

**NOTICE OF PUBLIC HEARING
CITY OF RIGBY
Final Approval of Planned Unit Development (PUD)**

NOTICE IS HEREBY GIVEN that the City of Rigby, Jefferson County, Idaho hereby gives notice that the Rigby City Council will hold a public hearing on the recommendation it received from the Rigby's Planning and Zoning Commission recommendation "to approve" the application requesting final approval of the planned unit development plan (PUD) per city code 10-11-18-Action by Council.

The property is located at: 561 West 1st South and 240 S 5th West otherwise known as the Mountain Ridge PUD, Steve Billman, developer.

The property is currently zoned Residential R-2 – multi residential. No change in zoning is being requested. The property contains approx. 3.98 acres of undeveloped property.

Per city code 10-3-5: Action by Board, the **City of Rigby city council** hereby gives notice that the **Rigby City Council** will hold a public hearing on the application it received from the planning and zoning commission of the proposed project. The developer is proposing the construction of townhomes with landscaping on the property containing five (5) 4-plex buildings.

Project information and a complete copy of the application is available for review at the office of Rigby City office located at 158 W Fremont, Rigby, ID during normal business hours (9:00–5:00) Mon-Fri.

The public hearing will be held **Thursday, May 16, 2019 at 7:00pm** at the Rigby City Hall located at 158 W Fremont, Rigby, ID verbal and written comments will be accepted up to and at the hearing. The public is invited to attend this meeting. Be advised that there will be a five (5) minute time limit for anyone providing oral testimony. Mailed comments will be accepted through US Postal Service or emailed or hand delivered to rigbyclerk@cityofrigby.com if received before 5:00pm Wednesday, May 15, 2019.

CITY OF RIGBY

s/ David Swager, City Clerk

Approved as to form:

s/ Robin Dunn, City Attorney

Dear Local Resident:

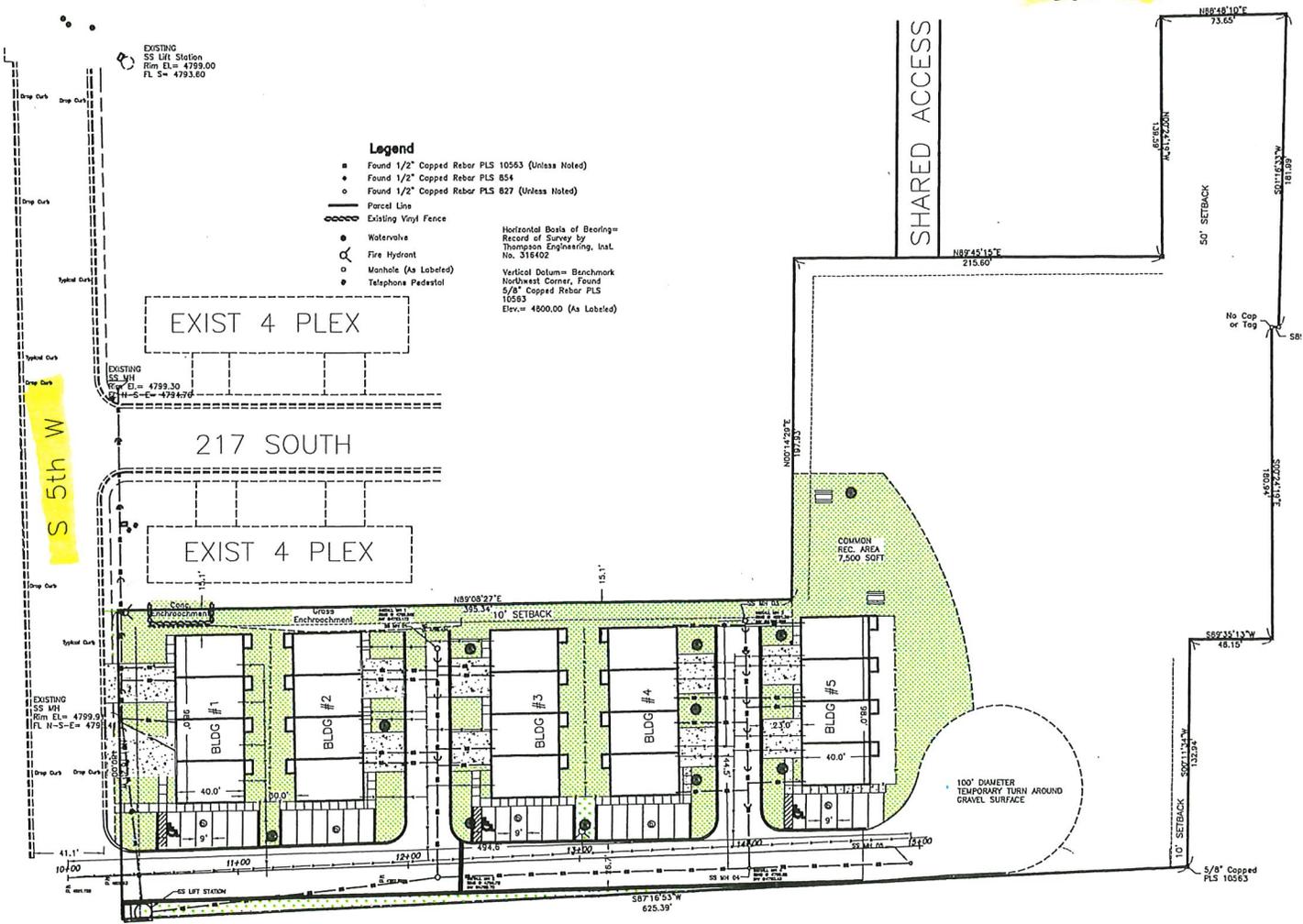
You are receiving the enclosed information to provide you with the opportunity to discuss a proposed development that is being considered within 300 feet of your property. The proposed project is the construction of five (5) 4-plex buildings on the east side of South 5th West (see attached map). The planning and zoning commission has held two public meetings to review the project. Minutes of those meetings are included in your packet. The commission has forwarded its recommendation of a "too approve" the project to the city council. The city council will hear comments from the public of either being in favor, neutral or in opposition to the project prior to rendering its final decision. If you wish to comment on the project you are entitled to submit written comments to the council prior to the meeting, attending the meeting and voicing your opinion or you are entitled to submit a written statement during the meeting.



