

Planning & Zoning Minutes

March 19, 2015

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Thaine Robinson – Chairman
Gil Shirley Cory Sorensen
Dan Hanna Mark Rudd
Jedd Walker Melanie Davenport
Bruce Sutherland Steve Oakey
Tisha Flora W.C.Porter

City Staff and Others:

Mayor Richard Woodland
Val Christensen - Community Development Director
Stephen Zollinger – City Attorney
Shawn Summers – TCS Analyst
Timothy Helferstay – Community Development Intern
Elaine McFerrin – P&Z Coordinator

This P&Z meeting was scheduled to begin at 7:30 pm.

Chairman Thaine Robinson opened the meeting at 7:32 pm and welcomed everyone.

City Council Liaison Brad Wolfe was excused.

Roll Call of Planning and Zoning Commissioners:

Melanie Davenport, Tisha Flora, Bruce Sutherland, Jedd Walker, Thaine Robinson, Mark Rudd, Gil Shirley, Dan Hanna, Chuck Porter, Cory Sorensen, Steve Oakey

Minutes:

1. Planning and Zoning meeting – March 5, 2015

Cory Sorensen motioned to approve the Planning & Zoning minutes of March 5, 2015. **Steve Oakey** seconded the motion.

Gil Shirley and Chuck Porter abstained for not having been present.
None opposed. **Motion carried.**

Presentation:

1. **Recognition of Service for P&Z Commissioner Dan Hanna**

Stephen Zollinger expressed that Dan Hanna has been an outstanding asset in his service as a P&Z Commissioner. He is one of the three Commissioners who represent the City's Impact Area, with his appointment made by the Madison County Commission. It has been very valuable having Mr. Hanna on the Commission. He has a vast knowledge of the area, as someone who works with community members in regard to many types of land. He has served the City well.

Chairman Robinson said Dan Hanna can be counted on to always be at the Commission meetings. He is a friend. The Chairman thanked Mr. Hanna for his dedication and service as a Commissioner.

Mayor Richard Woodland stated he has known Dan Hanna for a long time. He also knew his father, as part of a mining community in Utah. Dan Hanna gives a lot of his time to service; he has always been a volunteer. He served on mine rescue teams, as a member of the Home Safety Association, and as an EMT, among many other duties. He has dedicated his life to others.

The Mayor presented Mr. Hanna with a plaque, in recognition of his dedicated service as a Rexburg P&Z Commissioner, from March 22, 2006 to March 22, 2015. The service he has given to this community is very much appreciated.

Dan Hanna thanked everyone. He has enjoyed serving on the P&Z Commission and expressed that one never serves alone.

Public Hearings:

1. 7:05 pm - Comprehensive Plan Map Amendment – 1030 South 5th West – Low-Moderate Density Residential to Moderate-High Density Residential – **Cancelled per Applicant request**
 2. 7:25 pm – Rezone –1030 South 5th West – Rural Residential 1 (RR1) to High Density Residential 2 (HDR2) – **Cancelled Per Applicant request**
-

3. 7:40 pm – Rezone – 408 and 416 West Main, and 407 West 1st North – Medium Density Residential 2 (MDR2) to High Density Residential 2 (HDR2)

Chairman Robinson explained the procedure that is followed for public hearings. The applicant or a representative will come forward to present the proposal to the Commission. The Commissioners may then ask clarifying questions.

If anyone wishes to speak to give public testimony, they would state their name and address for the record, and their affiliation, such as neighbor, interested citizen, etc. People may testify in favor, neutral to, or opposed to the proposal. If there is opposition, the applicant will be given the right of rebuttal. The Commission asks that the comments hold to fact rather than emotion. Please limit comments to no more than 5 minutes.

The staff report will then be given, followed by deliberation of the Commission on the proposal in order to come to a decision on a recommendation to the City Council. The City Council will make the final decision.

David Thueson, 360 West 3500 North, the applicant and co-owner. He presented the proposal for the requested zone change. He owns Homestead Assisted Living. In conjunction with Madison Memorial Hospital, an assisted living facility was built to the north of the subject property a couple of years ago. He pointed out the subject property in this rezone request. They have felt that more rooms at Homestead Assisted Living would be beneficial. They have purchased the home on West Main (416 West Main), and it will be relocated by June.

The plan is to add another 42 resident rooms. Because of the lot being narrow, in order to get a sufficient fire lane, the addition would be of 2 or more likely 3 stories. It would be positive for the community. It would not adversely affect any of his neighbors. The new building would be very attractive. He had a floor plan of the rooms if the Commission wanted to see the plan.

Chairman Robinson thanked Mr. Thueson but said that this rezone request is really a land use issue, so the Commission will concentrate on that aspect.

