

Planning & Zoning Minutes

December 20, 2012



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Thaine Robinson
Scott Ferguson W.C. Porter
Mark Rudd Richie Webb
Jedd Walker

City Staff and Others:

Bruce Sutherland – City Council Liaison
Natalie Powell – Compliance Officer
Elaine McFerrin- P&Z Coordinator
Darrik Farmer – Community Development Intern

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

Community Development Director Val Christensen was excused.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Jedd Walker, W.C. Porter, Richie Webb, Winston Dyer, Thaine Robinson, Scott Ferguson, Dan Hanna

Gil Shirley, Mary Ann Mounts, and Cory Sorensen were excused.

Minutes:

1. Planning and Zoning meeting - December 6, 2012

Dan Hanna motioned to approve the Planning & Zoning minutes of December 6, 2012. **Scott Ferguson** seconded the motion.

Winston Dyer, Richie Webb, and W.C. Porter abstained for not having been present. None opposed. **Motion carried.**

Public Hearings:

7:05 pm - Rezone – Approximately 445 West Main – Medium Density Residential 1/Professional Overlay to High Density Residential 2

Chairman Dyer explained the procedure that is followed for a public hearing. The applicant or representative will present the proposal. The Commission may ask clarifying questions of the applicant and staff; the public may also ask questions clarifying the proposal. Public input will then be heard from those who are in favor of, neutral to, or opposed to the proposal. If there is opposition, the applicant has the right of rebuttal. Staff evaluation and recommendations will be given. The Commission will deliberate the issue in order to come to a decision and a recommendation to send forward to the City Council.

Johnny Watson, JRW & Associates, 1152 Bond Ave., representing Tru North Development, the applicant. The subject property was shown on the overhead screen. A PowerPoint was shown. The request is to change the zoning from Medium Density Residential 1/Professional Overlay to High Density Residential 2. The size of the property is 1.8 acres. All access would be onto Main Street. The Comprehensive Plan land use designation is Moderate-High Density Residential. The

requested zoning is consistent with the Comprehensive Plan, the community vision. It is a multifamily buffer between single family housing, and commercial and downtown. It fits the Redevelopment/Infill vision of Rexburg. The location is 4 blocks from downtown - very walkable. There are surrounding amenities – shopping, a park, the University. We always think of this as student housing but it would be providing housing for varied life stages as is stated in Rexburg’s Comprehensive Plan, although the majority would be students.

Mr. Watson said on Tuesday December 18th, the applicants met with the neighbors who own the townhomes on the east, and the Seeleys, who own a home on the east. Good things came out of that meeting. It was an opportunity to discuss the neighbors’ concerns. The neighbors are worried about their privacy. They are also concerned about the buildings; Cambridge Court to the east is large and long. There are ways to design to help it be more community-friendly.

The applicants showed the neighbors possible building orientation (east/west or north/south) and possible locations of the driveway and parking. Building height also was a concern. There could be a 3 or 4-story structure here, but Mr. Watson felt as a designer this would not be the correct solution, nor would it be a good neighbor to the adjacent single family residences. With building orientation, the amount of windows that would face the neighbors could be minimized.

Another possibility could be to stair-step - 2 stories and then going up to 3-stories, so it would be less ominous than a higher building.

Mr. Watson said their meeting with the neighbors helped to show the neighbors that there is not a yes or no answer, but a give and take on both sides. Compromises can be reached.

It is important to keep communication lines open through development so that the people who live here and have invested in their homes are able to have their say on what they would want here.

Mr. Watson addressed HDR2 setbacks, density, and buffering. Human- friendly developments in the area were viewed, including Main Street Station apartments. They add to the aesthetic of the area.

Mr. Watson suggested that conditions of approval could be put on the rezone that address these points:

- Maintain open level of communication.
- Building orientation – east and west to minimize windows facing neighbors.
- Stair-stepping the structures so that they fit better with the single story residences.

He reiterated that this rezone request is in context with the City’s Comprehensive Plan.

Jedd Walker was excused.

Thaine Robinson stated since Main Street is a State Highway, has the applicant spoken with state representatives regarding requirements?

Johnny Watson said they have not, but they are aware that they would be required to do a traffic study, which may dictate the location of egress.

Thaine Robinson thought the development may be limited to right turn only because of closeness to the corner.

Richie Webb asked if the site plan options shown were a result of conversations with the neighbors or if the options were presented to them.

Johnny Watson said he presented 4 options to the neighbors to show that there are a number of solutions and possibilities.