SCALE 1:30
CONTOUR INTERVAL = 6" (0.5')



SCALE: 1" = 30'
(SCALE FOR 24" x 36" PRINTS ONLY)



City of Rigby
158 W. Fremont
Rigby, ID 83442
(208) 745-8111
(208) 745-7111 Fax

Total Due \$200.00
plus \$4/lot or \$8/acre (whichever is greater)

Application for a Preliminary Plat

Prior to granting preliminary plat approval, notice and opportunity to be heard shall be provided to all property owners within 300 feet of the external boundaries of the land being considered.

Date of Application: 2/4/19

Subdivision Name: _____

Property Owner(s): STEVE BILLMAN

Address: 3689 E 100N Rigby City/State/Zip: ID 83442

Home Phone: 208-745-6060 Business Phone: 208-681-4169

Address of Property: 561 W 15 Rigby ID

Applicant: owns property leases property is purchasing property

Legal Description of Property: NE 1/4, Section 24, Township 4,
North Range 38, Bm Jefferson County ID

Description of existing use of property: _____ Currently Zoned: R2

Bare ground

Statement of intended use (residential single family, multiple housing, etc.), effects of proposed subdivision on adjoining property, general compatibility with other properties and uses, and compliance with Comprehensive Plan: attach additional papers if needed.

Multiple housing

I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

Steve Billman 2/4/19
Applicant's Signature Date



City of Rigby Planning and Zoning Commission

Meeting on March 14, 2019

Staff Report—Mountain Ridge PUD / Steve Billman

General

Project Name: Mountain Ridge Planned Unit Development

Request: Approval in Principal of a PUD

Acres: approx. 3.98 acres

Location: generally 561 W 1 S, Rigby

Applicant: Steve Billman

Owner: Steve Billman

Staff Recommendation: Staff recommends ***approval with modifications based on Commission findings of compliance and with such commitments placed in development agreement at time of final platting.***

Assessment and Conclusion

The property is an undeveloped parcel of land of approximately 3.98 acres.

The application is for a preliminary development plan for a PUD. This discussion of the Commission will focus on the "Approval of Principle" of the preliminary development plan. The Commission should only consider the general standards applicable to a PUD development.

