

Planning & Zoning Minutes

October 16, 2014



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:

Thaine Robinson – Chairman
Melanie Davenport Cory Sorensen
Mark Rudd Steve Oakey
Tisha Flora

City Staff and Others:

Natalie Powell - Planning Assistant/Compliance Officer
Elaine McFerrin – P&Z Coordinator
Clark Wilcox – Community Development Intern

Chairman Thaine Robinson opened the meeting at 7:00 pm. He welcomed everyone. Community Development Director Val Christensen and Council Liaison Brad Wolfe were excused.

Roll Call of Planning and Zoning Commissioners:

Melanie Davenport, Tisha Flora, Cory Sorensen, Thaine Robinson, Mark Rudd, Steve Oakey

Gil Shirley, Chuck Porter, Jedd Walker, and Bruce Sutherland were excused.
Dan Hanna was absent.

Minutes:

1. Planning and Zoning meeting October 2, 2014

Melanie Davenport motioned to approve the Planning & Zoning minutes of October 2, 2014.

Tisha Flora seconded the motion.

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

Non-controversial Items Added to the Agenda:

As it was not yet time for the scheduled Public Hearing (7:05 pm), **Chairman Robinson** addressed a Non-Controversial item.

The Chair reported on the Design Review Committee meeting he attended that was held on October 6, 2014 for Mountain America Credit Union. The building will be located on the corner of 2nd East and Main Street on the former Porter property. This is considered the Downtown area. The reason for the meeting was that the applicant did not have an entrance for the building that would face the street. The entrance is on the north side.

The applicant agreed that they would turn the northwest area into a more major, inviting opening, to draw the eye to the entry-way and to the north door. New plans were to be submitted to the City for staff review, and if the plans are found to be satisfactory, the Design Review Committee would be fine with the staff decision.

Natalie Powell showed the Commission the proposed new site plan that was just submitted by the applicant. It shows the new pedestrian area on the northwest side of the building and includes a rock sculpture element that will have a bronze eagle statue on the top, to help draw the eye in toward the entrance. The pedestrian pathway would be of decorative crushed rock.

Chairman Robinson said one of the things the Design Review Committee tries to do is make sure the project is an asset to the community as well as a success for the developer.

Public Hearings:

1. 7:05 pm – Conditional Use Permit- 132 East 1st South - to allow 100 percent residential and zero percent commercial in a Mixed Use 2 Zone

Chairman Robinson explained the process that is followed for public hearing and then requested that the applicant come forward for the presentation.

David Stein, 370 South 4th East, the applicant and owner, presented the proposal.

The site plan was shown on the overhead screen. The property is in the MU2 zone and in the PEZ (Pedestrian Emphasis Zone) Zone overlay. The property is the former Squires (of Squires Brick) home. There are lots of trees and bushes. There is a lot of pavement on the property that is decorative brick. There are about 20 massive boulders on the east side of the property. This was originally a one-family house. They are turning it into a triplex and asking for 100 % residential and 0% commercial in MU2.

The 3 units would need a total of 6 parking spots. Mr. Stein's understanding from working with staff is that the driveway entrance from East 1st South is not wide enough for two-way traffic. They would remove some of the boulders on the east, so the driveway would exit on to Princeton Court. They are fine with moving some boulders to block the long driveway on the east. They had hoped to use some of the area for snow removal. The staff recommendation was to take out the east driveway entirely. That is the only issue. There is no major impact on the neighbors. He feels the area will be redeveloped eventually.

Melanie Davenport asked if a sidewalk is needed on the east or if what is there qualifies as a sidewalk.

David Stein said there are not any sidewalks on Princeton Court at this time.

Melanie Davenport asked if there was a slope/grade on this property.

David Stein said there is a slope, although they did not get flooded a couple months ago during the storm. If the area is used for snow, it would flow downward to the sewer.

Steve Oakey said he is assuming that Princeton Court is a City street, as the subject property's cars would be exiting on to it. Melanie Davenport's concern is legitimate. When properties pass from the original grandfathered owner to a new owner, it is often required that sidewalk be put in. Because Princeton Court does not have pedestrian access, he is wondering about sidewalk status.

Natalie Powell verified for the Commission that Princeton Court is a City street and not a private street. A 10-foot front yard setback is required.

Thaine Robinson said the east side would be considered a front yard for this property because it is on a corner.

A corner lot has 2 front yards.

