

Planning & Zoning Minutes

June 4, 2015



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
Mark Rudd Steve Oakey
Jedd Walker W.C. Porter
Bruce Sutherland Tisha Flora

City Staff and Others:

Brad Wolfe- City Council Liaison
Val Christensen- Community Development Director
Timothy Helferstay – Community Development Intern
Darrik Farmer – Building Permit Technician
Elaine McFerrin –P&Z Coordinator

Chairman Thaine Robinson opened the meeting at 7:01 pm. He welcomed everyone, including some students in attendance to observe the meeting process.

Roll Call of Planning and Zoning Commissioners:

Attending: Steve Oakey, Chuck Porter, Mark Rudd, Thaine Robinson, Jedd Walker, Bruce Sutherland, and Tisha Flora.

Melanie Davenport, Gil Shirley, and Rory Kunz were excused.
Cory Sorensen was absent.

Chairman Robinson wanted to remind the Commissioners to respond as soon as possible to the P&Z secretary's email about attending the P&Z meetings, as to whether you will be attending or not attending. It has been difficult to determine if there will be a quorum for the meetings, and this is a concern.

Minutes:

1. Planning and Zoning meeting – May 21, 2015

Steve Oakey motioned to approve the Planning & Zoning minutes of May 21, 2015. **Chuck Porter** seconded the motion.

Mark Rudd, Jedd Walker, and Tisha Flora abstained for having not been present.

None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Conditional Use Permit – 156 South 3rd East – to allow a duplex in an existing home in the LDR2 Zone

Chairman Robinson explained the procedure that is followed for public hearing. The applicant will present the proposal to the Commission. Staff may clarify the proposal. Public input will then be taken. If giving testimony, try to make the comments short and to the point, and try to stick to facts. Staff will then give their report and recommendation; then the Commission will deliberate in order to reach a decision on the proposal.

The Chairman clarified that the P&Z Commission has the authority to make the final decision on this Conditional Use Permit request for a duplex, per the Development Code Ordinance No. 1115, Section 6.12f. The request does not have to go on to City Council.

Josh Munns, 156 South 3rd East, the applicant and owner of the subject property. He is applying for a CUP so he can have a legal duplex in this zone. The home currently has an unfinished basement, with two bedrooms and one bathroom upstairs. They will finish the basement and make the home meet all standards of the building code necessary for a duplex.

The site plan was shown. All the hardscape will be re-done. The access to the basement was pointed out. The home will be lifted because the foundation is crumbling and needs to be replaced; then the home would be set back in the same place.

Steve Oakey said the modifications appear to be minor – replacing the foundation and the possibility of an addition to the back, and the second apartment would be in the basement. He asked if the footprint would change and also about aesthetic changes.

Mr. Munns said the footprint would not change. They may do a small addition to the back, about 200 square feet. Landscaping will be improved. A fence would be added behind the driveways and around the property. The front look of the property will be improved with regular yard maintenance. The home is now stucco, which will be replaced with hardy board siding. The inside will also be improved. If the home gets damaged in the lifting, they would completely redo whatever is necessary.

It was clarified that the property is 12, 041 square feet, more than the required minimum of 10,000 square feet needed for a duplex in the LDR2 zone.

Mark Rudd asked for clarification regarding the back part of the subject property and the property adjacent to them there.

Josh Munns stated they will be able to access the subject property from the back for construction purposes only, per the permission of the owner of the property on Harvard Ave. behind them. It would not be a permanent access.

Chairman Robinson opened the public input portion of the hearing. He clarified that the Commission cannot interface with anyone during this time.

He asked if any the Commissioners had a conflict of interest or perceived conflict of interest with this proposal.

Chairman Robinson stated that he may have a perceived conflict of interest, in that he knows all the neighbors in this area very well, but he does not have any financial interest in the proposal.

Chuck Porter also stated he may have a perceived conflict, for the same reason.

The Commission did not object to both of these Commissioners staying on the dais to participate in the hearing process.

In Favor: None

Neutral: None

Opposed:

Doug Ricks, 140 South 3rd East. He stated that he may be more neutral to the proposal than opposed, but there is one thing that really bothers him and a lot of his neighbors. The property was purchased about 2 or 3 few months ago. The yard has not been taken care of. It is in disarray. It makes him wonder what is going to occur with the rest of the property. He has been involved with

the renovating of houses and has never let the yards get to the state of the subject property. A month ago before the rain started, the lawn was burning up. Now there are high grass and weeds throughout the property. It really is an eyesore in the neighborhood. He is curious to know if the property will be taken care of. Is there going to be something here that they would enjoy seeing in the neighborhood? This issue is affecting the neighborhood at this point.

Written Input: None

Rebuttal:

Josh Munns apologized for the lack of care to the property, with the rain and their busy schedules. They will take care of it.

Chairman Robinson closed the public input portion of the hearing and asked for the staff report.

Community Development Director Val Christensen stated that the LDR2 zone allows a duplex with a CUP and at least a 10,000 square foot lot. This lot meets that requirement. The City Engineer had no concerns. There were no other staff concerns. If the Commission finds that this proposal is in the best interest of the City and the neighborhood, Staff recommends that the proposed CUP be approved.

The Chairman stated that this CUP proposal can be approved, denied, or approved with conditions, by the Commission.