The subject site is zoned R-2, and has R-2 to the west, R-2 to the south, R-1 and R-2 to the east, and R-2 to the north across Highway 48.

The request represents an appropriate density for this application. The request is compatible with the surrounding land uses and in character with the overall residential uses and densities in the vicinity. This request is consistent with the Comprehensive Plan, and generally in compliance with City subdivision ordinances—see the table below.

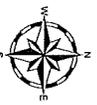
<p>Applicable Rigby PUD Ordinance</p>	<p>10-11-1 Purpose: It shall be the policy to guide a major development of land and construction by encouraging planned unit developments (PUD) to achieve the following:</p> <ul style="list-style-type: none"> A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements; B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services; D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and E. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan. <p>10-11-3 Minimum Area: A PUD for the following principal uses shall contain an area of not less than:</p> <ul style="list-style-type: none"> A. Three (3) acres for residential development; <p>10-11-6 Common Open Space: A minimum of ten percent (10%) of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.</p> <p>The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements and rights of way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the Commission.</p> <p>The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.</p> <p>Every property developed under the PUD approach should be designed to abut open common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.</p>
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	<p>10-11-8 Increased Residential Density: To provide for an incentive for quality PUD, the Commission may authorize an increased residential density of up to fifteen percent (15%) of the allowable number of dwelling units. Character, identity, and architectural and siting variation incorporated in a development shall be considered cause for density increases, provided these make a substantial contribution to the objectives of the PUD, which are as follows:</p> <ul style="list-style-type: none"> A. Landscaping (a maximum increase of 5 percent), streetscape, open spaces and plazas, use of existing landscaping, pedestrianway treatment and recreational areas. B. Siting (a maximum increase of 5 percent), visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering); and C. Design features (a maximum increase of 5 percent), street sections, architectural styles, harmonious use of materials parking areas, broken by landscaping features and varied use of housing types.
<p>Other applicable City ordinances</p>	<p>10-11-5 Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.</p> <p>10-11-11 When the PUD also qualifies as a subdivision, the processing of the special use permit and subdivision application shall occur at the same time. The granting of a special use permit for a PUD shall require a preapplication, the submission of a preliminary development plan and approval by the Board/Council of a final development plan as specified within this Title.</p>
<p>Staff Comments</p>	<p>Staff suggests a discussion on each point within the staff report and any new points discovered in the public hearing after the hearing is closed. During the Commission’s deliberations and discussion, it is important to come to a conclusion on each point so that the applicant is clear on what requirements are to be fulfilled at final platting, and also so the staff is clear on what commitments will be built into the development agreement. In essence clarity in the motion with clear requirements listed in the motion is expected of the applicant are very important at this stage. Also important is for each Commissioner to be asked by the Chair for comments—“go down the table and ask for opinions, comments and suggestions.”</p> <p>Reminder: Need for additional P&Z meeting within 30 days per City Ord. 10-11-15 if approved in principle tonight.</p> <p>The applicant may submit a final development plan in the interim.</p> <ul style="list-style-type: none"> A. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval.

