

Planning & Zoning Minutes

November 21, 2013



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Richie Webb
Mark Rudd Gil Shirley
Cory Sorensen Melanie Davenport

City Staff and Others:

Val Christensen – Community Development Director
Elaine McFerrin – P&Z Coordinator
Daniel Widenhouse – Community Development Intern

Chairman Winston Dyer opened the meeting at 7:00 pm. He welcomed everyone, including the Madison County P&Z Commissioners who will participate in a hearing during this meeting, and Madison County staff member Brent McFadden.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Melanie Davenport, Dan Hanna, Winston Dyer, Richie Webb, Gil Shirley, Cory Sorensen

Mary Ann Mounts, Jedd Walker, Thaine Robinson, and Chuck Porter were excused.

Minutes:

1. Planning and Zoning meeting - November 7, 2013

Corrections:

Page 2 – Regarding Winston Dyer’s statement, change the word *presently* to *previously*: “...Chairman Dyer clarified that this is a *previously* existing non-conforming use.”

Page 3 – Regarding Winston Dyer’s statement, change the word *presently* to *previously*: “...what needs to be in this particular request to finish the existing development, a *previously* existing non-conforming use...”

Dan Hanna motioned to approve the Planning & Zoning minutes of November 7, 2013 as amended. **Mark Rudd** seconded the motion.

Gil Shirley, Richie Webb, and Cory Sorensen abstained for not having been present. None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm - Conditional Use Permit (Pier 340) –340 & 330 North 12th West – to expand the existing mobile home park. The zoning of the property is Medium Density Residential 1 (MDR1).

The property is in the Impact Area.

Chairman Dyer stated that the P&Z Commission is a recommending body to the City Council. Because the subject property of this request is in the Impact area, three Rexburg P&Z Commissioners and three Madison County P&Z Commissioners will vote on the proposal, with their recommendation going to the Madison County Commission for the final decision as per the

agreement with Madison County. The agreement indicates that in such matters, the Rexburg zoning code in this case would govern.

Dan Hanna, Melanie Davenport, and Winston Dyer are the 3 Rexburg P&Z Commissioners participating in the hearing process. The other Rexburg P&Z Commissioners stepped down and joined the audience.

Chairman Dyer recognized **Kevin Willmore**, chairman of the Madison County P&Z Commission, **Millie Andrus**, and **Bill Squires**, as the 3 Madison County P&Z Commissioners participating in the hearing. They joined the Commissioners on the dais.

Chairman Dyer explained the procedure that is followed for a public hearing. The applicant will present the proposal. The Commissioners may ask questions of the applicant and staff for clarification of the proposal. The public may also be given the opportunity to ask questions in order for them to better understand what is being presented. Public testimony will be taken; if there is opposition the applicant will have the right of rebuttal. Staff evaluation will be given. The Commissioners then will deliberate in order to come to a decision for a recommendation to the Madison County Commission.

The request tonight to expand an existing mobile home park may be allowed under the terms of a Conditional Use Permit.

Rachel Whoolery, 2169 Ferris Lane. She is part owner of this property. The property was viewed on the overhead screen map. The boathouse in the front of the property is a familiar landmark. There are currently 13 trailers here. The back of the property is now agricultural fields. The proposal is to add another 30 to 31 trailers. There would be a community garden, a basketball court, and a playground, so that the children living here would not have to play in the street. They have owned the property for only about 2 years, but the mobile home park has been existence since about 1979. It has always been kept up and in good repair.

Currently, there is a need for mobile homes. The park is already in existence and is currently full. The plan is to keep the boathouse. It is a very distinctive logo for their name, Pier 340. There will be 2 fire hydrants and a roundabout as requested by the Fire Department. Signs will be posted every 20 feet to indicate the fire lane. There will be pavers in the landscape. Neighbors on the north and south were contacted; neither of these neighbors was willing to sell a small parcel to her to create an access road, so the Fire Department came up with this idea.

Mrs. Whoolery pointed out snow storage areas, along with the current lift station and the location of the new lift station. They would connect to a sewer line at 12th West and Main Street in conjunction with the City. The water line already goes in front of the property. Everyone in the trailer park has their own dumpsters.

Millie Andrus asked the width of the emergency lane.

Rachel Whoolery said it is 20 feet wide, changed from 14 feet, per request of the Fire Department. The other road is 28 feet wide. It is a 2-way thoroughfare. Sidewalks that are 5 feet in width were pointed out.

There was some discussion on the Fire Department requirements.

There would need to be a letter from a neighboring property owner stating in the future the project would be able to get access on the "T" in the back of the property. If this was not possible, there would need to be emergency access continued up to the front of the property (12th West).

It was clarified that there is just one entrance into the mobile home park. The cul-de-sac maximum length does not apply here. This is a private road/driveway.

Rachel Whoolery clarified there will be both a “T” and a roundabout. She reiterated that she has contacted both neighboring property owners. The property owner on the south does not want to grant access. She is waiting for a response to her letter from the north property owners.

Bill Squires asked for clarification.

