

Planning & Zoning Minutes

April 7, 2016

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Jedd Walker – Chairman
John Bowen
Rory Kunz
Bruce Sutherland
Greg Blacker
Heidi Christensen
Richard Smith
Melanie Davenport

City Staff and Others:

Brad Wolfe- City Council Liaison
Val Christensen- Community Development Director
Stephen Zollinger – City Attorney
Keith Davidson – City Engineer
Colton Murdock - Community Development Intern
Steven Park – Community Development Intern
Elaine McFerrin- P&Z Coordinator

Chairman Jedd Walker opened the meeting at 7:01 pm.

Roll Call of Planning and Zoning Commissioners:

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

Mark Rudd, Gil Shirley, and Steve Oakey were excused.

Minutes:

1. Planning and Zoning meeting – March 17, 2016

Rory Kunz motioned to approve the Planning & Zoning minutes of March 17, 2016. **Heidi Christensen** seconded the motion.

Bruce Sutherland and Richard Smith abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Summerfield PUD (Planned Unit Development) Master Plan Amendment – Approximately 12th West and 1000 South

Chairman Walker explained the procedure that is followed for public hearing. The applicant will come forward and present their proposal. The Commission may at its discretion allow the community to ask clarifying questions in order for them to better understand the proposal. Staff may then clarify the proposal.

Then 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. At this time there is no back and forth dialogue between the Commission and the community. Public testimony is limited to 5 minutes per person. 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. If there is any direct or perceived conflict to the proposal from anyone on the Commission it would be declared at this time. The Commission would then discuss the proposal and deliberate in order to come to a decision on a recommendation to the City Council.

Troy Kartchner, 601 West 1700 South, Logan Utah, Kartchner Homes, the applicant. They have been building homes in Summerfield and at this point cannot go much further to the north because of the depth of the sewer until a lift station is eventually put in within the next year or two. They are proposing to bring the road in to the south of the LDS Church and extend it and connect to an interior road, which is planned for this summer. The sewer here is deep enough, and they can finish the current developing and plan to develop the area just west of the church. This area will be designed to have bigger lots.

Kartchner Homes promised the City and the Summerfield residents when they started this community that once 100 homes were built, the developer would put in amenities such as a clubhouse, a park, and a playground. There are currently almost 80 homes that have been completed in Summerfield. With this next phase, there will be way over that number of homes. This year they hope to develop the next phase, and next year they will develop the promised amenities. The lift station would also be put in.

Irrigation trenches were pointed out on the overhead screen map.

Regarding staff review comments on irrigation, they have engineered it and know what they want to do but they have not yet worked it all out with the irrigation company or the farmers in the area.

This will be worked out at a future date.

Regarding the future road on the north that is stubbed into the back of the Weimer property just north of the church, Public Works staff stated in their review that they would want this road to be a cul-de-sac if the land is developed rather than opening out to 12th West. Kartchner Homes does not have a problem with it; they do not care one way or the other; however, if at some point down the road they would like to develop it, it is kind of a natural to have the road stubbed there. Possibly work with the Weimers to see if they would like the stub there for some future date.

Another concern expressed in the P&Z staff review was regarding connectivity of the next phase. There will be connectivity; it is important to them and for everyone in the community, including emergency services.

Kartchner Homes is going to have a public meeting with the homeowners next Wednesday, April 13th, in order to get input on the amenities and what the residents would want.

Chairman Walker asked if there were any clarifying questions from the community:

Jodi Weimer asked if the road is not stubbed, will that effect the lot?

They will have to put an oval in and may lose one lot but they will have less road to develop.

Is the plan still to do twin homes as one enters near the church and going down that road?

They are allowed to do single family homes or twin homes; they have not decided for sure what they are going to do.

What are the sizes of the lots in the next phase?

Most lots are a quarter acre in size.

Greg Blacker asked for clarification on the entrances to Summerfield. The current entrances were pointed out. The developer will add an additional entrance from 12 West, south of the church to connect to the existing homes.

Community Development Director Val Christensen had no additional clarifying information.

Chairman Walker opened the public input portion of the hearing.

In Favor:

Vince Haley, 2309 West 960 South. He has lived here in Summerfield for two and a half years. He tried to encourage the community to be here in support of this proposal. As he understands, there are often people who come to express negative views at these meetings He is here to express his very positive feelings of the Kartchner Summerfield development. He loves his community and where he lives. Troy Kartchner has done a fantastic job with the community and continues to do so. He is in favor of these plans. The only complaint that he has expressed to Mr. Kartchner would be communication with the HOA (Homeowners Association).