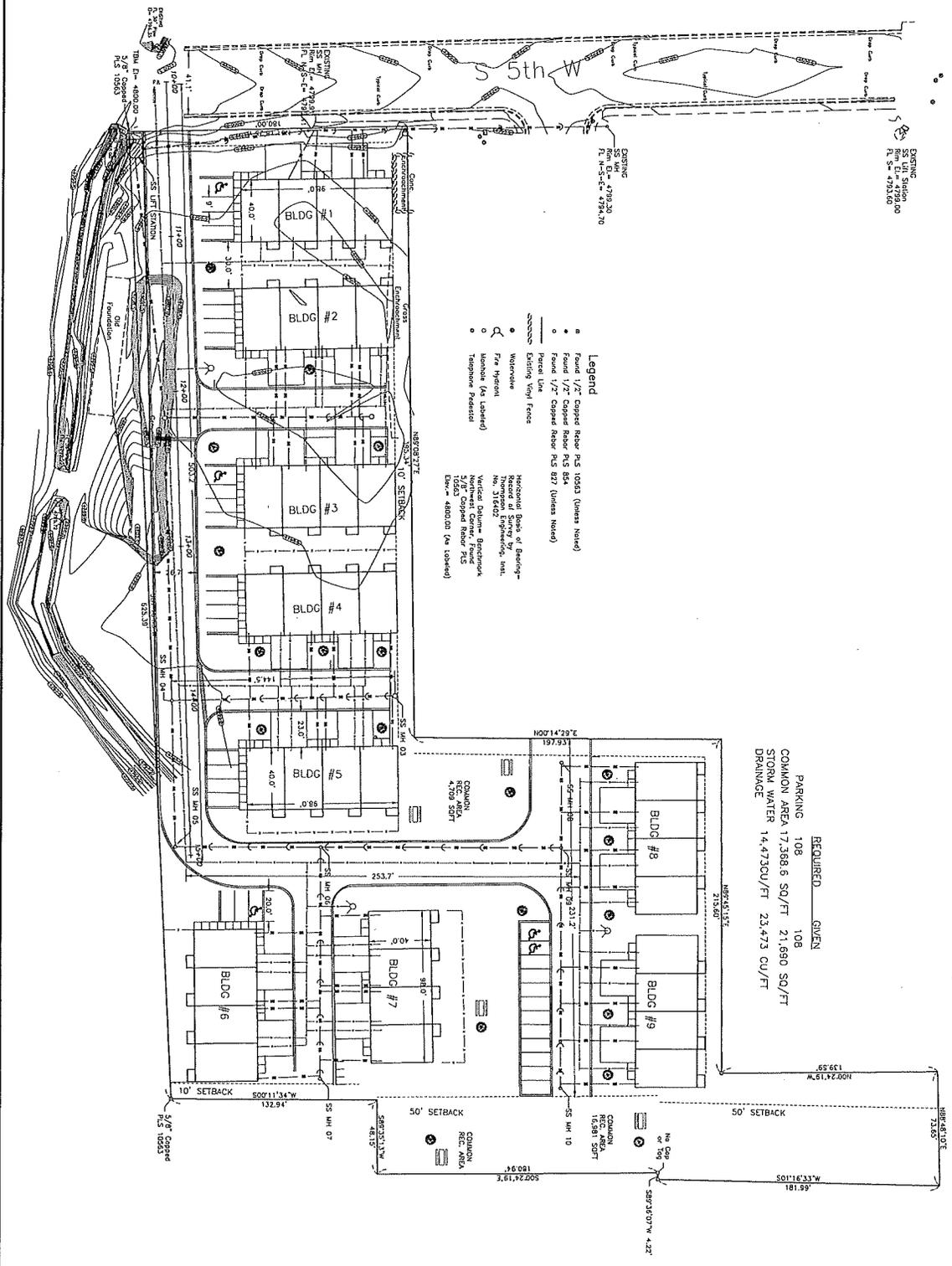
	<p>Per Idaho Code, storm water drainage must be kept on the property.</p> <p>Adequate parking can be an issue with higher density parcels with little or no on-street parking. Staff suggests the required use of garages for vehicles should be a commitment by the developer.</p> <p>Staff suggests a point-by-point discussion on the following additional items listed in City Code during this phase so that the applicant may submit a final plan that will need few if any modifications:</p> <ul style="list-style-type: none"> A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses; B. All the information required on the preliminary development; the location and sizes of lots, locations and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties; C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposed an exception from standard zoning district or other ordinances governing development; D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for site preparation and development; E. Site plan, showing building(s), various functional use areas, circulation and their relationship; F. Preliminary building plans, including floor plans and exterior elevations; G. Landscaping plans; and H. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
<p>Additional facts P&Z must establish per 10-11-17</p>	<p>“The Commission shall find that the facts submitted with the application and presented to them establish that:</p> <ul style="list-style-type: none"> A. The proposed development can be initiated within two (2) years of the date of approval;

