

Planning & Zoning Minutes

December 6, 2012



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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Commissioners Attending:

Thaine Robinson Mary Ann Mounts
Dan Hanna Jedd Walker
Mark Rudd Cory Sorensen
Scott Ferguson

City Staff and Others:

Val Christensen – Community Development Director
Natalie Powell – Compliance Officer
Elaine McFerrin – P&Z Coordinator
Darrik Farmer – Community Development Intern

Chairman Winston Dyer was excused.

Thaine Robinson acted as chairman and opened the meeting at 7:03 pm. He welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Dan Hanna, Mary Ann Mounts, Thaine Robinson, Jedd Walker, Cory Sorensen

Winston Dyer, Gil Shirley, Richie Webb, and W.C.Porter were excused.

Minutes:

1. Planning and Zoning meeting - November 15, 2012

Mary Ann Mounts motioned to approve the Planning & Zoning minutes of November 15, 2012.

Dan Hanna seconded the motion.

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

None opposed. **Motion carried.**

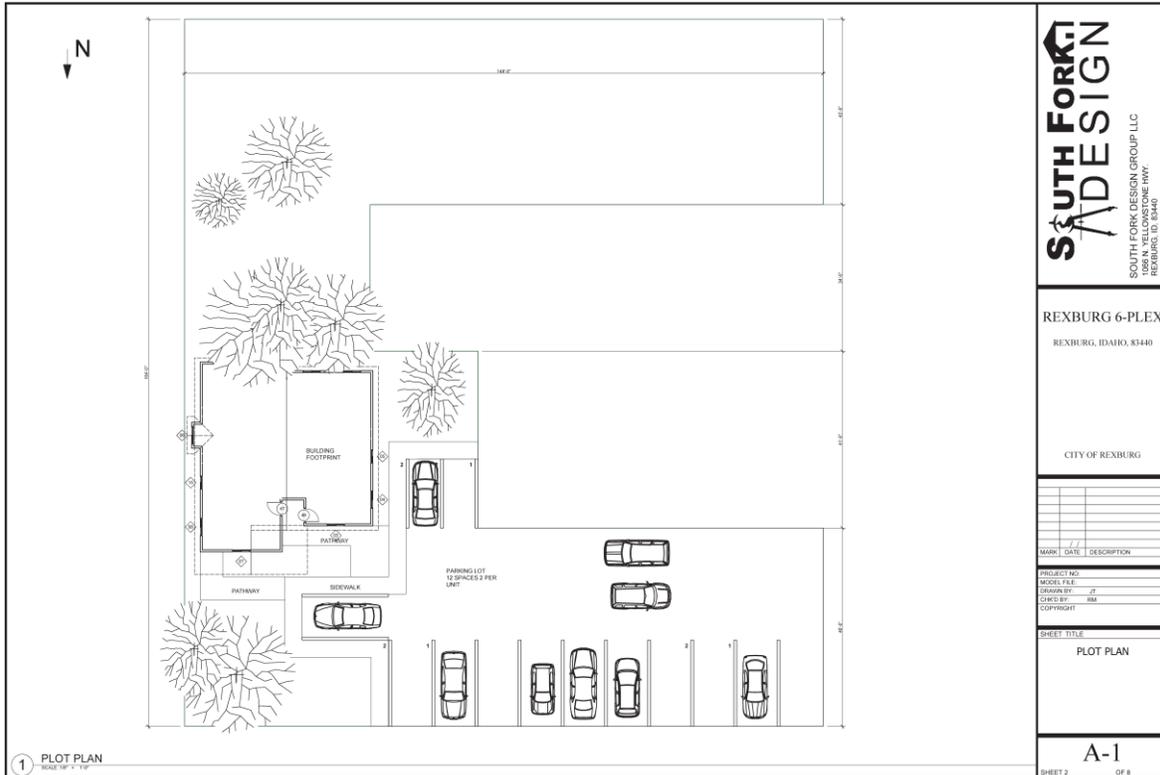
Public Hearings:

7:05 pm - Conditional Use Permit – Approximately 40 North 5th West - to allow a building with more than four (4) units: one 6-plex

Chairman Robinson explained the procedure followed for public hearings. The applicant will present the proposal. The Commission may ask clarifying questions of the applicant and of staff. Public input will then be heard from those in favor of, neutral to, or opposed to the proposal. If there is any opposing testimony, the applicant will be offered rebuttal. Staff evaluation will then be given, and the Commission will deliberate in order to reach a decision on the proposal.