Gil Shirley asked if the existing buildings are single story.

Mr. Thueson said there is one building that is 2 stories, but the 2nd floor is offices and not resident rooms.

Val Christensen added that the building code would address any building height issues. This should not really be part of a land use discussion.

Chairman Robinson opened the public input portion of the hearing.

In Favor:

Sam Stoddard, 535 Maple. He runs Homestead Assisted Living. He is in favor of the rezone request. The planned new building will be a great addition and a great opportunity to serve the people who live in this community. It will also improve the area.

Neutral: None

Opposed: None

Written Input: None

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

Val Christensen stated the size of the requested rezone is approximately 2.3 acres. The request is to change the zoning from MDR2 to HDR2. The Comprehensive Plan land use designation is Moderate-High Density Residential. The requested zone of HDR2 fits under this designation.

Dan Hanna said such a project would have less density than an apartment complex.

Steve Oakey asked if the subject property was in the infill/redevelopment area.

Val Christensen said it is. This property should have had scoring. One criterion of the scoring would be to look at its adjoining to neighborhoods. This property would score as highest, because it does not adjoin any neighborhoods. Scoring works on perimeter length. Access to streets would score highest. Size would score high as far as infrastructure. He feels the property would score very high, although the request could be tabled if the Commission felt it was an issue. A scoring analysis could be done for when the proposal is before the City Council.

Stephen Zollinger said to proceed with the hearing. He clarified that the request does not need scoring. Scoring is an assistive device and not a determinative device.

The **Chairman** summarized the issue. This is a land use question. Should the zoning on the specified property be changed from MDR2 to HDR2?

Cory Sorensen declared that he owns property near the subject property and received a hearing notice letter. He did not believe it would be a conflict of interest.

The Commission had no objection to him participating in the issue.

Melanie Davenport felt this would be an asset and fits well in the neighborhood. It is a good proposal.

Bruce Sutherland thought the proposal makes excellent sense and fits the area. Land use in the area is conducive to this zone change.

The Zoning map and Comprehensive Plan map were viewed for clarification.

Steve Oakey stated he is in favor of the request. Just as an interesting point of comparison, with the recommendation of the P&Z Commission, City Council voted unanimously to reduce the density

regarding the 3rd West Neighborhood Comprehensive Plan request, land which is close to this request. Tonight, this would be voting to increase the density of this request.

Chairman Robinson said there is a physical barrier (the canal) between the two areas which acts as a buffer as well.

Chuck Porter said another difference, in regard to increasing the density here, is that these facilities are very low usage places - quiet all night; not a lot of stress on the neighbors. They somehow have to densify. They are delivering a good service at a good price.

Gil Shirley asked if there would ever be a need for access on the east side of the property because of the increase in density.

Chairman Robinson stated that may be a concern, but it is not a land use issue. It would be a concern when the proposal comes in for building review.

Dan Hanna motioned to recommend approval to the City Council of a rezone from Medium Density Residential 2 (MDR2) to High Density Residential 2 (HDR2), for the property located at 408 and 416 West Main, and 407 West 1st North. **Steve Oakey** seconded the motion.

None opposed. **Motion carried.**

4. 7:50 pm – Charles Place Planned Unit Development (PUD) - Preliminary Master Plan

Chairman Robinson stated that for several of the Commissioners, a PUD Preliminary Master Plan is new. The Commission is looking at the presented plan for things that need to be done. The PUD Final Master Plan/Final Plat will address any issues found tonight; it will come back before the Commission.

It was clarified that the reason that a public hearing is being held is because this is a request for a Planned Unit Development Preliminary Master Plan. If it was just a preliminary plat, a public hearing would not need to be held.

Stephen Zollinger stated the Commission has seen this PUD once before in November 2014, for review before the applicant could proceed with plans for the PUD.

Stephen Zollinger declared a conflict of interest, as he is an applicant for this request, along with his family and extended family.

Johnny Watson, 1152 Bond Ave., JRW & Associates, representing the applicant.

The subject property was viewed on the overhead map.

Mr. Watson presented the proposal. A PUD application is very specific – landscape, type of structure, common space, etc. The ability to clean up or better utilize the mid-block areas in the City was discussed at the November meeting. This proposal would help to address that issue.

The civil engineering drawings were viewed. The staff report addresses what would be necessary on the final plat. The Public Works Department did not have concerns. The private drive (it is not a City street) into the property was pointed out. Setbacks can be lessened.

Part of this request (property fronting 1st North, 165 foot depth) was just rezoned to MU2.

Lots were shown; they are not actual building footprints. They would be abutting adjacent residential homes.

