

Planning & Zoning Minutes

June 19, 2008

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Commissioners Attending:

David Stein Thaine Robinson
Ted Hill Mary Ann Mounts
Dan Hanna
Mike Ricks

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – Planning Administrator
Elaine McFerrin - Secretary
Christopher Mann – City Council President

Chairman Winston Dyer was excused. **David Stein** acted as chair and opened the meeting at 7:05 pm.

Roll Call of Planning and Zoning Commissioners:

Mike Ricks, Mary Ann Mounts, Thaine Robinson, David Stein, Dan Hanna, Ted Hill

Randall Porter and **Charles Andersen** were excused.

Minutes:

1. Planning and Zoning meeting – June 5, 2008

Corrections:

Page 3 – under Thaine Robinson’s comment, change to “suggested it might be included in the language to not have signs on display in front of someone else’s business.”

Mary Ann Mounts motioned to approve the Planning & Zoning minutes for June 5, 2008 as amended. **Thaine Robinson** seconded the motion.

Ted Hill, David Stein, Dan Hanna, and Mike Ricks abstained.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm - Conditional Use Permit – Greenbrier Amendment 1 –
149, 163, 163 ½, 175, 179 East 2nd South and
164, 166, 168 South 2nd East – Dormitory style housing

Ross Farmer, 168 South 2nd East, applicant and owner of the properties, presented the proposal. The site was projected on the overhead screen. They would like to increase the number of occupants that were specified in the original Conditional Use Permit that was approved by the City in 2006, adding

more students to one of the buildings and converting the married student housing into dormitory style housing. 149 East 2nd South (Jacobs house) would increase to 11 from 10; at 164, 166, and 168 South 2nd East (the Tri-plex), the tenants would increase to 12 single students rather than being for 3 married couples. The building will look the same from the outside; the inside would be completely remodeled. The other buildings on the property would have no changes in occupancy.

Thaine Robinson asked about any other anticipated changes to the outside.

Ross Farmer said the Jacobs house will have a parking lot that extends down from the existing parking lot. He pointed the area out on the overhead screen, which is now grass. There will be new sewer and water lines. The small garages which allow for 4 parking spaces will be removed, and they will be replaced with 5 or 6 new parking places.

Dan Hanna asked about the French drains on the property.

Ross Farmer said the area has been excavated. They worked with the City on it; a drain system was put in with substantial storage area, on the lower end of the property. They have not had any problems with it.

Ted Hill said they are increasing the occupancy by seven and asked if there will be seven more parking spaces to accommodate the increase.

Ross Farmer said they are increasing their parking even more than is called for. They need to have 55 spaces, but are proposing 59 spaces.

Chairman Stein asked if Gary Leikness had any staff information before the floor opened for the public input portion of the hearing.

Gary Leikness referred the Commission to his staff report. MDR1 (Medium Density Residential 1) allows for such a use with a conditional use permit; conditions can help a development like this to fit in more closely with the neighborhood. Parking for this type of facility cannot be in the required front yard. Normally in this zone a 20 foot front yard setback (from the property line, not the sidewalk) is required; but, if the average setback of existing homes or buildings is less than the required 20 feet on that side of the street, the ordinance will allow the decrease in the setback to that average. From an aerial photo, staff determined that the average setback in the proposed development is approximately 14 feet on 2nd East. On 2nd South, the average set back is 13 feet. Mr. Farmer's revised site plan will need to reflect the determined setback, which will have to be adequately landscaped to screen parking from the right-of-way. It is up to the Commission to determine the setback. Generally, the decrease has been allowed on structures; the decrease due to parking might be setting a precedent. Mr. Leikness used the projection on the overhead screen to point out the proposed parking areas and the 3 access points.

Dan Hanna asked how close the applicant is on meeting the landscaping requirement of 30%.

Gary Leikness pointed out a large area of landscaping that will remain that will count toward the required percentage. Mr. Farmer will have to show on a landscaping plan how the 30% landscaping requirement is met.

Chairman Stein asked if the conditions of approval were met for the original 2006 conditional use permit.