Ray McDougal, 1066 North Yellowstone Highway, applicant and owner, presented the proposal. The property was shown on the overhead screen. It is a horseshoe shape. The size is approximately .4 acres. By right he could build two 3-plexes, or a 4-plex and a duplex. He would like to do one building - a 6-plex - which would preserve some of the green space. There would also be a basement level.

A site plan was viewed.



Chairman Robinson asked if conditions for parking have been met. Ray McDougal said the plan will have to be adjusted to create more green space.

Val Christensen clarified that he has not reviewed this site plan being shown tonight. It is different than the one submitted with the application. A 20-foot green space would be required to buffer the parking lot. A fence may also be required as a buffer on the north side of the parking lot, where it is up against the property line. Correctness of setbacks would need to be checked.

Chairman Robinson opened the public input portion of the hearing. Scott Ferguson arrived at 7:12 pm.

In Favor: None

Neutral: None

Opposed:

Laurene Woolf, 50 North 5th West. She lives just to the north of this property. Her front yard would basically be in the parking lot. She submitted a petition from her community in April 2012 asking that the subject u-shaped property surrounding the home on 5th West not be used for a six-unit complex as listed by a realtor. She is reminded of Thomas Jefferson’s reaction to the removal of “community happiness” from the pursuit of community happiness in the Declaration of Independence. Her petition was answered that they could take no action. She hopes the Commission will listen to their pleas tonight for their community happiness.

Mrs. Woolf quoted from Section 4.01.040 of the Rexburg Municipal code concerning the responsibility of the Planning & Zoning Commission - "... to make suggestions concerning the future growth, development and beautification of the city in order to promote the public health, safety and welfare of the inhabitants thereof...". Picture your community, your home, and the lot just a few feet from your residence. Concerning development and beautification - with the two apartments recently constructed in the existing home next to them, they have to work extra hard to keep the garbage from the complex out of their yard. The work they have put into their landscaping can hardly be seen. Garbage cans stay on the sidewalk for an entire week. If there are more units, even just 4, community beautification will be even more negatively affected. There will be more garbage, dumpsters, and cars lining the entire street. Her backyard and front yard would be their backyard back yard and front yard.

Consider safety. The complex entrance road will be next to the Woolfs' home, where their grandchildren play. It is already difficult and dangerous to enter the road because of the clutter of the apartments next to them. Because of the nearby school, several children walk to school on the sidewalk, where you allow several vehicles to enter and exit and even park.

Consider their welfare- lights streaming into bedrooms, garbage, parking of vehicles, noise, and generally a loss of a sense of community. Property values would plummet in an already stagnant economy. The Woolfs moved into their home in 1994. It was their dream. Property values and safety of their community should be protected; it is the very purpose of Planning and Zoning. They recognize future growth. There are many other areas for growth with land that does not surround an existing home and where the building of a complex would not be so close to other homes without boundaries.

Please consider the safety, welfare, property values, and community happiness of the residents. Community happiness depends on you. Please do not allow more where there logically should be single residences.

Ralph Brian, 450 West Main, next to the subject property on the east. There is an apartment complex next to him on the east; there are 25 to 30 foot high buildings on two sides of his property. He cannot grow a garden in his yard because there is no daylight. The town is out of control. It is unfair to anyone who lives in this neighborhood to consider this kind of activity. The people in the neighborhood did not and do not want it. When the apartment project was before them, this room was full of people who did not want the apartments. There are walls on two sides of his property, plus verandas. His house is for sale, and he cannot get rid of it.

Rexburg has become an increasingly undesirable place to live. The town is nonstop apartments. Whatever the University wants the University gets.