Future owners of the homes would most likely be older people, moving into a quiet nice area. The owners are working on the CC&Rs (Conditions, Covenants, and Restrictions) and the architectural design. The owners would like the development to have a craftsman-style bungalow feel – small single family homes with a garage. There will be a human scale, to include front porches; the feeling of the area would be very friendly from a pedestrian view. This will be a very nice development.

The request is well under the density allowances that would be possible.
The Fire Department concern regarding the hammerhead radius would be addressed.

Chairman Robinson said since the PUD is a zone in itself, is there need for buffering, or is it just property lines.

Johnny Watson said currently they are looking at it as the property line. By use, there is not any buffering required, as far as parking. New residents may want fencing.

Melanie Davenport wondered if there would be any buffering for noise reduction.

Johnny Watson stated the residents may want some seclusion/enclosure – through proper landscape design, fencing, etc.

Dan Hanna said this is new for Rexburg. The design reduces the amount of asphalt for a storm retention system and keeps the width of the sidewalks.

Steve Oakey asked if there would be a homeowners' association.

Johnny Watson said yes, there would be a homeowners' association. The PUD would be under one ownership, which is a PUD stipulation.

Mr. Oakey asked if this would guarantee exclusive use of the common areas.

Mr. Watson stated it would

Mark Rudd asked for clarification regarding the lots shown and their not being footprints.

Johnny Watson said they are not actual building footprints but just a building pad (a building would fit within what is shown).

Someone would buy a piece to build a home on, but they would be a member of a greater whole.

Mr. Rudd clarified that snow removal etc. would not be taken care of by the city but would be privately done, as the road is a private one.

Mr. Watson stated that was correct.

Chairman Robinson opened the public input portion of the hearing.

In Favor:

Roger Harris, 19 East 2nd North. He lives across the street to the north of the proposed PUD. He received a hearing notice in the mail. He is speaking for himself and his family, but he has not talked to anyone in the neighborhood who was not in favor of this request. They want this; they want homes here. Traffic is bad on 2nd North. The PUD would not add any noise or traffic as apartments would. They are in favor of this proposal.

Neutral: None

Opposed: None

Written Input: None

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

Val Christensen reviewed his staff report. The proposed Planned Unit Development would create 15 new single family lots and would also include 3 existing homes, including the one being constructed at this time. Total units do not exceed the standard zoning.

The MU2 zoning that is along 1st North (2 lots) would allow higher density. No mixed use is planned.

The LDR2 zone allows 8000 square feet per lot, unless in a PUD the developers want to do density bonuses, which the developer does not want to do in this case. The lots planned are smaller.

There will be common areas between lots. The proposal has way over the 10 percent that is required for open space.

The proposal is 3.5 acres, which exceeds the minimum of 3 acres required for a residential PUD. Front setbacks could be reduced if wanted.

Utilities will all be underground. With a PUD, there are some water conservation requirements. The applicant is aware of this. It will be part of the final Certificate of Occupancy that any irrigation systems will be low volume. City lighting standards, including night glare, will have to be met. CC&RS are required.

A homeowners association will take over after all lots have been sold.

An overall landscape plan that would need to meet the requirements of the PUD will be reviewed by City staff. There is also a requirement of landscaping per unit.

Time restriction on construction and noise could be included.

The City Engineer/Public Works Department had no concerns with the proposal.

The Fire Department was concerned about the turning radius for the hammerhead turn. It can be widened and will be checked in subsequent plans.

He read the staff recommendation, which included proposed conditions:

Staff recommends that the Commission take public testimony and determine if the proposed planned unit development can be approved, denied, or approved with conditions. Following this determination, the Commission should make a recommendation to the City Council accompanied with findings that support such a recommendation. Should the Commission choose to recommend approval with conditions, staff has provided conditions of approval for consideration (see below). Also, the Commission may determine that a revised preliminary master plan/preliminary plat needs to be submitted if major/substantive modifications are needed before a determination of approval status can be made.

Chairman Robinson clarified that the P&Z Commission will see this PUD when the applicant comes forward with a final master plan/final plat, so the Commissioners will have the opportunity to look at it again.

Steve Oakey expressed that the proposed PUD looks like it will be a nice development. He does not see a reason to oppose it. The U.S. Department of Housing and Urban Development (HUD) has codes that govern PUDs. Is the City of Rexburg governed by HUD?

Val Christensen stated that the City does not get involved with HUD unless there are uses that require HUD approval. Those will usually be low income housing and those types of issues.

Melanie Davenport felt that designated parking for those constructing the development, and a start time for constructing, should be addressed in the conditions, because of the surrounding neighborhood.

Chairman Robinson stated this PUD proposal is an infill project that will fit very well in the area.