	<p>B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;</p> <p>C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;</p> <p>D. Any proposed commercial development can be justified at the locations proposed;</p> <p>E. Any exception from standard district requirements is warranted by the design by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the Board/Council;</p> <p>F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>G. The PUD is in general conformance with the Comprehensive Plan; and</p> <p>H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.</p>
Planning Office	<ul style="list-style-type: none"> • The developer plans to build and maintain the lift station • Applicant stated there will be one single water meter for the entire PUD development
City Public Works	<ul style="list-style-type: none"> • How are they going to meter water? • Garbage can placement? Dead end streets not possible • In only access out to Hwy 48? Connectivity to another street possible? • Water and curb stops not in driveways • 4' sidewalks better; to allow for wider streets • Surface water rights to transfer to City?
Fire/EMS	<ul style="list-style-type: none"> • Fire Lane signage (n=18). No parking on inner streets • Please identify a second street access. Temporary access that will remain navigable year-round or connectivity with another street • Firewalls between the units per IBC and IFC • Limit of two stories

Comprehensive Plan	<p>HOUSING. Goal 1: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types.</p> <p>Policy 1: Promote the construction of affordable housing by utilizing, including but not limited to, smaller lot sizes, secondary housing, smaller setbacks and other innovative zoning, subdivision, and building techniques.</p> <p>Policy 4: Consider modifying development standards to incorporate inclusionary zoning concepts, on either a voluntary or mandatory basis which will set aside certain proportions of the total dwelling units allowed for employee housing or low- and moderate-income residents.</p>
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SCALE 1:30
CONTOUR INTERVAL = 6" (0.5')



Legend

- Found 1/2" Copied Riser R/S 1083 (Unless Noted)
- Found 1/2" Copied Riser R/S 854
- Found 1/2" Copied Riser R/S 877 (Unless Noted)
- Parcel Line
- Existing Vinyl Fence
- Waterline
- Fire Hydrant
- Manhole (As Labeled)
- Telephone Proposed

Horizontal Scale of Drawing
 Thompson Engineering, Inc.
 No. 31402
 Vertical Datum: Benchmark
 5/8" Copied Riser R/S
 Elev. = 4802.00 (As Labeled)

REQUIRED	GIVEN
PARKING 108	108
COMMON AREA 17,368.6 SQ/FT	21,590 SQ/FT
STORM WATER 14,473CU/FT	23,473 CU/FT

300 N

<p>Steve Billman Planned Unit Development Rigby Idaho</p>	<p>Aspen Engineering, Inc. 10727 N. Yellowstone Hwy. Idaho Falls, Idaho 83401 Phone (208) 542-1911</p>		<p>8712 PLANNED UNIT DEVELOPMENT RIGBY, IDAHO</p>	<p>Site Plan</p>
<p>2</p>				

Minutes of the Meeting

Rigby City Planning and Zoning Commission

March 14, 2019, Rigby City Council Chambers

Meeting was called to order at 7:02 p.m.

Present were: Commissioners Cowley, Sutherland, Wilder, Ellsworth, Warner and Stowell.

The Pledge of Allegiance was led by Chairman Ellsworth.

Chair Ellsworth welcomed new commissioner Kevin Cowley.

Approval of minutes of February 13, 2019, meeting. Commissioner Warner asked for the correct spelling of Warner instead of Warren. Without further modifications, Warner moved to approve the minutes of the February 13, 2019, meeting as amended; Stowell seconded. Motion passed; none voting nay.

Training: Planner Sharon Parry presented training items to the commissioners including: quasi-judicial vs. legislative matters, ex parte, site visits, staff reports, and protocol for quasi-judicial agenda items being at the beginning of P&Z meetings in case City Council members would like to be in attendance.

New Business: it was decided that there would not be a special meeting on March 28, 2019.

Legislative Issues: there were discussions regarding several new ordinances including: surface water rights transferred to the City upon annexation, the City Council updating the Comprehensive Plan Map in their last meeting to reflect the intent with Mixed Use being R-2 and Residential being R-1, the need to update the Comprehensive Plan as new zones are added, the need for the tool of development agreements for all land uses, the new R-Ranch zone, the historical downtown overlay zone, expiration of preliminary plats and final plats, and PUD Design Review.

Regarding the expiration of PUD's it was mentioned that extra notice should be given to the public regarding this proposed ordinance. The term "good cause" should perhaps be given examples.

Warner expressed his support for the downtown overlay and the need to get the ordinance out to the public and landowners in the proposed area.

Hearing: Planned Unit Development—Mountain Ridge PUD

Commissioner Stowell needed to exit the meeting.

Planner Parry presented the staff report regarding Mountain Ridge PUD Approval in Principle.