Jason Williams, 23 North 5th West, across the street from the proposed development. He has 6 children. There a lot of children on this street. He worries about the increase of University student drivers. It is already a busy street. More cars are a danger for the children. He feels his neighbors with children would have the same concern. Mr. Williams also worries about falling property values. There will be six additional families. He wonders how all the cars would be able to fit into the parking lot that was shown.

Kathy Hanosky 330 West 1st North. She lives around the corner and down the street. She agrees with Mr. Williams. The parking stalls seem very small to be able to fit that many cars. She reiterated that children walk to school. Also, there is the property between 2nd and 3rd North where a 65 unit complex was just passed. This will all increase traffic on 1st North. There is currently a train parked in the center of that intersection now that is blocking visibility. With the increase of traffic because of new developments, there is a big safety problem.

Rebuttal:

Ray McDougal clarified that the site plan is drawn to scale. The parking stalls are 9' by 20' – full size parking stalls per City Code. There is a 24-foot wide driveway. It meets all parking requirements. The property is close to Main Street. This is a good infill project. He reiterated that by right they can build 6 units on this property. What they are asking for is to do it in one structure rather than two. They would like to do whatever conditions are reasonable to be good neighbors. If there are not reasonable conditions, they would have to do the development in 2 structures.

Written Input: None

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

Val Christensen said this property is in the MDR1 Zone with a Professional Overlay. Density and the amount of units are as the applicant said, by right. In this zone the applicant could build up to a 4-plex by right. The applicant could do a 4-plex and a 2-plex or two 3-plexes by right. Keeping the structure at a certain height could be addressed. The property would be less chopped up with one building. Three stories would be over the top. The CUP allows the Commission to look at the issues specific to this proposal.

The applicant has presented an elevation tonight that was not in their information binders. The Commission needs to determine if the proposal would work well with conditions put on it to be more harmonious with the neighborhood.

Jedd Walker asked maximum height by right.

Val Christensen said the maximum height is 30 feet. Elevations presented tonight shows two stories above ground.

It was clarified that if the Commission denied the request it would be denial of the one building structure only. The applicant would still have the right to build 6 units.

Chairman Robinson asked Val Christensen to explain the Professional Overlay.

Val Christensen said the Professional Overlay term is no longer used; it is a property right that is grandfathered in. The Professional Overlay was a tool that would allow certain commercial/professional offices.

Dan Hanna asked for clarification on the house that the subject u-shaped property surrounds.

Val Christensen said it is a rental. The owner does not live there. She visited with him today. When she purchased the property, she was aware this might happen around her.

Mary Ann Mounts said given the fact that the applicant can do six units in two buildings or one building, if it were her, she would rather have this CUP so conditions could be put on the project to better fit the neighborhood if the Commission recommends approval for the 6-plex.

Cory Sorensen agreed, but if the conditions are too strict, the applicant may want to do the two buildings rather than one building.

Jedd Walker concurs. He suggested that one of the conditions could be to limit the height to 2 stories above grade. He also felt there should be a condition addressing buffering from neighboring properties.

The **Chair** said the Standard Conditions for conditional use permits as stated in the Development Code Ordinance No. 1026 would apply.

Val Christensen said the applicant is required to buffer any parking from neighboring property.

Chairman Robinson asked for clarification of the zones of adjacent lots.

Val Christensen stated that zoning of adjacent lots is Low Density Residential 2 to the north, Medium Density Residential 1/Professional Overlay to the south, and Medium Density Residential 1/Professional Overlay to the east – with High Density Residential 1 to the east of that adjacent lot.

Scott Ferguson said regarding the garbage complaint that was mentioned during testimony – the City has the ability to help.

Natalie Powell has not received any complaints on this particular issue. She explained the procedure when a complaint is made. The owner would be contacted about cleaning up. The owner would then contact the tenant if the building is a rental. She visits the site and takes pictures. The issue is usually resolved in a very brief period of time. She keeps an eye on the situation to make sure a problem does not arise again.

There appeared to be Commission consensus that one 6-unit building would be preferable to having two buildings.