Bruce Sutherland first wanted to acknowledge that he owns property adjacent to the proposal; he received a hearing notice. His business is located there.

He also felt this development would be a perfect fit for this area. Each small home would probably only house 2 people. The development would be of low impact on the neighborhood. The development will clean up land that is infill. He grew up here. It is nice to see something like this happening here. There is definitely a need in this community for this kind of a development.

Gil Shirley agreed that the proposed PUD will be good for the neighborhood and the community. He asked if a house on any one of these lots could be built as two-story (as is the house under current construction there) besides one-story. It might be a good option.

Val Christensen said from discussion with the applicant, most of the homes would likely be one-story, but the applicant is allowed by right to build up to 30-feet in height.

Cory Sorensen stated his father-in-law just bought a home in a development like this PUD, in Lehi, Utah. The proposal is exactly what Rexburg needs.

Mark Rudd asked for clarification on whether the developer was building all the homes or if someone could purchase a lot and then build the home.

Val Christensen said both could be done.

There was discussion regarding addressing the construction times as a condition.

The regulations are already built into construction procedure.

Melanie Davenport reiterated that the times of construction and the parking of the construction workers should be a condition. It can be a nuisance to the neighbors in the area – with noise and with workers perhaps parking in someone’s driveway.

Cory Sorensen said these will be residential homes that likely will be built one at a time. The City already has rules that cover this; this does not need to be a condition.

Bruce Sutherland stated there would be ample parking within the subject project area. The homes will be small. It should not be an issue.

Dan Hanna motioned to recommend approval to the City Council for the Charles Place Planned Unit Development (PUD) Preliminary Master Plan. **Bruce Sutherland** seconded the motion.

Dan Hanna amended the motion to include the 14 proposed conditions and to add a condition #15: there shall be staff approval of the required Fire Department turning radius for the hammerhead. **Bruce Sutherland** seconded the amended motion.

None Opposed **Motion Carried.**

Proposed Conditions of Approval

General

- 1. The final master plan/final plat application shall include all required submittal standards and incorporate all conditions of approval.*
- 2. Language shall be clear in the CC&Rs that no approval granted by the HOA or Architectural Committee shall violate City Code (e.g. accessory structures, building heights, fencing, location of building on lot, etc.).*
- 3. The final CC&Rs shall be reviewed and approved by the Community Development Director prior the recordation of a plat.*

4. Requirement of the underlying zoning prevails where no specific requested variation has been considered and granted in this PUD request.
5. The City's clear vision area of 30-feet shall be observed. These areas shall be clear of all permanent and temporary obstructions. Driveways shall not be included in the clear vision areas as parked vehicles constitute a temporary obstruction. Vegetation and fencing in these areas shall follow City standards.
6. Staff recommends that there be discussion on the proposed Mixed Use 2 (MU2) zoning and how it relates to the PUD. Staff further recommends that the MU2 allowances for setbacks, density and all other allowances that are particular to the MU2 zone be allowed only in the south 165 foot area of the PUD.

Performance Standards

7. Utilities- All new utilities must be placed underground.
8. Water Conservation- The final master plan for each phase shall show, in sufficient detail, how the proposal will incorporate low volume irrigation systems throughout the landscaped areas of the development.
9. Individual lot owners shall be required to incorporate low volume irrigation systems throughout their landscaped areas; this requirement shall be stated in the CC&Rs under Section 4.13.
10. Refuse Bins- Individual trash bins shall be kept in garage or screened from the public right-of-way on days of no trash service in the neighborhood. .
11. Glare Reduction- The proposal must adhere to the City's lighting standards; details shall be provided with the final master plan/final plat for each phase.

Common Open Space

12. Maintenance- As the common area is proposed to be private rather than public, the homeowners association shall be responsible for common space maintenance. Until such time as a homeowners association is established, the applicant or owner of record shall be responsible for all maintenance of common areas and all unsold lots.
13. Hardscape- In order to determine hardscape percentages the final landscape plan, submitted with the final master plan, shall provide detailed information on hardscape percentages.
14. Landscaping Per Unit- The applicant has not addressed this requirement during the preliminary master plan/preliminary plat phase, therefore the final master plan shall reflect this on the landscape plan. In addition, the final CC&Rs shall have the PUD ordinance requirement written into the CC&Rs. The final landscape plan shall consider solar access as required by the PUD ordinance in the placement of deciduous and evergreen trees.
15. There shall be City staff approval of the required Fire Department turning radius for the hammerhead.

Unfinished/Old Business: None

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:

April 2, 2015 P&Z meeting – No agenda items

Chuck Porter motioned that the April 2, 2015 P&Z meeting shall be cancelled. **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

The meeting was adjourned at 8:55 pm.