

Planning & Zoning Minutes

November 3, 2016



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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Commissioners Attending:

Jedd Walker – Chairman
Heidi Christensen Greg Blacker
Bruce Sutherland Gil Shirley
Rory Kunz
John Bowen
Steve Oakey

City Staff and Others:

Brad Wolfe- City Council Liaison
Natalie Powell – Community Development Compliance Officer
Colton Murdock – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Jedd Walker opened the meeting at 7:03 pm.
Community Development Director Val Christensen was excused.

Roll Call of Planning and Zoning Commissioners:

Attending: Greg Blacker, Rory Kunz, Gil Shirley, Jedd Walker, Bruce Sutherland, John Bowen, and Heidi Christensen

Melanie Davenport, Mark Rudd, and Richard Smith were excused.

Minutes:

1. From Planning and Zoning meeting – October 20, 2016

Heidi Christensen motioned to approve the Planning & Zoning minutes of October 20, 2016.

John Bowen seconded the motion.

Gil Shirley and Greg Blacker abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

1. Rezone – 135 and 141 South 2nd East – Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2) - 2M Holdings LLC and Steve Herdti

Chairman Walker explained the process for a public hearing. The applicant will present the proposal. The Commission and the audience may ask the applicant clarifying questions. The public hearing will open and those in favor, neutral, and opposed to the request may give testimony, stating their name and address for the record. If there is opposition to the proposal, the applicant has the right of rebuttal. Public input will then be closed. The staff report will be given, followed by Commission discussion and deliberation.

The P&Z Commission is a recommending body and will make a recommendation to the City Council, who will make the final decision on the request.

Judy Hobbs, Realty Quest, 117 West Main, applicant representative. The request is to change the zoning from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2). She wanted to say how appreciative they are of the super job city staff does in helping them be well prepared to make good

presentations and keeping them on track, and making the application process move along smoothly. The city has a tremendous staff that makes it so much easier for an orderly process.

The subject property was shown on the overhead screen.

The Comprehensive Plan was changed to Neighborhood Commercial/Mixed Use about a month ago for these properties

The former Barrick home (135 South 2nd East) has been purchased by 2M Holdings. They own the property just north all the way to 1st South, which is currently under development for dormitory housing. The home at 135 South 2nd East is intended to be used for the manager's quarters.

There are no specific plans for the Herdti property at this time. It is not part of the dormitory housing development. It is simply a property that Mr. Herdti wanted to sell and 2M Holdings agreed to purchase.

Their request is to rezone the two specified properties to the same zoning designation (MU2) as the 2M Holdings property on the north.

Chairman Walker asked if members of the audience had any clarifying questions. There were none.

Community Development Compliance Officer Natalie Powell did not have additional comments to clarify the request.

Chairman Walker opened the public input portion of the hearing.

In Favor:

Karl Mattson, PO Box 220, Ashton. He represents 2M Holdings. He wanted to go on record as being in favor of this zone change request. Currently their intention is that no development would be done on the specified properties. At some point that may change, although they have no plans. The Barrick property could possibly be used for additional storage and green space in conjunction with the development.

Steve Herdti 141 South 2nd East. He is in favor of the zone change. His home is one of the subject properties. There have been substantial changes to the neighborhood. His home is the only home facing west on the east side of South 2nd East in this area that is not a rental. Thank you for considering the request.

Kurt Roland, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls. He is in favor of the zone change which would help the corner project flow a lot better; it will also be better for emergency services.

Neutral: See letter below from Ralph Kern.

Opposed: None

Written Input:

The letter is part of the official record of this Public Hearing:

1. Letter from Ralph Kern, neutral to the proposal - read by Commissioner Kunz

Elaine McFerrin

From: RALPH M. KERN <RALPHKERN@msn.com>
Sent: Wednesday, November 02, 2016 11:38 AM
To: Elaine McFerrin
Subject: Mattson rezone

Hello Elaine,

I will not be able to attend the Planning and Zoning meeting this Thursday where a request to rezone the Barrick and Herdti properties will be discussed but I do have a comment that I hope you will forward to the Commission.

