the homes have to be marketable for the applicant to succeed, but he would want to make sure it is nice and attractive and has a good atmosphere. He wondered if there is language to address the issue.

Gil Shirley asked if brick or stone is being required.

Bill Collins said it is not being required. It would be the choice of the home builder.

Dan Hanna asked if the CC&Rs require anything specific other than the porch and the garage setback in terms of exterior elevations.

Bill Collins said the CC&Rs are very detailed. They contain criteria that address the site as well as the structure. There is an architectural review committee who will review submitted home plans.

Currently this committee would be made up of 3 people appointed by the developer ; after half the lots are sold, the Homeowners Association (HOA) board will select the people for the committee.

Mr. Collins read some of the specifications from the CC&Rs. There is a maximum as well as a minimum setback, to try to maintain a street frontage. There are minimum separations between adjoining driveways. There is a requirement for ground cover. There is a requirement for the developer to install two trees on every street frontage; a corner lot would have two frontages. There are restrictions on outdoor lighting, and restrictions on satellite dishes and antennas (rear of lot or screened). Regarding the actual structure, the home is to be a single family home only; it cannot be a modular home. There is a minimum amount of square footage on the first floor of 1000 square feet; if there is a second floor, there is a minimum square footage of 700 square feet. Maximum height is 30 feet. Front porches are required. Allowed siding materials are listed. The roof pitch is a minimum of 6 and 12. Exterior colors are addressed. Basements are allowed. Accessory structures are addressed. There are provisions addressing what can be parked in the yard, etc.

Jedd Walker said the redline document of the final master plan changes that was included with the application was very helpful. He feels this is the exact same development with a new name, leniency on materials, the new requirement of porches, and leniency on landscaping as far as what is required by each individual developer. Just the finishes have been changed. He reiterated that it is the exact same development. He has no problem with it. He does not think the quality will be any less. A home with vinyl may not be what the developer initially wanted to see, but as far as the variety of homes, look at any development in town; just by the nature of people, there would be a variety. He does not think there is anything to worry about and that this is just fine.

Gil Shirley asked if there are time limits on yards and landscaping completion.
Bill Collins said the time limit for installation is one year.

Melanie Davenport asked if there is a recommended plant list for buyers.
Mr. Collins said they could provide such a list.

Natalie Powell clarified for the Commission that this request does not go to City Council. The decision can be made by the Commission tonight. There is not a staff report. However, Val Christensen wanted it stated that, in regard to the buildings' thermal envelope, the homes should exceed the values required by the current energy code in order to get the extra PUD points.

Dan Hanna motioned to approve the modification/amending of the University Parks (formerly Founders Square) Planned Unit Development (PUD), as presented at tonight's meeting and as recorded in the meeting minutes. **Jedd Walker** seconded the motion.

None opposed. **Motion carried.**

Winston Dyer resumed the Chair.

Unfinished/Old Business:

1. Development Code Changes Discussion continued – Lighting Standards
The Lighting Standards document was shown on the overhead screen.

Bret Stoddard stated that the document has been cleaned up as per the recommendations of the P&Z Commission, so that it is readable and functions efficiently.

Chairman Dyer said this issue was previously discussed thoroughly at the June 6, 2013 P&Z Commission meeting. The document is a revision incorporating the requested changes.

There was consensus that the document reflects the Commission's discussion and concerns.

Bret Stoddard clarified that regarding the entire residential lighting section of the document being moved to the Subdivision Ordinance, the Public Works Department is currently working on the Subdivision Ordinance.

The Subdivision Ordinance will eventually be put into the Development Code Ordinance document.

Dan Hanna motioned to recommend to the City Council to adopt the Lighting Standards revision with the specified changes, as a part of the Development Code Ordinance No. 1026 changes that will eventually move forward for City Council approval. **Jedd Walker** seconded the motion.

None opposed. **Motion carried.**

The **Chairman** explained to the audience that the Commission is following Roberts Rules of Order. Everyone is allowed to have their say. Everyone is courteous. Both sides of an issue are discussed thoroughly before a decision is made.

2. **Chairman Dyer** stated at the last P&Z meeting on September 5th, there was a discussion regarding the new BYU-Idaho student housing proposal. As per minutes of that meeting, staff was going to speak with BYU-Idaho representatives regarding the parking issue. There is not any follow-up information tonight. He asked that this follow-up issue be scheduled for the next meeting.

Compliance: None

Non controversial Items Added to the Agenda:

1. Report on Carpet One Design Review Committee meeting, September 10, 2013

Thaine Robinson stated that the Carpet One building will be located just south of the John Deere dealership. The developer wanted to build a steel building. There are major corridors on both sides of the property, 12th West and Hwy 20. The meeting conclusions were: regarding the 12th West building entrance - eave extensions, rake extensions, change of color and materials, and canopy over the entrance would be required to help give the building some relief. A façade plan of the 12th West side of the property is to be submitted. A landscape buffer will be created along the Highway 20 side of the property. The applicants will meet with City Engineering Department regarding a Development Agreement concerning the projected right-of-way and future curb, gutter, and sidewalk.

2. Report on Rexburg Storage Design Review Committee meeting, October 1, 2013

Thaine Robinson said that the property where storage sheds will be built is a triangular lot on South 5th West near the railroad track. It is encouraging to see someone want to develop here. The property is zoned Light Industrial (LI). There is a front yard setback requirement of 10 feet in the LI zone. Due to the varied setbacks in the area, the Committee felt they could concede the entire 10 feet so that the building could be at the property line. The meeting conclusions were: Sidewalk and a boulevard strip would be part of this project. This would set a precedent for other developments

coming forward. In addition, the streetscape would be upgraded by using building color variations and varying building materials.

3. The Chairman had two issues he wished to address for the record.

First, the Chair stated that Elaine McFerrin is charged with putting together the P&Z meetings, and in understanding who is going to be here and who is not. She is responsible for the scheduling of applicants and keeping them informed about their proposals moving forward. All of the Commissioners receive an email from her regarding attending the meetings. She is not getting responses back from everyone. The Commissioners have the responsibility to notify her. Please be courteous and give a response as soon as the email is seen. The Commission cannot conduct its business without a better response from the Commissioners.

Secondly, the Chair stated each of the Commissioners has been asked by their community to serve on this Commission. It is recognized that this is done with no compensation and that each of us has other interests and concerns. None the less, in accepting this responsibility, each Commissioner has agreed to be here the 1st and 3rd Thursday evenings of each month. The idea should be to plan on being here first rather than anything else. It should take precedence. We need the support. We need to have a quorum. It is embarrassing to the City of Rexburg when a quorum cannot be gotten together to conduct the business and the affairs of the community and fulfill the duty and responsibilities to which we have been called. The Chair would issue a plea for everyone to re-evaluate and recommit if necessary. The Commission has done some phenomenal things; the community reflects all of the Commissioners' efforts and sacrifices; we just want this to be able to continue in a smooth, orderly way. He appreciates all of the Commissioners in all that they do, the sacrifices they make, and the time they give to be here, away from family and other interests so that the good of the community can be served.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

The Chairman adjourned the meeting at 8:03 pm.