Steve Oakey stated that present conditions to the contrary, this proposal looks like it will be a really nice improvement to the neighborhood. The footprint will not change. There would be landscape improvements and the intentions of putting in a fence. The duplex would be minimally invasive. The secondary driveway with the walk path to the back would help make the property appear to be a single family residence. The addition of hardy board siding would improve the home's appearance. It is commendable that the applicant is going to great lengths to correct the foundation issues and help bring the house another 20 to 30 years of life.

Jedd Walker concurred. The staff recommendation in the staff report said the CUP could be "...contingent upon site improvements (parking/landscaping) and on building permit finalization (Certificate of Occupancy)." That coincides with the comments that have been made tonight. He might also consider a condition about the fence.

Tisha Flora suggested a possible condition about maintaining the upkeep of the landscaping, to address the neighbors' concerns and for the neighborhood.

Chairman Robinson said the City's Compliance Officer has been contacted by a number of neighbors who have complained about the condition of the yard on this property. This issue could be a condition.

Bruce Sutherland stated a challenge that is faced with a yard that has been allowed to deteriorate is that it makes it more difficult to have a viable sod to bring the lawn back. The landscaping should be up to quality. Try to keep up the property even though life is busy.

Chuck Porter said the representations being made are for great improvement of the house and the neighborhood. Performance so far has been pretty dismal. If the Compliance Officer has been

getting calls and the developer has known the neighbors are upset and has not done anything, that is a concern. How much more can the Commission put on this, as the zoning already requires people to keep their yards up.

Steve Oakey said that City ordinances already address upkeep of property. There are properties on the subject street that are not being held to that standard. Should the Commission impose additional restrictions that are replicated in codes that already exist?

Chairman Robinson said conditions are an option. The CUP gives the opportunity to address a specific issue.

Mark Rudd said that conditions on the CUP would address the issue at this time, but the owner would need to maintain City compliance in the future.

Bruce Sutherland stated the project is a positive one. The applicant would need to address the concerns of the neighborhood. Improving the property would also aid in the ability to rent the property.

Steve Oakey motioned to approve a Conditional Use Permit to allow a duplex in an existing home on the property located at 156 South 3rd East as stated.

Mark Rudd seconded the motion.

There was discussion regarding adding any conditions to address landscaping, fence, care of property, etc.

Mr. Oakey stated he has no intention of forcing the developer to put up a fence, although it was stated that they would. There are existing codes to address the CUP.

Steve Oakey for clarification motioned to approve a Conditional Use Permit to allow a duplex in an existing home on the property located at 156 South 3rd East as requested and that compliance should be in accord with existing codes.

Mark Rudd seconded the clarified motion.

Jedd Walker stated he is not concerned with holding the applicant to what was presented because of the City's code requirements, which already address these issues. A condition usually helps alleviate another problem. There is no problem with this development with or without a fence.

The Commission voted:

None opposed. **Motion carried.**

The Standards Applicable to Conditional Use Permits, Section 6.12B from Development Code Ordinance No.1115 would apply to all conditional use permits.

The Chair urged the applicant to take care of the property to appease the neighbors.

Unfinished/Old Business: None

New Business:

1. Sweetwater PUD (Planned Unit Development) – Preliminary Master Plan review

Chairman Robinson stated that City Councilman Brad Wolfe would be joining the Commission in this pre-application review of this PUD. He clarified the reason for this, as stated in the Development Code Ordinance No.1115, Section 4.15 Planned Unit Development (PUD), c. Pre Application Conference:

“Prior to filing an application for a planned unit development, the applicant shall review the preliminary master plan with the Planning and Zoning Commission and one person from the City Council, or the Mayor, or a designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.”

This presentation before the Commission tonight will count as the pre-application conference for the Sweetwater PUD Preliminary Master Plan review, in order for the applicant to eventually come back with a master plan application for approval. This would start the process.

The location of the property is on Everett Place near Pioneer Road. The current zoning is High Density Residential 1 (HDR1).

A copy of the site plan was shown to the Commission. The property location was viewed on the overhead screen.

Chad Shirley, 565 Pioneer Rd., representing Sweetwater property owners. The property owner would like to sell the 4-plexes on the subject property to various owners. He is building the 4-plexes. The buildings would be within 10 feet of each other; therefore a PUD application is necessary.

Val Christensen clarified that this gives a chance for any questions to be asked before the applicant moves forward into the process for a PUD application. It is for the Commission’s information only. This is a heads up to inform the Commission before an actual PUD Preliminary Master Plan application comes forward.

The developer would be dealing with building requirements and not need to have the normal setbacks between the 4-plexes if a PUD is done. The building project would be under one owner. The owner wants to sell each 4-plex building individually.

Chad Shirley said the first three buildings on the east part of the property were started last November. They were far enough apart and have been sold.

Chairman Robinson was concerned that these 4-plexes should not look like army barracks.

Chad Shirley said they would not. The buildings will be different colors with some window variation and varying elevations.

Bruce Sutherland asked if the project would be subject to design review. Val Christensen said there are design standards that would need to be met.

There was P&Z Commission consensus and Councilman Wolfe was in agreement that the Sweetwater PUD applicants should move forward toward submitting a PUD Preliminary Master Plan application. The Chair encouraged the applicants to work with staff.

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

June 18, 2015 P&Z meeting:

Rezone – 228,230, 232 South 4th West; & 251, 265, 273 South 5th West – Light Industrial (LI) and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1)

The meeting was adjourned 7:45 pm.