Since this request includes property that borders residential property and Harvard Ave. and is a request by the same owners of other property recently rezoned that borders on Harvard it seems reasonable that the same restrictions are applied to the Barrick and Herdti properties as were applied to the Anderson properties.

I hope you can include a copy of the original restrictions with this comment.

Thank you,
Ralph M. Kern
148 Harvard Ave.
757-9767

Sent from Mail for Windows 10

Rebuttal:

Judy Hobbs declined the opportunity for rebuttal.

Chairman Walker closed the public input portion of the hearing.

Steve Oakey arrived at 7:14 pm.

Compliance Officer Powell showed the site plan of the property to the north next to the subject properties. The extra added properties from this rezone request would allow for the parking to extend. The fire truck would have crash bar to get on to Harvard Ave. in an emergency, as there is no exiting onto Harvard from that project per the Conditional Use Permit that was issued for the project. An ambulance would have to do a 200-foot backup. With the extra added property, it would allow an additional aisle for the ambulance to be able to exit quickly. There still would be the 30-foot landscaping buffer between the residential properties and the corner project.

It was clarified that “Parking structure” by definition can mean either a flat parking lot or an actual parking structure. The developer is not planning to put in a parking structure at this time. That could possibly change with their final plans.

Staff would recommend both of the projects being combined together in a Restrictive Development Lot Covenant so that the conditions for the current project would also be for this subject project. The conditions from the current project’s CUP would be conditions of this rezone. Compliance Officer Powell went over the conditions stated in the corner development’s Conditional Use Permit (see motion below).

Chairman Walker gave his thoughts. In retrospect, what they did as a Commission at the time of the original request was they changed the underlying use map of this whole area; then they allowed the zoning to change with conditions that put it back in a residential zone. Technically, it does not comply with the underlying use. The Commission should have left a 60-foot strip of residential zone to buffer.

They should have done the same thing here. The only recourse the Commission has to create a residential buffer for all the neighborhoods to the east is to condition this rezone, even though they do not like to do so.

The Chairman stated that the Commission has the authority to either recommend approval without conditions or with conditions.

Rory Kunz motioned to recommend approval of a Rezone at 135 and 141 South 2nd East to change from Low Density Residential 3 (LDR3) to Mixed Use Two (MU2), to include that there would be a Restrictive Development Lot Covenant between the subject property and the corner development on the north (same owner), and to include eight conditions from the Conditional Use Permit (CUP) for that corner development - **a total of nine (9) conditions.**

Bruce Sutherland seconded the motion.

None opposed. **Motion carried.**

Proposed Conditions for Rezone – 2M Holdings LLC and Steve Herdti:

1. *A Restrictive Development Lot Covenant between the subject property and the corner development to the north (also owned by 2M Holdings LLC) shall be completed.*
2. *Building heights shall not exceed 30 feet.*

3. *The non-dormitory housing on Harvard is clarified to be two story twin or townhomes or two story single unit homes only.*
4. *There shall be limited access on Harvard and there shall be residential access from the twin and town homes only.*
5. *There shall be adequate buffering of the neighbors on the south property line with a minimum of 15 foot trees such as a thick hedge of evergreen trees as a better visual and sound buffer and as approved by the design committee.*
6. *One to one set-backs, meaning there shall be a 30 foot set-back on the south side of the property and also a set-back of 10 feet on Second East to match the housing to the south.*
7. *Sidewalks on Second East and First South shall be widened to a minimum of 8 feet wide as stated by the Planning & Zoning Commission.*
8. *The parking structure shall be designed or screened from the adjoining residents to the south and reviewed by the design review committee as set forth by Planning & Zoning Commission.*
9. *If twin homes are not built within two years, those lots which were intended for twin homes shall be landscaped with grass and trees and maintained as a park like area until such time as the homes are built.*

New Business:

1. Preliminary Plat – Grove Meadows - Approximately 814 North Yellowstone Hwy
The plat name has been changed to Silverleaf .