Cory Sorensen suggested the applicant could try to work with the neighbors in regard to buffering.

Val Christensen reviewed the MDR1 design standards as stated in the Development Code.

Chairman Robinson stated that this project would be bordering a residential neighborhood. He would hope the project meets more than the minimum design standards.

Dan Hanna motioned to recommend to City Council to grant approval of a Conditional Use Permit to allow a building with more than four (4) units – one 6-plex - to include three proposed conditions:

- 1) Building height shall be limited to two stories above grade.
- 2) There shall be a six-foot fence on the north and south of subject property unless property owners can agree on another kind of buffer.
- 3) There shall be a Design Review Committee meeting for the project.

The “Standards Applicable to Conditional Use Permits” Section 6.12B in the Development Code Ordinance No. 1026, will apply to this Conditional Use Permit.

Jedd Walker seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Non-controversial Items Added to the Agenda:

Chairman Robinson reported on two Design Review Committee meetings:

November 20th - Winston Dyer attended the Design Review Meeting for Sakkara Properties (Approximately 177 South 1st East), which was granted a CUP at the November 28th City Council meeting. From the minutes:

There was consensus of the Design Review Committee that:

1. *Boulevard strips on both streets (2nd South; 1st East) will be 8 feet and will include trees.*
2. *Elevations approved as submitted – full review at time of building permit process.*
3. *Visually clarify public and private resident entrances possibly using flagstone paths for resident entrances.*
4. *Break up the length of retaining wall with landscaping, rock, etc.*
5. *A landscape plan will be submitted for review.*
6. *Applicant is encouraged to speak with neighbor on the east about the possibility of removing existing fence and making a grassy common area.*
7. *Parking structure exits recommended to be right turn only onto 2nd South and right turn only onto 1st East - to be determined by the City Engineer.*

December 4th - Chairman Robinson attended the Design Review meeting for the Madison Carriage Cove assisted living facility (410 West 1st North), which was granted a CUP at the November 28th City Council meeting. From the meeting minutes:

There was consensus of the Design Review Committee, and the applicant agreed that:

1. *Landscaping will be used to break up the long roof line and the building on the north elevation.*
2. *Vertical sections with differentiation of color and material will be used to break up the length of the building on the north elevation.*

Both Design Review meetings were very positive and went well.

Compliance:

Natalie Powell asked the Commissioners for their input on any compliance issues they may have seen or have concerns about.

Dan Hanna asked if temporary fences are required around construction projects in the City. He is concerned about garbage blowing on to neighboring properties. Natalie Powell said temporary fences with a minimum height of about three or four feet are required. It is enforced. She mainly becomes aware of problems from complaints that come in to her. A letter is sent out with the intent to resolve any problems.

Cory Sorensen commented about mailboxes on Main Street that are two feet into the sidewalk. Natalie Powell said the issue is currently being addressed as much as is possible. This is no longer allowed in new construction.

Natalie Powell updated the Commission on several compliance issues that Winston Dyer had brought to her attention.

The Bell Black temporary sign will be coming down tomorrow.

AT&T has taken down the flag that was over the sidewalk on 2nd East.

K-mart and Farm Services temporary signs have been removed.

The Taco Bus on Main Street will be moving in the next 7 days, as the temporary business permit has expired.

Chairman Robinson brought the El Gene's temporary sign regarding computer sales to Natalie Powell's attention. It has been up a long time. She will look into it.

Natalie Powell said the pawn shop on South Yellowstone recently cleaned up some of their property. One of the issues is keeping items out of the right of way.

Mary Ann Mounts asked if plastic banners have the time limit of 60 days, as other temporary signs do. Natalie Powell said the time limit is 60 days. All temporary signs have to have a permit application on file.

Mary Ann Mounts said there is a plastic banner (West Park) attached to railroad crossing signs. Natalie Powell will check into the situation. She thanked the Commissioners for their input.

There was brief discussion on Conditional Use Permits.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

December 20th - Rezone – Approximately 445 West Main – MDR1/Professional Overlay to High Density Residential 2

The meeting was adjourned at 8:30 pm.