

Planning & Zoning Minutes

January 6, 2011



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Thaine Robinson
Gil Shirley Mary Ann Mounts
Jedd Walker Nephi Allen
Cory Sorensen

City Staff and Others:

Rex Erickson – City Council Liaison
Natalie Schneider – Compliance Officer
Jake Rasmussen – I.T. Intern
Elaine McFerrin- P&Z Coordinator

Chairman Dyer opened the meeting at 7:02 pm. He welcomed everyone.

Community Development Director Val Christensen was excused. Compliance Officer Natalie Schneider represented City staff.

Roll Call of Planning and Zoning Commissioners:

Nephi Allen, Cory Sorensen, Jedd Walker, Gil Shirley, Winston Dyer, Thaine Robinson, Dan Hanna

Scott Ferguson and **Richie Webb** were excused.

Minutes:

1. Planning and Zoning meeting - December 2, 2010

Corrections:

Page 1 – Clarify under Chairman Dyer’s statement regarding Ted Hill – “...*The Commission* has learned, like the E.F. Hutton slogan says, that when Mr. Hill speaks, they listen...”

Page 3 – Clarify under Val Christensen’s statement regarding a split vote by the Commission – “... Val Christensen thought that would become a “no” recommendation to go before City Council...”

Dan Hanna motioned to approve the Planning & Zoning minutes of December 2, 2010, as amended. **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit- Approximately 345 West 5th South – to take advantage of lowered number of parking spaces through the use of the Pedestrian Emphasis Zone (PEZ), Ordinance No.1021

Chairman Dyer explained the public hearing process. The applicant will come forward and present the proposal. The Commissioners and the public may ask clarifying questions. They may also ask clarifying questions of staff. Public input will then be taken. Staff will then give their recommendation. The Commissioners will then deliberate and discuss the proposal in order to come to a decision.

Michael Wright, the applicant, of Giza development, 801 North 500 West, Suite 300, Bountiful, Utah. He presented the proposal. The subject property is zoned High Density Residential 1 (HDR1) and is in the PEZ2 area. They are seeking approval of a Conditional Use Permit to take advantage of the PEZ2 parking requirements. There are 2 landowners of this property – Gary Ricks and Erin Fredrick. The property, with ownership pointed out, was shown on a map projected on the overhead screen. Two of the parcels are owned by Gary Ricks, and the applicants are purchasing a narrow strip of the Lexington Apartment parcel on the west from the Fredricks. A bit of a challenge is that it is an infill site. They feel their architect has done a masterful job in working to fit the apartment units and required parking onto the property. The site plan of the proposed project was then viewed. They are planning 27 units, including a manager unit. The building will be 3 stories. They are proposing to finish the sidewalk to 2nd West (clarified below on page 2 of these minutes as 3rd West rather than 2nd West). Mr. Wright has worked closely with Val Christensen, City Engineering, and the Fire Department to make sure they are on board with what is trying to be accomplished. They have been able to work out a small easement, which was pointed out on the map, for fire truck access, to back the fire truck up and exit out on 5th South. They also intend to provide access to the parking lot of Lexington Apartments to the west. This area was clarified on the map. Mr. Wright stated it was felt that it is good to make connections between property owners. Currently there is an existing easement at the back to the Ricks property, which was pointed out. They want to vacate most of that easement and make the easement through the proposed connecting parking lot. It would be a good use of space, as well as a secondary ingress and egress. The apartments will house 6 male students to a unit. The plan is for 154 students plus managers. They worked with the City to maximize the snow storage that is required. They intend to provide lighting that is not above 15-feet, as required. He pointed out the location of the two proposed bike racks. They will review the parking contracts with the City Attorney. Sidewalks will be maximized at 7 or 8 feet in width and will be maintained as per the PEZ Ordinance. The project would have 27 units, with 94 parking stalls. Michael Wright concluded his presentation, asking that the requested CUP be approved by the Commission.

Cory Sorensen asked if the housing complex to the west is single student housing.

Michael Wright said that housing complex is for married students. He said there is single student housing going in to the south of the subject property.

Thaine Robinson asked the minimum number of parking stalls needed per the PEZ2 requirements.

Michael Wright said 94 parking stalls is the minimum number.

Gil Shirley asked if there are plans to build out to the east.

Michael Wright understands that there are, but they made an offer to the landowners and were unsuccessful. He does not know what the plans are for the property.

Gil Shirley asked the distance from the subject property on the east to 3rd West.

Mr. Wright said the distance was approximately 200 feet.

Chairman Dyer asked for clarification from Michael Wright – during the presentation of the proposal, Mr. Wright said that the applicants would finish the sidewalk to 2nd West.

Michael Wright clarified that they intended to finish the sidewalk to 3rd West, not 2nd West. Their intention was connectivity.

Chairman Dyer was unsure if the sidewalk was wide enough. He asked if the issue had been discussed with the City.