Kurt Roland, Eagle Rock Engineering, 1330 Fremont Ave, Idaho Falls, presented the preliminary plat for Silverleaf. He represents developer Bryce Dorian. They are proposing sixteen 4-plexes on the property, which is 3.29 acres. They are putting in the road (Aspen Drive) from the Yellowstone Highway. It will be a 68-foot dedicated road. Utilities will also come off of Yellowstone Hwy. They are working with the Idaho Transportation Department (ITD) for the permit necessary to access onto the Yellowstone Hwy.

The revised plat was shown on the overhead screen, and the Commissioners were provided with copies. The applicant has tried to address concerns that staff mentioned in the Public Works staff review and Community Development Staff report.

They have the required amount of parking

Chairman Walker asked if staff was okay with the shown access, as the location is fairly close to 2nd East.

Compliance Officer Powell said the applicant has to go through ITD for approval of this issue.

Chairman Walker asked Compliance Officer Powell to explain the preliminary plat process.

Compliance Officer Powell indicated that a preliminary plat is the preliminary map of a proposed subdivision.

A subdivision, per the Development Code, is "... the division of any lot, tract, or parcel of land into 3 or more parts for the purpose of transfer of ownership or development and the dedication of a public street and the addition to...".

A Preliminary Plat does not have a public hearing as part of its process, but it would go to the City Council for final approval with a recommendation from the P&Z Commission.

A final plat would eventually move forward with the same process after the preliminary plat has been approved.

Kurt Roland added that the ITD will most likely require a turn lane here for safety and would also probably require a center turn lane.

Compliance Officer Powell clarified that the zoning of the property is MDR1.

Mr. Roland has met with staff. Several concerns listed in the Public Works staff review and the P&Z staff review have been resolved.

There would need to be a 20-foot setback from the right-of-way line to the building itself.

Aspen Drive would be built to city standards. It will be dedicated to the city and the city will maintain it.

The applicant will continue to work with staff until all issues are addressed as this plat progresses to the final plat.

Steve Oakey wondered about the possibility of the developer maintaining the road.

Kurt Roland said the plan is for this road to eventually tie into the residential addition south of the church.

The applicant has written permission from the parcel owners to put the road in through their property.

Steve Oakey said developing the private road could bring great development opportunities.

Rory Kunz said Medium Density Residential 1 allows 16 units per acre.

Compliance Officer Powell clarified that the subject property is over 3 acres in size. A door constitutes a unit. Staff would make sure this issue meets requirements.

It was reiterated that much of the issues brought up in the staff reviews have been resolved. The other issues will be addressed by staff as the applicant works with them.

Bruce Sutherland motioned to recommend approval to the City Council of the Silverleaf Preliminary Plat at approximately 814 North Yellowstone Highway, with the stipulation that all zoning requirements, setbacks, public works requirements, parking code requirements, and density code requirements shall be complied with and approved by city staff. **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests:

1. Conditional Use Permit – 322 West Main- to allow per the Rexburg Development Code Section -the item remains tabled

It was discussed that this request would fit under the new definition of “Bed and Breakfast Inn” that the City Council just approved (“*a structure containing guest room(s) where lodging, with or without meals, is provided on a daily rate basis, and a manager maintains a residential presence on site or on an adjacent lot*”)

This CUP request could be picked up at the November 17th P&Z meeting. The applicant and the name list of those who attended the first meeting (September 15, 2016) where the issue was tabled will be contacted.

2. Development Code Ordinance No. 1115 Amendment –Proposed changes to the Development Code concerning substantive and non-substantive changes - the item remains tabled

Compliance Officer Powell said Community Development Director Val Christensen has suggested that when the Commissioners have the time, he would like them to go online at rexburg.org. Click on Government, and then click Development Code where there will be a 'Working File for Development Code'. The changes are very lengthy. Go through the shown changes. Write down any questions or concerns or suggestions, and be prepared to move forward, perhaps a section at a time.

Building Permit Application Report: None

Heads Up:

November 17, 2016

1. Conditional Use Permit – Approximately 267 West 4th South - to allow a lowered number of parking spaces – to 62% per applicant request - through the use of the Pedestrian Emphasis Overlay (PEO), Ordinance No. 1021, in the High Density Residential One (HDR1) zone.

The meeting was adjourned at 8:05 pm.