

Minutes of the City of Rigby Planning and Zoning Commission

April 11, 2019

Meeting was called to order at 7:08 p.m.

Present were Ellsworth, Sutherland, Warner and Stowell. Wilder and Cowley were absent with excused absences.

Minutes were distributed previously. Changes were noted: "EMZ" to "EMS", and "walking" path instead of "waking". The adjournment time was to be 11:17 p.m., not 10:17 p.m. Stowell made motion to approve minutes with the three corrections; Warner seconded. Motion passed; none opposed.

Changes to agenda: Fox Investments withdrew tonight's application. Regarding Sweetwater Townhomes, there were 5 or so individuals that said they did not receive the letter of notice for the Final PUD. It was decided that the Sweetwater Final PUD would be recessed until the May 9, 2019, P&Z Commission Meeting.

Planner Parry presented several proposed ordinances, some of which the Commission has reviewed in prior meetings.

Regarding **development agreements proposed ordinance** which the Commission has reviewed before, Warner moved to recommend to City Council approval; Stowell seconded the motion. All were in favor; none opposed.

Regarding the **R-Ranch Zone proposed ordinance**, Parry explained the essence of the proposed new zone. Grain and potato storage needs to be further considered. Warner mentioned the possibility of grandmother cottages being allowed in the zone. Parry said she would work on these issues and bring it back to the Commission. Warner moved to bring a revised draft back to the Commission; Stowell seconded. All in favor; none opposed.

Regarding the **Downtown Overlay proposed ordinance**, Parry explained that the word "Historic" has been dropped from the title because it has caused concern from residents that this would put buildings into an Historical Designation. This ordinance was not designed for that. Parry further explained the four concepts of this ordinance: zero front setback and side setback on corner lots for Commercial buildings/no zero front setback for residential however, no fences within street view, no landscaping required in Commercial with potted plants and hanging baskets encouraged, and downlit signs required if they are lighted.

Warner asked about the possibility of greatly expanding the overlay such as State street both sides and further on Clark Street. Parry said she has received many comments with businesses wanting to be included in a future revision and enlargement of the map. It was decided that the Overlay will be enlarged in the future, especially as the demand for downtown increases, perhaps in as little as six months. It was recommended to City Council and mayor to formulate a Downtown Overlay Committee to explore the options. There was a discussion about including more area, but Parry said the map has already been printed and hopefully that will be done in the future. Warner: moved to recommend to City Council approval of the Downtown Overlay with the encouragement to take the concept further by forming a Downtown Overlay Committee to review and likely expand the map; to create a long-term plan. Motion seconded by Stowell. All in favor; none opposed.

Regarding the **Old Plats proposed ordinance**, Parry explained that because building and developments standards change from time to time, old plats are sometimes very difficult, especially for public works. It was recommended to have this ordinance brought back to P&Z for a more thorough process, to accommodate phases, perhaps attach criteria to develop phase by phase, downturns in economy and the impact this has on plats, negotiations/process between the City and landowners as to how developments should proceed, explore the impacts of 18-month extensions, and a discussion with public works to verify. It was decided informally that this ordinance will come back to P&Z for further review.

Regarding **Adult Businesses proposed ordinance**, Parry presented the concept of adult businesses being able to move into any available property unless City code specifies which City zoning has adult businesses as a permitted use. The map presented had the parameters of City industrial zone with further restrictions of Idaho code dictating 2500' from schools, churches, residential areas and parks.

Warner asked for clarification saying that there is a slight cross-hatch area, and what is that cross-hatched area with holes in it. Parry will find out. Parry pointed to the Comprehensive Map on the wall to generally point out where the GIS service specified an area in City limits that fits the parameters. Warner moved to table the ordinance to give the P&Z further consideration at the next meeting May 9th; Stowell seconded the motion. All in favor; none opposed.

Parry presented **R-1 and R-2 One Building Per Lot proposed ordinance**. Currently the word "dwellings" is in ordinance. The connotation is confusing. Parry asked for this ordinance to limit one dwelling building per R-1 and R-2 lots. Warner moved to recommend the ordinance to City Council; Sutherland seconded the motion. All were in favor; none opposed.