Michael Wright did not think it had been discussed.

Chairman Dyer asked if the applicants would be willing to sign a development agreement with the City on their commitment to maintain the sidewalks as is required in the ordinance. It is a daily responsibility.

Mr. Wright said they realize the responsibility and are willing to sign a development agreement.

Chairman Dyer asked if the easement in the southwest corner of the property has been granted.

Michael Wright said an easement already exists in the southwest corner. They are vacating a portion of it.

The planned access through Lexington Apartments was pointed out on the overhead screen map.

The proposed project would connect to the apartment parking lot.

The **Chair** asked if the access easement is on the apartment property.

Mr. Wright clarified that the access easement is on the apartment property.

Dan Hanna asked if the easement would be for vehicular traffic.

Michael Wright said it will be for vehicular traffic with dual access. BYU-I Housing prefers them to have their own access, but he understands from City requirements that it is good to have a dual access. They will make that connection.

Chairman Dyer asked if there was any intention to have connectivity with the new complex to the south, or can there be.

Michael Wright thought that would not be able to be done due to the way that complex was finished up.

Cory Sorensen asked if the University was okay with this project.

Michael Wright said the University would prefer the single ingress/ egress; however, they understand City requirements.

The site plan was viewed.

Chairman Dyer asked if they had a setback from the property line in their front yard for their parking. It appears that was not taken into consideration. There is a setback of a certain distance required off the street.

Natalie Schneider clarified that the setback requirement is 25 feet from the property line.

Michael Wright said they will look at the setback concern. The issue did not come up when he met with staff. It is a difficult site.

Chairman Dyer was concerned that the parking requirements may not be met if the setback is included. The issue needs to be looked at closely.

Chairman Dyer said the City Engineer was concerned about snow storage. The **Chair** was also concerned. It does not look like there is enough room to accomplish what needs to be accomplished. By the numbers, they have enough snow storage, but as a practical matter, regarding location and the geometry of the property, that shows that they are very limited.

Michael Wright pointed out the planned snow storage areas. They will push the snow even though it is quite a distance.

The applicants have an easement from the City to maintain the pipe to the canal. The open ditch is to remain. They will leave it as it is and maintain it, along with access to it.

Cory Sorensen wondered if snow storage on an easement is allowed.

Michael Wright clarified that a structure cannot be put on an easement.

Dan Hanna said there is no irrigation; the ditch on the property is strictly a drainage ditch.

Chairman Dyer said the drainage ditch actually follows the fault line.

Dan Hanna asked if the access area they are obtaining from the Lexington Apartments owner will be landscaped and maintained.

Michael Wright said Lexington Apartments will maintain their own parking area. They will not lose any landscape requirements through the easement adjustment.

Chairman Dyer asked if staff had any information to help the Commissioners understand the proposal.

Natalie Schneider said all points of concern expressed to her by Val Christensen have been covered. The subject property is in the process of being purchased.

Dan Hanna asked about the sidewalks on 5th South and whose responsibility it will be regarding installing sidewalks and maintaining sidewalks.

Natalie Schneider clarified that the owners of the subject property will be responsible for the sidewalks on the frontage of their property.

Chairman Dyer said the applicant has already indicated a willingness to install sidewalks to 3rd West. That is a common practice.

An LID is a possible option regarding the sidewalk going all the way up to 2nd West and to the University.

Dan Hanna stated he has a difficult time understanding how the applicant will be responsible for the sidewalk that is not on his frontage.

Chairman Dyer said the Pedestrian Emphasis Zone requires a developer to do enhancements for pedestrian travel and activity. In order to enhance and achieve proper pedestrian movement, off-premises sidewalk installation may be necessary. That would be done in return for the reduction in the number of required parking spaces. It is the trade-off of developer interest and community interest.

Chairman Dyer asked if the public had any clarification questions to help them better understand what is being proposed. There were none.

Councilman Rex Erickson expressed concern regarding the Conditional Use Permit application's question #5 (*"Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?"*) and the applicant's answer. The applicant answered on the application that *"...We have access to a drainage ditch, if needed or required."* Mr. Erickson said the City saw a flooding problem at the high school when snow was dumped in a drainage ditch next to a snow storage area. The ditch on the subject property needs to be kept open and not used for snow storage.

Chairman Dyer said this concern could be addressed when the Commission discusses the proposed conditions of approval.

The Northgate development to the south of the subject property was required to put in a pipeline

to 7th South as part of the approval process, because the ditch wanders through that property. That pipeline carries drainage from a lot of areas. It is important that it be preserved and properly maintained.

Phil Packer, BYU- I representative in the audience, said that the University does not have a statement to make as far as the public hearing testimony process tonight, but he wanted to state that Mr. Wright has been in touch with University Housing from the start and has been working with them on the PEZ requirements.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Michael Wright, of Giza development, 801 North 500 West, Suite 300, Bountiful, Utah. As previously stated he is the applicant and is asking for approval of this project. They feel this project will enhance the community and will also be of value to the University.