Ryan Loftus represented the applicant and presented regarding Mountain Ridge PUD Approval in Principle.

There was a discussion regarding the application.

Commissioner Warner moved to approve the PUD in Principal; Sutherland seconded the motion. All in favor; none opposed. Motion included the following facts, requirements and conditions:

36 units were proposed

Proposed 4 units per building; preference to drop to 3 units per building

Parking spaces per unit are now at 108; required parking spaces per City code is 108; consider turning 30' spaces into additional parking.

The developer will have a snow removal plan.

Plan for how pedestrians would get to Open Spaces

Improve plan for where visitors park. Add additional parking; 500' from building too far

Elevations shared at hearing will be part of development agreement

Maintenance of property is owner's responsibility

Lift station will be built by developer to City Standards, then City will maintain if built to City standards

One single water meter

Alignment of roads necessary; two more 4-plexes are planned for build on the parcel to the east; streets shall align

Two primary accesses off of 5th West; 2nd exit northwest corner near building #8. Intent to have dead-end road to north where open space will be. The Commission would like to see more than one access. Staff will verify with Central Fire District what safety standard is for number of accesses to the PUD parcel. Compliance with Fire Marshall's recommendation will be required.

Two phases of project. Phase One = with acceptable turn-around. Phase 2 = additional access point. The first phase buildings #1-#5 with a turn-around at #6. Open space to south would also be a turnaround if needed. Hammer-head turn arounds would be least preferable option. Phase two would be buildings #6-#9.

Developer will apply to ITD for access to Highway 48; they will confirm with ITD and follow up with P&Z on this.

Distance between buildings is currently 30'

Developer will install fence on north edge of community green space at sidewalk along Highway 48. Community green space will be on sprinkler system.

City code requirements all apply and will be put into development agreement

Additional notes from Staff Report:

Garbage can placement must be in accordance with Public Works requirements

No water and curb stops in driveways

4' sidewalks preferred to allow for wider streets

Surface water rights to transfer to City, if applicable

18 Fire Lane/No Parking signs required. No parking on inner streets

Firewalls between the units per IBC and IFC

Limit of two stories

A short recess was taken, and the meeting adjourned at 8:45.

Hearing: Planned Unit Development—Sweetwater Townhomes PUD

Commissioner Sutherland recused himself from this hearing and application, and left the meeting.

Planner Parry presented the staff report regarding Sweetwater Townhomes PUD.

Ryan Loftus represented the applicant and presented regarding Mountain Ridge PUD.

There was a discussion regarding the application.

Cowley moved to approve the PUD in Principal; Ellsworth seconded the motion. All in favor; none opposed. Motion included the following facts, requirements and conditions:

Sweetwater Townhomes PUD P&Z Requirements, March 14, 2019

The setbacks are: 80' on the north; 60' on the south (canal); 30' on the west.

Landscape architect's plan will be in development agreement.

83 doors; 3 bedroom townhomes

Green space currently is 36% with 30% being the requirement. If additional parking is required the green space will go down to the minimum requirement of 30%.

Parking allotment is 3 vehicles per unit-- Double car garages plus one parking stall in common totals 3 per unit.

Depth of garages is 21'

Parking enforced by HOA with assigned parking

Developer will work with plan to get at least 10 additional parking spaced than was presented on preliminary plan.

Storm water: catch basins and storm water—developer will provide calculations. Some swales may need to be deeper than the 1' and up to 4' depth presented.

Swales were presented on the plan as being on the whole north side, in the island, and in the southwest and northwest of the property.

Raingutters will be installed to aid in water runoff.

Snow removal: snow will be pushed into the grassy areas on the property.

Face on south side on canal bank; fence all around three sides (N, W, and S).