Chairman Dyer expressed the Commission's appreciation for the applicants' efforts to meet with the neighbors. This is how developments should be done. The Commission also appreciates the described sensitivity to the neighborhood and having the development blend in properly with the neighborhood.

The Chairman clarified that tonight's issue is a land use issue and not a development issue, but the Commission does like to see where plans are going. Two existing units behind Cambridge are still there; Johnny Watson said that the initial idea is that these units stay there for some time. The long range goal is that they would disappear.

Chairman Dyer said there would be a three-fold increase in density if the zone change is approved – 70 plus units.

Johnny Watson said they want to maximize the number of units. This would be limited by the necessary parking.

Chairman Dyer said **Mr. Watson** has spoken tonight about potential conditions on this zone change. He asked if they would be willing to consider conditions. Mr. Watson answered yes. The Chair said the Commission cannot tell the developer how to design the project. He clarified the Commission cannot dictate the layout and cannot condition the layout to a land use decision. The Commission can address such concerns as setbacks, landscaping, and neighborhood input. The Chair asked what a reasonable length of time for a Sunset Clause would be. Johnny Watson stated a three-year Sunset Clause would be reasonable. The applicants would continue to work with the neighbors.

Chairman Dyer stated that the Main Street Station apartment complex across the street has additional setback for green space with trees making it really presentable on Main Street as an entrance to town. How will this subject development preserve the green area out in front? Johnny Watson said the HDR2 zone requires a 25-foot front yard. There would also be an additional 25 feet. There needs to be an emphasis on human scale elements of "Eyes to the Street" in the design.

Scott Ferguson asked for clarification on the number of phases for this project. Johnny Watson stated there will be two phases.

Chairman Dyer asked if the audience had any clarifying questions about the proposal. An audience member asked what would happen with the Ferguson Apartments (435 West Main). **Johnny Watson** said in this first phase the apartments would stay intact.

Chairman Dyer asked Natalie Powell if staff had any information to help the Commission understand the proposal. **Natalie Powell** said all points have been addressed.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Debra Smith, 75 South 5th West. She owns the trailer court south of the subject property. She is aware that the Squires property to the south has sold for high density housing. She is not opposed to that. She also gets along with Cambridge Court representatives very well. Her concern is the parcel lines on the map that was viewed show as going over some of her trailers. Chairman Dyer clarified the Commission cannot get into dialog during public testimony; the Commission would note her concern and have someone from the City contact her.

Neutral:

Linda Newton, 29 South 5th West, one of the twin homes west of the subject property. She is the current president of the Courtyard Homeowners Association for the three twin homes. She is representing that group. They appreciated meeting with Mr. Watson and Mr. Sorensen, and having them share their ideas. A lot of their concerns and uncertainties were alleviated at that meeting. They are taking a neutral stance. They do still have some things they would like to see, or at least ask they be included in this rezone. They would appreciate if the buildings be oriented as east-west so the buildings are not directly behind their homes. They would ask that there be a minimum 50-foot buffer behind their property line to the entrance of the buildings. They would like a fence line to definitely be established on their property line, and a buffer with foliage should be built and maintained by the property developer. They would ask that the developer stair-step the buildings for two to three stories as presented to them – start with two story on the west end to three story on the east end. They would also like continued communication of the developer and the architect with their Homeowners Association.

Scott Tremelling, 457 West Main, one of the properties included in the rezone request. He is happy living there, but he feels this is a great use of the property. It is a lot of land right on Main Street and very close to the downtown. He walks to work next to Broulim’s every morning. He is neither for nor against the request.

Opposed: None

Written Input: None

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

Natalie Powell reviewed the Community Development staff report including the 2 proposed conditions. The change requested is a rezone from Medium Density Residential 1/Professional Overlay to High Density Residential 2. The Comprehensive Plan land use designation for the property is Moderate-High Density Residential. The request fits within the land use designation. She went over the City Engineering review. Project coordination with the Idaho Transportation Department (ITD) for access onto Highway 33 would be necessary. Additional entries on West Main may limit the carrying capacity of the highway. Access to water and sewer will require the cutting of West Main which will require a street cut permit from ITD.

The Infill/Redevelopment Scoring sheet was viewed. As stated in the staff report, “...This project is in the “focus area for Infill/Redevelopment” found in Section 4.16 of the City of Rexburg Development Code. As such, Staff has scored the project according to Section 4.16. Out of a maximum of 50 points the project scored “30”...”