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion and asked for the staff evaluation.

Natalie Schneider stated that she spoke with Val Christensen and City Engineer John Millar regarding their concerns on this proposal. The proposed conditions of approval are stated in the staff report, which she went over briefly. They wanted her to stress that the site plan that is submitted should show the percentages of landscaping; those percentages will be carefully reviewed by the City Engineer to make sure requirements are met. Snow storage, parking, and keeping the ditch clear were additional concerns. The garbage storage area is adequate for the City garbage truck. Parking appears to be tight; the applicant may have to work with the City on the number of units.

Cory Sorensen asked if the Fire Department staff reviewed the proposal.

Natalie Schneider said the site had been reviewed by Fire Department staff. They were satisfied with the fire truck turnaround and the easement.

Chairman Dyer stated that the P&Z Commission would first discuss whether to recommend approval or disapproval to City Council of this Conditional Use Permit request. If the Commissioners decide to recommend approval, proper conditions of approval should be addressed. The applicant is requesting to take advantage of PEZ2 requirements. The Commission needs to examine if the request fits in the community's interest.

Thaine Robinson said the subject property is adjacent to the Northgate development; it would be the second PEZ2 development in the City. Pedestrian traffic could flow. With proper conditions the proposal would work.

Dan Hanna said the applicant had done a good job of putting two small pieces of property together, one of which was landlocked.

Gil Shirley said he is in favor of the proposal. He suggested that review of the setbacks for the north end of the parking could be an additional condition of approval.

Jedd Walker said he supports the proposal with conditions.

There was a general consensus of the Commissioners to recommend approval of the CUP to City Council.

Conditions of Approval were discussed.

Thaine Robinson suggested they use the seven Proposed Conditions of Approval stated in the Community Development staff report; he suggested they add a condition listing all concerns that will be reviewed by staff.

Chairman Dyer said the PEZ Ordinance addresses sidewalk installation and maintenance. He suggested a condition that there will be a development agreement addressing all PEZ requirements concerns.

Cory Sorensen said there could be a condition for the applicant to work with adjacent property owners on sidewalk connectivity for pedestrian travel.

Natalie Schneider stated that # 15 in the PEZ Ordinance makes reference to this connectivity, encouraging the working together of adjacent property owners.

Condition number 5 will be modified to include this concern.

Dan Hanna motioned to recommend approval to City Council to grant a Conditional Use Permit for lowered number of parking spaces, through use of the Pedestrian Emphasis Zone (PEZ) requirements, for property located at approximately 345 West 5th South, to include the seven (7) proposed Conditions of Approval from the Community Development staff report, **including to add to condition number 5** the word *installation* and also stating reference to #15 of the PEZ Ordinance (as stated in number 5 below), and to include 2 additional proposed conditions - number **8**: “There shall be staff review of front yard setbacks for parking, specifically of the North end, and review of landscaping, review for snow storage , and review for protection of the City ditch”; number **9**: “There shall be a development agreement with the City addressing all Pedestrian Emphasis Zone (PEZ) issues” - for a **total of nine (9) Proposed Conditions of Approval**.

Gil Shirley seconded the motion.

None opposed. **Motion carried.**

***Conditional Use Permit
Michael Wright - #10 00444
Proposed Conditions of Approval***

1. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, drainage, etc. shall be submitted and approved by the City prior to the issuance of a building permit. The existing snow storage as currently shown is of concern for the City Engineer.
2. An easement is required through the existing parking lot to the west.
3. Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City’s lighting ordinance.
4. To encourage alternative travel options, i.e. bicycling, bike racks and hard surface must be provided. Location of racks needs to be shown on revised site plan. This requirement is identified in the PEZ Ordinance.
5. Sidewalk and pathway *installation* and maintenance to be performed in accordance with the PEZ Ordinance, Section 5.10 #15 – *“Property owners are encouraged to work with adjacent*

property owners to allow pedestrian access easements over property if a more direct route for pedestrians to BYU-I campus can be achieved.”

6. Parking Contracts to be approved by the City Attorney.
7. Requirements of the PEZ Zone Ordinance to be applied to this project. Including but not limited to wider sidewalks.
8. There shall be staff review of front yard setbacks for parking, specifically of the North end, and review of landscaping, review for snow storage, and review for protection of the City ditch.
9. There shall be a development agreement with the City addressing all Pedestrian Emphasis Zone (PEZ) issues.

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:

January 20th - The Commission briefly discussed the possibility of this meeting being a work meeting. **Chairman Dyer** will speak with Val Christensen on possible topics for a productive work session.

February 3rd – There is a possibility of a CUP application request and a Preliminary Plat application.

Chairman Dyer adjourned the meeting at 8 pm.