30' wide streets

GENERAL PRINCIPLES	
Other applicable City ordinances	<p>10-11-5 Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.</p> <p>10-11-11 When the PUD also qualifies as a subdivision, the processing of the special use permit and subdivision application shall occur at the same time. The granting of a special use permit for a PUD shall require a preapplication, the submission of a preliminary development plan and approval by the Board/Council of a final development plan as specified within this Title.</p>
Staff Comments	<ul style="list-style-type: none"> • Please note that the Rigby Canal is on the south border of this parcel. Rigby Canal management contacted the Planning Office to say that they reserve a 60' easement along the north edge of the canal where they will build an access road. • Note that there is a sewer main along the south border of the property. • Staff has received comments that the lowest point of the property that is most likely to have standing water is the northwest corner of the property. • Per Idaho Code, storm water drainage must be kept on the property. • Adequate parking can be an issue with higher density parcels with little or no on-street parking. Staff suggests the required use of garages for vehicles should be a commitment by the developer.
Planning Office	<ul style="list-style-type: none"> • The developer plans to build and maintain the lift station • Applicant stated there will be one single water meter for the entire PUD development
City Public Works	<ul style="list-style-type: none"> • How are they going to meter water? • Garbage can placement? Dead end streets not possible • In only access out to Hwy 48? Connectivity to another street possible? • Water and curb stops not in driveways • 4' sidewalks better; to allow for wider streets • Surface water rights to transfer to City?
Fire/EMS	<ul style="list-style-type: none"> • Fire Lane signage (n=9). No parking on inner streets • Please identify a second street access. Temporary access that will remain navigable year-round or connectivity with another street • Firewalls between the units per IBC and IFC • Limit of two stories
Comprehensive Plan	<p>HOUSING. Goal 1: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types.</p> <p>Policy 1: Promote the construction of affordable housing by utilizing, including but not limited to, smaller lot sizes, secondary housing, smaller setbacks and other innovative zoning, subdivision, and building techniques.</p> <p>Policy 4: Consider modifying development standards to incorporate inclusionary zoning concepts, on either a voluntary or mandatory basis which will set aside certain proportions of the total dwelling units allowed for employee housing or low- and moderate-income residents.</p>



City of Rigby Planning and Zoning Commission

Meeting on April 11, 2019

Staff Report—Mountain Ridge Final PUD / Steve Billman

General

Project Name: Mountain Ridge Planned Unit Development

Request: Final PUD, eight 4-plexes

Acres: approx. 3.98 acres

Location: generally 561 W 1 S, Rigby

Applicant: Steve Billman

Owner: Steve Billman

Staff Recommendation: Staff recommends **approval with condition of only seven 4-plexes until secondary access is completed to City building specifications. Staff does not recommend 5%, 10% or 15% increased density because of lack of landscaping, siting and design features of final PUD.**

Assessment and Conclusion

The property is an undeveloped parcel of land of approximately 3.98 acres.

The application is for a final PUD. The Commission should only consider the general standards applicable to a PUD development.

The subject site is zoned R-2, and has R-2 to the west, R-2 to the south, R-1 and R-2 to the east, and R-2 to the north across Highway 48.

The request represents an appropriate density for this application. The request is compatible with the surrounding land uses and in character with the overall residential uses and densities in the vicinity. This request is consistent with the Comprehensive Plan, and in compliance with City subdivision ordinances except for secondary access.

Correction from the last staff report March 14, 2019, meeting regarding densities of PUD's in current ordinance. The applicants were given notice of this correction beginning March 16, 2019, and several times since. Staff calculated density on this parcel as follows:

This parcel gross acres	= 3.98 acres
Minus (10-11-6) 10% common/abutting open space required .40 acres	= 3.48 acres
Minus estimated 30% hardscape (streets and parking) 1.19 acres	= 2.29 acres
X 43,650 s.f./acre	= 99,752 s.f.

Standard PUD Allowances on this parcel (10-5C-3A)

Divided by 8,500 s.f./4-plex	= 11.7 4-plexes
OR Divided by 7,000 s.f./3-plex	Or = 14.25 3-plexes
OR Divided by 5,500 s.f./2-plex	Or = 18.13 2-plexes

Substantial Contributions Cause for Increased Density (10-11-8) on this parcel Eight Proposed 4-plexes

5% (landscaping), and 5% (siting), and 5% (design features)	= up to 13 4-plexes
	Or = up to 16 3-plexes
	Or = up to 20 2-plexes

Final PUD Mountain Ridge, 561 W 1st South

Parry presented her staff report. The PUD includes 9 four-plexes with approximately 3.98 gross acres. Staff does not recommend an increase in density because of the lack of interesting siting, accentuated landscaping, and architectural variety, however the proposed PUD already includes less density than the maximum densities per City code.

The Chair opened the hearing.