Gary Leikness said the only condition was to meet parking requirements. At that time the parking ratio of 0.5 spaces per student for the identified fourplex was the only parking that was “grandfathered” in, as staff understood. Now, any increase in occupancy will require a one to one increase in parking.

Chairman Stein asked if there were questions from the public to clarify the proposal, before the public input portion was opened.

Corey Barnard, 272 East 2nd South, asked if the staff report could be made available to the public today. Gary Leikness said it was available to the public. Mr. Barnard asked if it would include a description of Medium Density Residential 1 (MRD1) and what allowances are per acre, the size of this project, and the number of allowed residents.

Gary Leikness said the staff report does address zoning, but not necessarily density. It describes the number of units allowed per acre, not the number of people. The Commission would be approving the Conditional Use Permit for a specific amount of people.

Mr. Barnard asked if this conditional use permit, if approved, is to increase the specific number of people only, not the number of units. Mr. Leikness said that was correct.

Nyle Fullmer, 236 South 2nd East, expressed concern about the egress onto 2nd East. He feels this issue needs to be further addressed. He asked about the grandfathering of the existing dormitory style units and parking and whether they were actually grandfathered. He also wondered where the manager’s house is, or if there is off- sight management. Mr. Fullmer stated concern that if this Conditional Use Permit was approved could the applicant raise density without coming back for another CUP. His biggest concern is with the parking and if it will be adequate to meet the increase in occupancy that the applicant is requesting.

Chairman Stein opened the public input portion of the hearing.

In Favor: None

Neutral:

Nyle Fullmer, 236 South 2nd East, again stated that his biggest concern is with the parking. He does not have enough information to be for or against the proposal, but he does not want it to affect the aesthetics of the neighborhood. He wants the integrity of the neighborhood to be maintained.

Opposed:

James Newman , 141 East 2nd South, owns property immediately adjacent to Mr. Farmer’s property. He stated there are only 2 trees left in back of the Jacobs building, which has been excavated and is being worked on. He stated he was unable to attend the hearing for the original conditional use permit issued in 2006. The situation was not so bad when there were trees in back of the Jacobs

building to filter the sound from the parking lot, but now there is nothing to block the noise. He stated that it feels like a license for vandalism has been issued. Before existing trees and shrubbery blocked the sound; now there is only bare grass. The applicant cut down the trees and shrubbery when he bought the property and took mature homes and backed them down to new construction level. Mr. Newman feels that there should not be any increase in density; the situation does not make for a good neighbor.

Rebuttal:

Ross Farmer pointed out on the overhead screen an existing physical barrier in the parking area. He said the parking area situation would improve because there will only be 1 access. He said when the Jacobs house was bought, trees were taken out. The original idea was not to have any parking, but the ordinance does not allow for that. He did state where there are existing trees. They pulled out the overgrown evergreen trees and have put a lot into maintaining and keeping the homes looking good. He stated he is sorry for the impact of pulling those trees out but feels it was the right thing to do in terms of managing the property.

Written Input: None

Chairman Stein closed the public input portion of the hearing.

The Commission discussed the proposal.

Mary Ann Mounts stated the Commissioners would not be making it able for multiple family dwellings and single family homes to co-exist; they would be forcing the single family dweller out.

Gary Leikness stated the issue tonight is whether it is appropriate to add 1 more occupant to the Jacobs house and to convert the triplex housing from 3 married couples to 12 single students. With regard to those changes, additional parking will have to be provided.

Dan Hanna motioned to recommend approval to City Council of the Conditional Use Permit for Greenbrier Amendment 1, subject to all of the proposed conditions of approval of staff, in addition to addressing the issue of parking in the setback area, a detailed landscape plan to be reviewed by the planning administrator, and a review for storm drainage. **Ted Hill** seconded the motion.

The Commissioners continued their discussion.

Dan Hanna amended the motion to disallow ingress and egress from 2nd East to the main parking area, and to allow specifically the specified number of occupants stated on the site plan – 12 in the triplex and 11 in the Jacobs, with the other buildings not changing in number of occupants. **Ted Hill** seconded the motion.