Rachel Whoolery said she is willing to keep trying, but she would rather get approval of the project as it is designed so it can stand on its own. Then if she can find something that would not require putting in the costly pavers, she would be fine with that, too.

Chairman Dyer asked if the Title 14 Standards for Mobile Home Parks in the Rexburg Municipal Code were taken into account by the design professionals for this development.

Rachel Whoolery said she emailed the standards to them. She also met with Val Christensen.

Chairman Dyer asked for clarification on the updated site plan that was part of the application documents packets given to the Commissioners.

Rachel Whoolery said on the updated site plan, the fire lane is now wider – changed from 14 feet to 20 feet.

The **Chairman** asked if the trailers that currently are on the property are being moved, or if they will be a previously existing non-conforming use.

Rachel Whoolery said some of the residents have lived here for many years. The front trailer may need to be moved because of the right-of-way and setback. Some of the trailers are at an angle. Some trailers may be moved when hooking up to infrastructure.

Regarding requirements on distances between units, some will be moved and shifted as someone leaves.

There is a required 15 foot setback for the south property line, and the trailers at this time do not conform.

Mrs. Whoolery said another option would be to remove the existing mobile homes from the CUP request and just go for a CUP on only the property where the expansion would be.

Chairman Dyer said the subject property is in the flood plain. He asked if any surveying has been done addressing this issue. The mobile homes would be under the new flood plain regulations – 2 feet above the flood plain to the bottom of the frame of the unit.

Rachel Whoolery said in order to get insurance, she did have the elevations and current trailers surveyed. The current trailers are fine. She thinks the plan is slightly lower in places, so dirt could be brought in.

Chairman Dyer said the bottom of the new trailers would need to be 3.6 feet above the ground according to the new Federal Emergency Management Agency (FEMA) ordinance.

It was discussed that there is an elevation certificate, so this may not be an issue.

Brent McFadden clarified that insurance is based on elevation. The higher the trailer homes are above the flood plain the less the homeowner has to pay.

Chairman Dyer said per Code there is a density of 8 units per acres. He asked if the land was being platted.

Rachel Whoolery said it is not. She is just showing what the layout would look like. The undeveloped subject land is about 3.2 acres. There would be a total of 44 units – new and existing.

Kevin Willmore asked for clarification regarding if the paved fire lane is included in the density figure.

Chairman Dyer said it is included. The figure looked at is the gross acreage of a mobile home park.

Val Christensen clarified that staff looked at the development as one parcel. The developer could do a lot line adjustment to combine the 2 parcels.

Regarding not meeting setback, staff looked at this as a grandfathered situation.

Rachel Whoolery said 20 feet has been added to each lot.

Chairman Dyer asked if there would be fencing.

Rachel Whoolery stated that the property is already almost completely fenced with a white picket fence. There is just one area on the north by the corral that still needs the fencing.

Melanie Davenport asked if there are plans for buffering from the road and neighbors and if a Homeowners Association has been considered to protect the way things are taken care of on the property.

Rachel Whoolery said there is in place a contract made with each trailer owner when it is brought onto the property, which gives a list of rules in order to protect the people who live there, including lawn care, pets, noise, etc.

Melanie Davenport asked for clarification on landscaping.

Rachel Whoolery said currently the property is nicely landscaped. There are large boulders, green grass, and some trees. Each lot has its own private yard. There is a lot of green space for a park. She plans to put in even more. It is an important goal.

The recreation area requirement is 8 percent, which is met.

Chairman Dyer asked about the lighting that is planned. There is a lighting requirement in the Code. He read from it briefly.

Rachel Whoolery said there are no lighting plans at this time. She will review the requirements and will do whatever is required.

Val Christensen clarified that minimum lot size is met – measuring from the center of the private drive.

Bill Squires asked about snow removal.

Rachel Whoolery said currently Dell Barney Trucking is contracted to take care of snow removal. Snow will be hauled away if necessary.

It was discussed that the development would require walkways. The access way may be considered as part of the walkway.

The parking pads are concrete. The trailers are on blocks and anchored.

Millie Andrus expressed concern about the lift station and when the connection to sewer would be done.

Rachel Whoolery said the lift station would be the first thing that is done. They must wait for the water table to lower, which would be in about March or April. Cost to connect is high.

Millie Andrus asked for clarification on the Fire Chief's statement of wanting to have a separate access that comes all the way out.

Val Christensen said the issue would need to be resolved before the development moves forward.

Chairman Dyer suggested the Commission could include a condition that specified access approval by the fire chief would be necessary before a building permit is issued.

Kevin Willmore asked if a traffic study has been study done.

Rachel Whoolery said a traffic study was recently done for this road.

It was estimated there would be 105 trips in 24 hours, about 20 vehicles an hour. This would not be a concern.

It was clarified for Rachel Whoolery regarding the dedicated right-of-way that the City has designated the uses and level of service of different types of road ways. The designated right of way is donated by the developer in return for the City offering hook-up to utilities, water, sewer, etc.

Chairman Dyer said a Development Agreement would stipulate what would be done.