Ryan Loftus, Aspen Engineering, 10727 N Yellowstone, Idaho Falls, representing Steve Billman, on behalf of the applicant. The Fire Chief determined that 30 units is the maximum number of dwelling units before a second access is required. Loftus said the first five buildings or Phase I with emergency graveled turn-around area will first be built. Loftus said that at this point the 75' access directly to Highway 48 is only a possibility but likely will not happen. Loftus said the developer will not proceed with development of phase two (buildings 6 through 9) without a secondary access in place. There has not been a response from the neighboring parcel owner regarding a cross-access agreement or connectivity. Loftus said there will be two options for future second access: from 217 South or to the west with Ashibockers property, either of which must happen before the second phase of building can begin. Loftus said the developer will build a lift station on southwest corner of parcel near canal with gravity feed; pressurized to the north. Loftus said the City would have a single water meter, unless City prefers otherwise. Billman would like one meter and then he apportions out cost to the tenants. Loftus said Fire/EMS temporary turnaround would be available for residents, garbage trucks, delivery trucks, etc. Regarding parking, Loftus said the preliminary PUD had 108 spaces while the current proposed plan now has 120 parking spaces which is in excess of what ordinance requires. Loftus said the required setbacks are in place. A 26.5' access road is proposed to the south with proposed 25 mph zone with concrete curbing on each side.

Sutherland asked about green space on this PUD. Loftus said there is 18%. Sutherland said the PUD plan will need be adjusted to meet the 30% requirement. Loftus said that there is currently a 7,500 s.f. open space on the northeast portion of the parcel. Sutherland would also like the setbacks confirmed, the green space in Phase I confirmed, and water retention on the property verified. Sutherland also wants elevations, architectural interest, and other requirements to be worked out with the planner, and to each be elements in the development agreement.

Parry suggested that if there is not a second access granted and Phase II cannot be built, then there should be a deadline (months or years after Phase I is completed) built into the development agreement for the remaining unbuilt portion of the parcel to be converted into maintained live green space. This would avoid a weed patch in the future should Phase II not be allowed because of no second access. Parry verified the 10 foot setback R-2 to R-2 that Sutherland had requested. Parry demonstrated on the dry-erase board how densities are calculated on this particular parcel, as in the staff report.

Ellsworth asked about amenities. Addressing amenities and open space, Loftus said sod grass, trees and picnic benches are all that are planned. Loftus said that the agreement can include the 30% green space in a PUD. Loftus also discussed the fencing that will provide privacy fencing for each unit. The current plan presents one straight fence between units that is not so tight. Sutherland said he has seen both enclosed fences in the back of dwelling units, and only a separation fence between units. The word "crapshoot" was included in the discussion.

Addressing architectural interest, Loftus said aesthetics will include eyebrows on front of buildings and porches over stoops, colors of buildings, rock on front, and siding on back.

Sutherland raised the question of an HOA. Billman and Loftus said that because these will be rental units, there will not be an HOA. Parry said that the developer's tenant agreement can be an addendum of the development agreement. Sutherland suggested that the funding of long-term maintenance can be an inclusion in the agreement for future repairs. Parry said that there isn't likely a bonding opportunity, but City codes have teeth with, for example, the required rebuild of sidewalks if they crumble.

No one spoke in favor, neutral or opposed to the application.

The Chair closed the hearing. Warner said that the application is in order, and access seems to be imminent to the west for the second access. He doesn't have concerns. Sutherland moved to recommend to the mayor and City Council approval of the Mountain Ridge PUD with 30% green space, with approximately 30% hard scape, and with the planner's review of the exterior architecture. Stowell seconded the motion. Warner stressed the design review already available in the R-2 zone. Roll call vote: Ellsworth yes, Sutherland yes, Warner yes, Stowell yes. Motion passed.

There was a brief discussion regarding the need to recess the Sweetwater Townhomes application. Parry said sometimes mistakes just happen, but there was no time to verify the handful of people that didn't get the letters of notice. The letters will be sent out again, and the application will be heard likely at the next P&Z meeting. Ellsworth moved and Warner seconded the motion to move the hearing for Sweetwater Townhomes to the May 9th P&Z meeting.

Motion to adjourn at 10:37 p.m. by Warner, Sutherland seconded. Motion passed. None opposed.