Darin Herzoff, 2281 West 960 South. He is for this request. He lives on a corner. Because of being on corner location and because his children are elementary and junior high age, they walk across the street, as do many other children. There is quite a bit of traffic flow. Once the third entryway is put in to the south of the church, it will allow for those who want to use it as another entrance and exit from Summerfield. It hopefully will help to lighten some of the traffic flow by Burton School.

Merve Brown, 257 South 2380 West. He is very much in favor. The proposal is great for the community, both in and out of Summerfield. In front of Burton Elementary, traffic is often heavy and a hazard. An added entrance would be a great addition. He is also in favor of town homes or single family home lots.

Neutral: None

Opposed: None

Written Input: None

Chairman Walker closed the public input portion of the hearing and asked for the staff report.

Val Christensen stated that much of his review has been covered by Mr. Kartchner. Having connection was Mr. Christensen's concern, and the developer is making connectivity a priority.

From the P&Z staff review:

Any new development must be connected to completed streets that connect to 7th South. Provide sidewalk and complete street construction prior to the issuance of any building permits for unconnected areas.

From the Public Works staff review:

Look at eliminating the future connection on to 12th West north of the church. Turn this into a cul- de-sac.

Val Christensen felt that this connection may be needed in the future and may be a positive thing.

Chairman Walker asked for the Commissioners' thoughts.

Richard Smith agreed that it may be necessary to have the road access onto 12th West rather than the cul-de-sac in the future.

Bruce Sutherland stated that it is refreshing to a have a project that is carefully thought out and that complies with the City ordinances and requirements. The citizens of that area support it. He feels it is a very good project.

Bruce Sutherland motioned to recommend to the City Council approval of the Summerfield PUD (Planned Unit Development) Master Plan Amendment at approximately 12th West and 1000 South. **Richard Smith** seconded the motion.

Chairman Walker asked if the motion needs to state that road connectivity would be done and that the irrigation issues would be resolved.

Bruce Sutherland felt that these issues would be addressed as the land is developed and through working with City staff and the irrigation company. He wished to leave the motion as stated.

None opposed. **Motion carried.**

Melanie Davenport joined the meeting at 7:28 pm.

New Business:

1. Madison County Transportation Plan Discussion – Keith Davidson

City Engineer Keith Davidson stated he is here tonight to answer any questions the Commissioners may have about the transportation plan, which is available on the City's website at www.rexburg.org.

Richard Smith asked what is happening in the immediate future regarding this transportation plan. **Keith Davidson** said population is being used as a guide to what should be acted on first. The plan is for the entire Madison County. It is basically a crystal ball – trying to see where growth may happen and what roads could be impacted.

From 2nd East going north and Main Street are 2 main areas of concern that came out of the study. 2nd East is probably the number one spot where there would be problems. As development occurs, there is an increase in traffic. The City is looking at the number of lanes and the fact that there is just one crossing over the river. They have done models to look at river crossings on 3rd East, 5th West and 1st East. The models did not show that enough traffic would be taken off 2nd East. Another option would be widening the street. Signal timing is also being worked on.

Chairman Walker commented that examining another crossing further away did not work because all the destinations are on 2nd East. That is where people want to get to.

Bruce Sutherland said the couplet idea as far as traffic flow might be okay, but it seems very problematic.

Keith Davidson said these options are just at the discussion stage. No decisions have been made on which way to go. These are different options presented by the consultant for ways to help mitigate once they get near the threshold. These are very expensive options. The City will need funding.

Richard Smith said there has been discussion about removing some traffic lights,

Keith Davidson said the owner of the property that formerly included K-Mart would like to have a signal put in. Possibly a signal may be needed at 7th North as things develop. Care must be taken; if they start stacking signals, it would be very problematic.

Melanie Davenport wondered whether a traffic study is necessary when new developments come in and whether a recommendation is needed. How does City Engineering use this document and how should the P&Z Commission use it?

Keith Davidson said if there is more than a 100 trip increase per day because of the development, a study could be done by an engineering firm for that particular development.

Melanie Davenport's concern, for an example, is that before Harvard Avenue or 2nd East develop more, where in the process is this study done?