Chairman Dyer clarified the scoring mechanism. A number of the promising properties at the time the policy was being worked on were given scores. This subject property was not included at that time. He noted that the property comes up with a rank of 30. It fits in with the City’s Redevelopment/Infill policy -making of the City; it scores high enough to be considered and not be a concern.

It was clarified that lower scores in the twenties and teens would have serious concerns about impacts on stable neighborhoods, historical properties, etc.

Thaine Robinson said Main Street is transitional. Because the street is wide, with heavy traffic and being a main entrance into town, it will likely transition to commercial or higher density, which

would be more appropriate than single family homes. If the right conditions are put on this zone change proposal, he sees this request as a workable project.

Richie Webb applauds both the neighbors and the developer. They came together and discussed and negotiated about how to make this project work. Both parties are to be commended. There are inherent concerns in transitioning a property. The conditions both parties have stated make a lot of sense in trying to make the proposal fit into that space and be comfortable. It is a really good compromise solution that is being discussed. This is a good example of both parties working together to come to a resolution.

Chairman Dyer agreed with Mr. Webb. This is planning and development at its best. He is especially appreciative of the Homeowners Association in their efforts in coming forward and stating their concerns to the Commission.

The Chair stated this request is a natural extension of the adjacent high density residential, presuming interests of the neighbors can be protected. It is similar to developments in that area of Main Street and is very consistent with the recently enacted Infill and Redevelopment policy of the City, which was put together to help look at appropriate areas where increasing the density could be made without having substantial impacts on stable neighborhoods. With the right conditions that would take advantage of what the applicant has been offering and speak to the issues that the Homeowners Association stated, this could be a win-win situation.

There was consensus of the Commission on looking to recommend approval of this rezone change request with the appropriate conditions.

Possible conditions on the rezone were discussed.

The Chairman said the Commission is walking a fine line to talk about a land use decision and yet preserve enough of this other in the development stage to give the neighbors some comfort that if this project goes forward it will be done properly.

Dan Hanna motioned to recommend to City Council approval of a zone change from Medium Density Residential 1/Professional Overlay to High Density Residential 2 for the property located at approximately 445 West Main (File # 12 00537) to include 3 proposed conditions of approval - 2 proposed conditions from the Community Development Department staff report including word changes; and 1 additional proposed condition:

1. *The twin homes directly to the west and bordering the proposed zone change are located in a Medium Density Residential zone. As such the additional setbacks and buffering requirements of the City of Rexburg Development Code Section 4.16 Infill/Redevelopment Standard do not apply. However, due to the single family use that is associated with the twin homes, Staff recommends setback and buffering requirements for the west side of proposed project as per Section 4.16 for Low Density Residential to High Density Residential to be applied as a condition of the zone change. The requirements are as follows: Provide largest of one to one setback versus height or applicable LDR setback. Include 2”(min.) caliper trees spaced at 20 foot intervals **or as mutually agreed to by the neighbors and the developer.** Tree type to be approved at Design Standard Review.*

2. *Create a Sunset Clause that would require this project ~~to be completed~~ to acquire a building permit within 36 months in a timely manner or the new zoning would revert back to its previous condition.*

3. Emphasis on front yard landscape - to be approved by the Design Review Committee.

Scott Ferguson seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Compliance:

Chairman Dyer thanked **Natalie Powell** for taking care of several concerns that were given to her. The Chair said the sign on a wheeled trailer near the north interchange is in the right of way. Natalie Powell explained that the owner of the property would like to build there. They have been given a temporary sign application.

Natalie Powell said the City ordinance is now in effect during the winter for cars not to park on the street. She has had several complaints. The Chair suggested an article could be put on the front page of the newspaper addressing this issue. Many places have cars parked right in the front yard. Cars are being ticketed for this problem. Natalie Powell contacts the owners to address the issue.

Richie Webb said he understands that the City Council is going to be addressing the temporary vendor business problem that is occurring all around town.

Council Member Bruce Sutherland said that the City Council would address the issue at the January 16th City Council meeting.

Richie Webb said Chairman Dyer had earlier put together an email that was comprehensive and thoughtful about the Commission's views on this issue.

The statement will be re-sent to the Commissioners for their review. It would then be given to the City Council. Council Member Sutherland felt this would be very helpful.

Natalie Powell said staff is putting together a map regarding temporary vendor business locations – highlighting allowable areas.

Chairman Dyer asked that this issue be an agenda item at the next meeting.

Dan Hanna said there has been some positive movement; some temporary vendor businesses have moved into buildings.

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

January 3 – Conditional Use Permit for a Hotel – Approximately 75 Pioneer Road

The Chairman adjourned the meeting at 8:25 pm.