For clarification, **Natalie Powell** quoted from the *Development Code Ordinance No. 1115, Section 3.14.100a, Mixed Use 2 Front Yard requirement.*

"... When the minimum requirement of 10% residential/commercial mix is reduced by a Conditional Use Permit....then the front yard setback shall be increased to ten feet...". Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first 10 feet of a front yard."

From Section 3.14.150 a. Parking Lot Construction:

“...An effective buffer shall be provided between parking areas for more than 5 vehicles and existing residential uses... The buffer shall consist of a minimum 5-foot wide landscaped strip...”

At some point in time in the future, if the area is redeveloped, sidewalks would be required for pedestrian traffic.

Steve Oakey asked how the steep grade would be handled regarding the exit (and poor drainage) from the subject property.

Natalie Powell said City Engineering staff could look at ways to direct the water into the storm drain.

Steve Oakey asked why there was discussion to abandon what appears to be the more logical exit on the corner.

Natalie Powell said there cannot be a corner of a City street being used as a driveway. Another car could be coming down Princeton Court at the same time. It is not safe.

Steve Oakey asked if it was thought that they can engineer a smooth transition on the back elevation near the Quonset.

Natalie Powell said the water would come down the road and not inward.

David Stein asked staff to clarify why the west driveway cannot be used as an exit.

Natalie Powell said the driveway has to be 24-foot wide for 2-way traffic. For 1-way traffic the driveway must be 13-foot wide. The subject driveway is 14-foot wide. A duplex would most likely have a garage in front, with 2 spaces on the pad, backing out to the City street. Anytime there is parking in the back (as would be required for a triplex and 6 spaces) there must be a safe exit and entrance.

It was pointed out that there is a buffer of a fence and bushes existing on the west.

The Chair clarified that the one-way traffic and an exit on the east of the property are the major changes.

Natalie Powell said Mr. Stein had stated that the boulders from where the east exit was to be would be moved to block the old east driveway located on the corner. Community Development Director Val Christensen in his recommendation said he would like to see the area put into landscaping 10-foot back.

Melanie Davenport asked if the garages are safe. **Natalie Powell** felt they were safe.

The Chair explained that the subject property is already zoned MU2; the applicant is asking for a CUP for 0 % commercial and 100% residential. The Commission may apply conditions, which could include addressing the traffic flow, etc.

Chairman Robinson opened the public input portion of the hearing.

In Favor:

David Stein, 370 South 4th East. He is in favor of the proposal. The request for 100% residential fits the neighborhood. There is no commercial anywhere nearby.

Neutral: None

Opposed: None

Written Input: None

Chairman Robinson closed the public input portion of the hearing and asked for the staff report. Most points have already been addressed.

Natalie Powell read the staff recommendation from the Community Development staff report: “...Staff recommends that the Commission take public testimony, and determine if there is need for a commercial component. The property is not very large and it would be hard to have the parking for a commercial component. Staff recommends that the proposed Conditional Use Permit be approved contingent upon site improvements (parking/ landscaping) and building permit finalization (Certificate of Occupancy).”

Chairman Robinson felt that this proposal is the first proposal (MU2 requesting 0% commercial and 100% residential) he has seen that actually merits the zero commercial, by the nature of this property.

Mark Rudd thought the proposal is a nice fit for the property. Everyone realizes that eventually it may be redeveloped. The property can be used as it is with a few minor changes. He has no problem with the request.

Tisha Flora wondered if the Commission needs to have the applicant take out all the cement where the old east driveway is and have them landscape it, when the next people that develop it would likely remove it. Does that have to be a recommended condition?

Chairman Robinson said that would not have to be a recommended condition. The Commission has the opportunity to make or add their own conditions. One condition could address the one-way exit to be done on the east side of the property onto Princeton Court, and shutting off the old driveway access by blocking it. There is already a lot of landscaping on that side of the house.

Melanie Davenport motioned to recommend approval to City Council of a Conditional Use Permit to allow 100 percent residential and zero percent commercial in a Mixed Use 2 zone, for the property located at 132 East 1st South, to include the Standards Applicable to Conditional Use Permits, Section 6.12B from Development Code Ordinance No.1115, and to include one condition:

1. A one-way exit shall be provided for as depicted on the site plan.

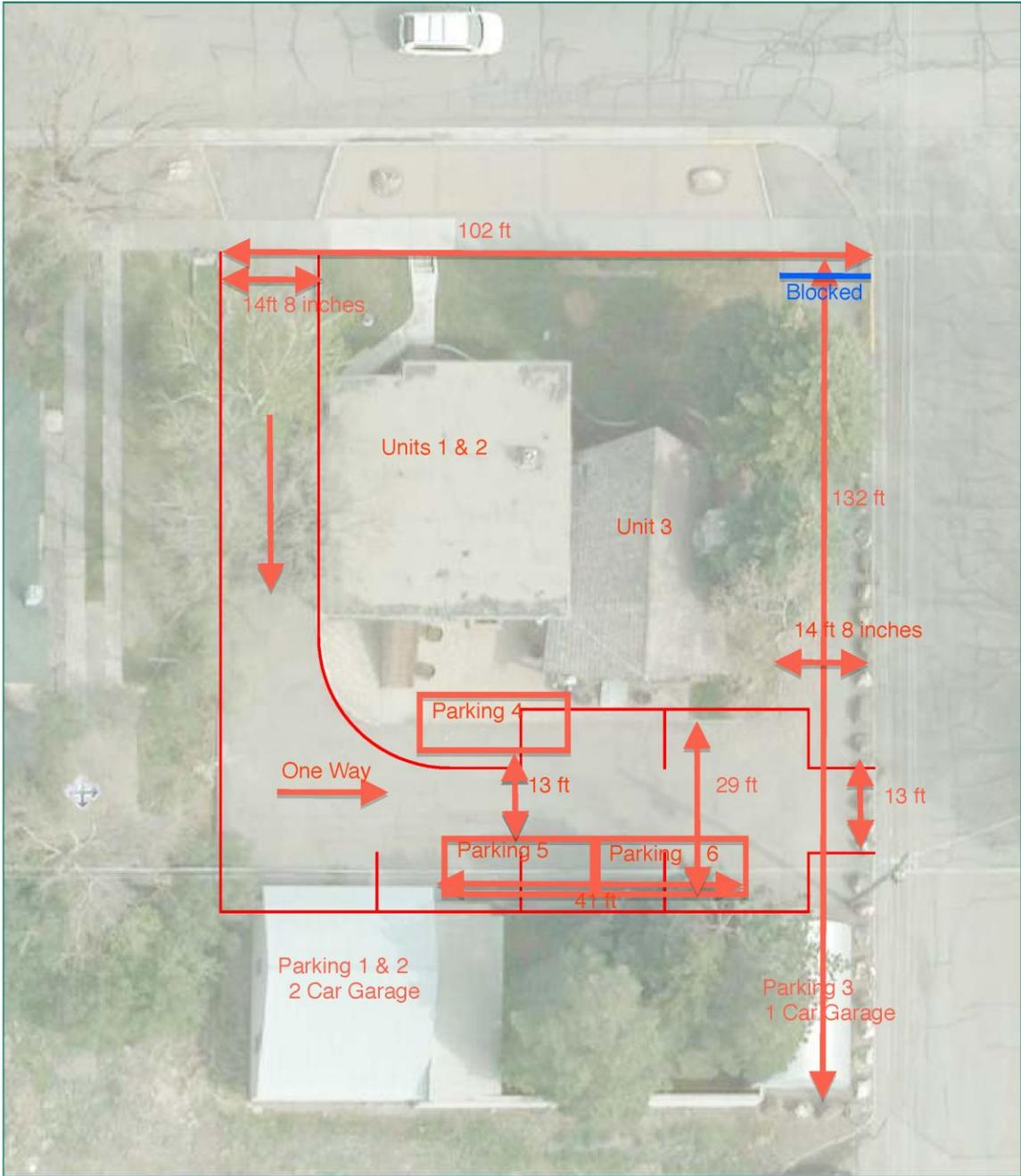
Tisha Flora seconded the motion.

None opposed. **Motion carried.**

6.12B. - Standards Applicable to Conditional Use Permits. *The approving body shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence to show that the proposed use will:*

1. *Constitute a conditional use as established in Table 1, Zoning Districts, and Table 2, Land Use Schedule.*
2. *Be in accordance with a specific or general objective of the City’s Comprehensive Plan and the regulations of this Ordinance.*
3. *Be designed and constructed in a manner to be harmonious with the existing character of the neighborhood and the zone in which the property is located.*

4. *Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibration, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic.*
5. *Be adequately served by essential public facilities and services such as access streets, police and fire protection, drainage structures, refuse disposal, water and sewer service, and schools. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use.*
6. *Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points.*
7. *Be effectively buffered to screen adjoining properties from adverse impacts of noise, building size and resulting shadow, traffic, and parking.*
8. *Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazards unless suitably designed to protect lives and property.*
9. *Not result in the destruction, loss or damage of a historic feature of significance to the community of Rexburg.*



132 East 1st South, Rexburg, ID 83440

1"=10'

Unfinished/Old Business: None

New Business:

1. Sweetwater Housing Complex located on Everett Place – Highway 20 buffering

The site plan for the project was viewed. The zoning is High Density Residential 1 (HDR1).