Keith Davidson clarified if the development generated over 100 trips, his department would look at it to see what is needed – signal light, traffic flow issues, etc. The P&Z Commission does not need to do so, but they could make a recommendation.

The plan looks at effectively moving traffic and pedestrians.

Chairman Walker asked if the couplet is a primary recommendation or if there are others.

Keith Davidson said the other recommendation is to widen the road.

The Chairman asked if there were any other viable options.

Mr. Davidson said these are really the two options at this time if development happened where things are currently. They are looking at updating the model as time moves forward.

Chairman Walker stated that the City's land use map guides where the City wants development, and it is 2nd East and the south part of the City near University Blvd.

Richard Smith asked if there has been discussion about encouraging the use of University Blvd. Traffic really backs up without a dedicated straight ahead lane.

Keith Davidson said it is being looked at as the area develops.

Mr. Davidson referred the Commissioners to the City's website for further study of the transportation plan. The Commission thanked him for coming.

Unfinished/Old Business:

1. P&Z Commission Training continued – Stephen Zollinger

City Attorney Stephen Zollinger stated that what is most important is that all of the Commissioners have been appointed to their positions because they represent a cross section of the community. What the City Council expects of the Commission is what the law requires – they are to hear the evidence and the facts presented to them. Then they are to make a recommendation to the City Council based on their beliefs as to what represents the best interests of the community. The Commission is an advisory board.

Do not worry about friends. Do not worry about some of the technical aspects, although it is appropriate to bring them up; but, the City maintains a very capable staff of engineers and planners who evaluate the technical aspects of projects – sufficient land mass, drainage, etc. Do not second guess the engineers.

It is never wrong to ask a question but accept the answer that the engineers are on top of the issue. Keith Davidson is the city engineer with years of experience in evaluating traffic flows which were spoken about tonight. The Commission needs to accept that the City engineers are the experts. The Commissioners do not make technical decisions; evaluate as a lay person.

The City Council wanted Mr. Zollinger to convey regarding rezones: stop looking at the project and focus only on the zone change. Apply your knowledge of the Development Code to a neighborhood.

Chairman Walker emphasized that a rezone is a land use question.

It was discussed that there is the possibility of the PRO-Zone (Project Redevelopment Option) if a developer comes forward with a project that does not fit into any other zone.

Mr. Zollinger reiterated that the Commission is an advisory board; the Commission needs to accept that the City has staff experts that will handle the technical issues.

Richard Smith asked if there is ever a good reason to put a condition on a rezone.

Stephen Zollinger said he does not know any time where he believes it is appropriate. It is very rare. The City Council wants to see applications of the rules and not exceptions to the rule.

Currently, the City is pro-actively addressing zone ordinance deficiencies with Val Christensen's efforts.

Melanie Davenport stated she appreciates Mr. Zollinger's presentation and clarifications. Basically, the Commissioners are being asked to just stick with the Development Code as their guide.

Stephen Zollinger said trust that the engineers know how to design roads. Trust that Mr. Zollinger will worry if there is a precedent that may be a concern.

Stephen Zollinger addressed the Open Meeting Law. The Commissioners are required to comply at all times with the open meeting law.

Commissioners may talk about the city but not about something that is going to be presented to the Commission.

Once a hearing is advertised or even before that point if the issue is already known, do not talk about it outside the public hearing setting - not with the community nor with each other.

If a community member approaches a Commissioner, encourage the community member to come to the meeting.

Richard Smith asked if members of the Commission may communicate with staff on an issue.

Stephen Zollinger said that is always okay.

Direct conflicts of interest and perceived conflicts of interest were explained.

If there is a direct conflict of interest with the scheduled matter, the Commissioner would declare that and step down. If it is a perceived conflict, declare it and the Commission may decide if the Commissioner can still participate in the hearing

(Merriam Webster Dictionary definition – 'a conflict between the private interests and the official responsibilities of a person in a position of trust').

Stephen Zollinger encouraged the Commissioners to attend P&Z training that is offered yearly by the Association of Idaho Cities. The secretary will send out information to the Commissioners.

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

April 21, 2016:

1. Conditional Use Permit – Verizon Monopole – 110 South 12th West – the property is in the City of Rexburg Impact Area; zoning is Rural Residential 1

May 5, 2016:

1. Rezone – 419 West 1st North – Low Density Residential 2 (LDR2) to Mixed Use 2 (MU2)

The meeting adjourned at 8:31 pm.