Rachel Whoolery clarified for Melanie Davenport that they are looking at options for the sewer. They will stub out sewer and water and would phase them in. It will take some time to do the switchover. The lift station will be pressurized to meet with the gravitational line.

Chairman Dyer asked if anyone from the audience had questions to help them to understand the proposal.

There were no questions from the audience.

There were no additional comments from staff.

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.

Val Christensen and Brent McFadden have discussed the proposal. The P&Z recommendation tonight will go to the Madison County Commission for a final decision.

Val Christensen said the total size of the subject property is 5.87 acres. Staff has looked at this as a grandfathered situation. The mobile home court already exists; the developer is adding to it and making it better for all.

The property was successfully rezoned about a year ago to Medium Density Residential 1 from Rural Residential 1 and Transitional Agriculture 1. A CUP is required for a mobile home park.

This request is to expand the existing mobile home park. City staff looked at this as a grandfathered situation. The Comprehensive Plan land use designation is Low-Moderate Density Residential.

The City Engineer has requested the right of way dedication on 12th West. The City Engineer did not require a traffic study. The applicant is working with the City Engineering Department on sewer connection.

Brent McFadden stated that the findings from tonight's meeting will be presented to the County Commission for a final decision per the inter-local agreement.

Melanie Davenport wondered what the consensus of the neighborhood was regarding hooking up to City sewer services. Is there a plan to bring services to the area?

Val Christensen said there is no plan at this time, but as the area develops, City sewer connection would be required.

Kevin Willmore said it seems that there are a lot of items regarding this proposal that are pushing the limits – setbacks, lighting, lot shape, fire lane, etc. How can we grandfather the existing development when there is no separation for the new development? This appears to be very crowded.

Val Christensen clarified that staff has looked at this as an existing situation. Lots are minimum size, but there would be more open area.

The **Chairman** said the Commission needs to discuss the pros and cons of the issue during their deliberation in order to see a consensus, form any conditions, and make a decision.

Melanie Davenport wondered about the number of private outbuildings that are allowed.

Dan Hanna said any rules would be addressed through the contracts that Rachel Whoolery had spoken about earlier.

Melanie Davenport was concerned with the sewer situation.

The sewer connection could be a condition to be approved by the City Engineer.

Kevin Willmore was concerned about landscaping and the setback. There is no ability for any tree planting.

Millie Andrus expressed concern about density. However, she recognizes there is a huge need for affordable housing.

Chairman Dyer said from his review of the mobile home ordinance, this project does not require landscaping per se but when looking at a conditional use, the Commission's charge is to look at the potential impacts, so an impact could be mitigated through a condition.

Millie Andrus said the Commission legally has to stay with code. The idea of fixing the properties as people move makes more sense than insisting the upgrades be done now.

Melanie Davenport said buffers are required and could be addressed through a landscaping plan.

The existing and future mobile homes were discussed.

Bill Squires agrees with the concerns that have been expressed. He is also concerned about the property being in the flood plain.

Kevin Willmore realizes the development has to be economically feasible. He is concerned about the fire lane. Perhaps 1 or 2 of the mobile homes could be moved. He also wondered about centralizing the park.

There was Commission consensus to discuss conditions for this Rezone request.

There was thorough discussion of concerns, looking at potential impacts, and trying to mitigate those impacts.

Dan Hanna motioned to recommend to the Madison County Commission approval of a Conditional Use Permit for the property located at 340 and 330 North 12th West, to expand the existing mobile home park, and to include the following ten conditions:

1. There shall be right-of-way dedication of 12th West as per the City Engineer.
2. There shall be a plan for sewer line and water connection per City requirements.
3. The fire lane shall be approved by the Rexburg Fire Marshall.
4. There shall be a Development Agreement with the City.
5. Lighting within the trailer park shall comply with City standards.
6. There shall be adequate fencing and/or landscape buffering as per requirements of Title 14 for Mobile Homes of the Rexburg Municipal Code.
7. All ~~new~~ trailers added to the mobile home park shall be hooked up to City services (sewer and water).
8. Elevations of mobile home trailers shall comply with FEMA standards.
9. Trailer space south of basketball court location to be eliminated in order to increase the play area.
10. Any trailer moving into the trailer court shall meet State mobile home standards.

Bill Squires seconded the motion.

Discussion.

Dan Hanna amended his motion to eliminate the word “new” (crossed out above) from Condition #7.

Bill Squires seconded the amended motion.

None opposed. **Motion carried.**

Unfinished/Old Business:

1. Development Code Changes discussion - This discussion will continue at a future meeting.

New Business: None

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

December 5th – P&Z Meeting Cancelled.

The Commission made the decision to cancel the December 5, 2013 P&Z meeting .There are no agenda items scheduled for hearing or action.

December 19th – Rezone – Approximately 1450 North 2nd East – Transitional Agriculture 1 (TAG1) and Light Industrial (LI) to Regional Business Center (RBC) – Walmart Real Estate Business Trust

The meeting was adjourned at 9:44 pm.