Those in Favor:

Mike Ricks
David Stein

Those Opposed:

Mary Ann Mounts

Ted Hill
Dan Hanna
Thaine Robinson

Motion carried.

Proposed Conditions of Approval

1. *Trash dumpsters/receptacles shall be located within the interior (behind front building line, but minimum is required setbacks) of the lot and shall be enclosed with materials that are consistent with those materials used in the building that they are adjacent to, e.g. brick, wood, etc.*
2. *Lighting shall be reviewed. All lighting shall be applicable lighting standards, including full cut-off fixtures and lower wattage light sources, i.e. 60-75 watt. Violating lights on site shall be replaced prior to issuance of a certificate of occupancy.*
3. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit.*
4. *A landscape plan shall be submitted. The site shall include 30% landscaping (per ordinance 926), this percentage shall be shown on the approvable landscape plan.*
5. *In providing reduced setbacks (14-feet on 2nd East, and 13-feet for 2nd South), as allowed by ordinance, parking areas shall be screened by more mature landscaping. Deciduous trees shall be 2-inch caliper at planting. Evergreen trees shall be 7-feet in height at planting, and shrubs shall be 5-gallon at planting. Number of trees and shrubs shall be adequate to screen parking areas. No parking shall be provided on this site within these setbacks.*
6. *Proposed project entrances shall be enhanced through landscaping. This requirement shall include all mechanical equipment installed as part of the development to be adequately screened from the ROW and from adjacent property.*
7. *All sidewalks both exterior (adjacent to the site) and interior to the development, shall be interconnected and shall connect to the main entrances of each unit.*
8. *To encourage alternative travel options, i.e. bicycling, parking for bicycles shall be provided, both long term (several hour stay, weather protected) and short term (visitors- two hours or less). These areas need to be shown on revised site plan.*

New Business:

1. Preliminary Plat - Everett Place Condominiums – 887 Everett Place

Kristopher Meek, from Hopkins Roden Crockett Hansen & Hoopes , 420 Park Ave., Idaho Falls, and representing Carlon Scott, who was also present, presented the plat. The area was projected on the overhead screen.

Chairman Stein clarified that this owner wants to convert his particular building to a condominium.

The Commissioners discussed the proposed plat.

Gary Leikness gave his staff report. Eight parking spaces meet the criteria for this proposal; staff recommended others not meeting measurement requirements to be replaced with landscaping.

Dan Hanna asked if the property borders the highway.

Gary Leikness said this particular development did not, however the greater subdivision does.

Mike Ricks felt if a development is built for apartments it should stay apartments.

Mary Ann Mounts motioned to recommend for approval to City Council, the Preliminary Plat for Everett Place Condominiums, to include a landscaping plan that shows a minimum of three trees in the right-of-way boulevard strip and a minimum of three additional trees on each side of the unit (north and south) and at least 2 shrubs (deciduous trees shall be a minimum of 1.5-inch caliper DBH, evergreen trees shall be a minimum of 7-feet in height, and shrubs shall be a minimum of 5-gallon containers, at planting) [planting details added by staff to offer clarification based on discussion earlier in meeting]. A landscape plan and revised site plan shall be submitted to the planning administrator for review, and shall include 9 parking spaces, and shall address any other staff review comments. **Dan Hanna** seconded the motion.

They discussed the motion.

Those in Favor:

Mary Ann Mounts
Dan Hanna
David Stein
Ted Hill
Thaine Robinson

Those Opposed:

Mike Ricks

Motion carried.

Unfinished/Old 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:

1. June 26, 2008 – P&Z meeting
2. July 3, 2008 - Cancelled P&Z meeting
3. July 17, 2008 – P&Z meeting –
Comprehensive Plan – *Vision 2020*
Comprehensive Plan Map (Preferred Land Use) Amendments
4. Sign Ordinance – Temporary Signs and Banners – Ad hoc Committee to meet

Chairman Stein adjourned the meeting at 9:02 pm.