Natalie Powell explained that the developer is proposing to put a 6-foot fence and landscape berm along Highway 20 for buffering. As per the Development Code, the Commission should determine if the site plan is satisfactory in the addressing of the Highway 20 buffer.

She clarified that the proposed buildings (these will be 4-plexes) are an allowed use. That is not the issue.

The issue is that the developer originally did not show any buffering along Highway 20 for the project on the submitted site plan. It is a requirement stated in the Development Code.

From *Development Code, Section 3.9.150 Buffering, Fencing, and Screening:*

a. Highway 20 Corridor. All development adjacent to the Highway 20 right-of-way must submit a site plan to the Planning and zoning Commission and be approved by the Commission prior to obtaining a Building Permit.

... The buffer shall consist of a minimum 5 foot wide landscaped strip to be planted with one tree and five low shrubs per thirty lineal foot.

The site plan before the Commission now shows that the intent is for a six-foot fence and berm for buffering along Highway 20. The developer needs to meet minimum buffering requirements. The developer cannot move forward for a building permit until staff gets a consensus from the Commission that the proposed buffering is satisfactory.

Tisha Flora asked if the plan has already been approved, as the buildings look condensed.

Natalie Powell said the plan has not yet been approved. The buildings are 8 feet apart. Per code, that much density is allowed in this zone. Greenspace would be behind the apartments, with a landscaping strip in the front. If standards are not met, the plan would go back to the developer for revision. The plan has not yet been reviewed by staff. Tonight the concern is with the Highway 20 buffer.

Chairman Robinson summarized what is before the Commission – whether to approve the buffering of a 6-foot fence and berm, with a landscaping strip and with appropriate landscaping of caliper trees and small shrubs. It could be motioned that the Commission approves it per the Code. The buffering should be nice and attractive for people driving by this community. The motion could state that the Commission is in agreement regarding the highway buffer. There is buffering all along Highway 20 within the City limits.

Steve Oakey said there is nothing to object to. It is the Code that has to be met.

Tisha Flora motioned that the P&Z Commission is in agreement that the subject property on Everett Place (for Sweetwater Housing) use the buffering standards stated in the Development Code Ordinance No. 1115, as recommended by City staff. **Melanie Davenport** seconded the motion.

None opposed. **Motion carried.**

Compliance: None

Report on Projects: None

Tabled Requests:

1. Comprehensive Plan Map Amendment (14 00151) –City of Rexburg – 3rd West Neighborhood – Moderate-High Density Residential to Low-Moderate Density Residential

Steve Oakey motioned to pick the Comprehensive Plan Map Amendment 3rd West Neighborhood application request up off the table for discussion. **Cory Sorensen** seconded the motion. None opposed. **Motion carried.**

Chairman Robinson stated that the Commission did a very fair job of giving the neighborhood enough time to come to the Commission with new information to move forward. He feels the neighborhood would like to but do not have a movement to do so at this time. The City brought this application request forward for the neighborhood, so the neighborhood is not out any financial funds. The Neighborhood could come back with an application if they choose to do so in the future.

The request has been tabled since May 15, 2014.

As requested by the Commission at the September 18, 2014 P&Z meeting, City staff contacted the neighborhood representative who was informed of the Commission's intent that the proposal would be picked up off the table and dismissed if the neighborhood had not come forward with any new information by tonight's P&Z meeting. No information was received.

Cory Sorensen motioned to dismiss the Comprehensive Plan Map Amendment application request for the 3rd West Neighborhood. **Mark Rudd** seconded the motion.

None opposed. **Motion carried.**

Building Permit Application Report: None

Heads Up:

November 6th – There are no agenda items for this P&Z meeting date.

Tisha Flora motioned that the November 6, 2014 P&Z meeting will be cancelled unless someone comes forward with an issue that needs to be discussed. **Melanie Davenport** seconded the motion.

None opposed. Motion carried.

Wednesday, November 19, 2014-

Work meeting with City Council at 5:30 pm (Light meal at 5:00 pm)

Chairman Robinson adjourned the meeting at 8:01 pm.