Parry presented the **Commercial zone rebuild** which would likely include the CC-1, C-1 and C-2 zones. The rewrite started with there being the multiple family dwellings in the current Commercial zone which is not a good fit in the downtown, for example. Parry asked the P&Z to be aware that she is working on this, and she will track the other locations that she refers to when building the ordinance. Warner looks forward to seeing future drafts of the rebuild of the Commercial zones and thinks this is a good idea to consider three commercial zones.

Parry presented the **PUD's and Densities proposed ordinance**. Parry mentioned that the first part of this ordinance redo came from a question from Commissioner Ellsworth regarding how many dwelling units can be put on a residential parcel. The proposed ordinance is a reiteration or affirmation of what is already in ordinance when calculating densities. Parry said that she will add the words, "whichever is the lesser number." The second part of the proposed ordinance is to reiterate the many components in and importance of the PUD pre-application meeting. Ellsworth asked how much of this is already in ordinance. Parry said the black is already in ordinance; red is new verbiage. Each commissioner commented on the ordinance, and each of the four said to move it to Council.

Parry presented **Plans and Specification in C-1 and R-2 Zones proposed ordinance**. Parry said it was a great moment when Commissioner Ellsworth inquired after the last meeting what the City can do to insist on better looking new buildings. Parry talked about what design review is, how this proposed ordinance moves design review from the city council to the planner's office at the mayor's suggestion, and how this proposed ordinance would add design review to R-2, also at the mayor's request. Warner

moved to recommend this to mayor and City Council; seconded by Sutherland. All were in favor; none opposed.

Warner restated that Fox Investing will not be heard tonight. Sweetwater Townhomes will be recessed because of several residents said they did not receive a letter and the applicant did not submit their updated plans until far too late for tech review. Each of the commissioners were in accord that Sweetwater Townhomes will not be heard tonight for those two reasons.

Chair Ellsworth asked for any conflicts for the hearings. Warner stated that he is conflicted with Sunrise Townhomes because of a financial interest. Commissioner Stowell is conflicted because he lives within 300' of Northwest Development Companies' rezone. Commissioner Sutherland is conflicted with Sweetwater Townhomes. Parry summarized what commissioners will be involved with each hearing: Northwest 3 sitting commissioners, Sunrise 3 sitting commissioners, Mountain Ridge 4 sitting commissioners, and Sweetwater will be recessed. Parry said the meeting she believes a meeting needs to start with a quorum, but fewer members than a quorum during a particular hearing is ok. Chair Ellsworth recommended a call to the City attorney be made to verify that the hearings could proceed with only 3 commissioners sitting for some hearings. City Attorney Dunn's phone conversation was recorded on the meeting tape, verifying that a hearing could indeed be conducted with less than a quorum as long as the meeting began with a quorum. With the verification by the City attorney, the hearings for tonight could continue with at least three sitting commissioners on each hearing.

Parry explained that the mailings on Sweetwater appear to not have gone to perhaps a half dozen homes although the other hearings' resident letters obviously went out because of calls her office received.

Warner asked about when recusing yourself. Parry stated that it is likely okay if a commissioner doesn't need to necessarily remove themselves from the room; it doesn't need to be as stringent as previously presented. Deliberating and voting is still not allowed for commissioners who have recused themselves.

Northwest Development Companies rezone from Schools and Parks to Commercial. Parry presented the staff report. The owner is School District 251 with an affidavit of ownership for Northwest Development Companies. Parry asked the commissioners to jot down the development agreement components as the hearing and deliberations are conducted.

Steve Heath, Harper Leavitt Engineering in Idaho Falls, 101 S. Park Avenue, spoke for the applicant. This parcel is where the junior high school was originally. The parcel is contiguous to Commercial by both the Comprehensive Plan Map and the Zone Map. Commissioner Ellsworth reminded the applicant that they will need to work with the Planner to make sure what happens on this parcel is in accordance with the City zoning ordinances. Planner Parry said that at minimum there will be a Standard Development Agreement signed with this zone change. Warner asked if there was a bigger plan for other parcels on this block. Heath stated that he was not aware.

The public hearing was opened at approximately 8:45 p.m. The Chair reminded the three minutes time limit and to please state name and street address. He asked for anyone who would like to come forward.

Randy Waters, 700 S. Woodruff Avenue in Idaho Falls came forward in support, and also representing the applicant tonight. He stated that the intent is to move forward with this parcel. Perhaps in the future there will be other parcels from this City block that will also need a rezone.

Commissioner Ellsworth asked if anyone was in favor, then if anyone would like to speak who is neutral.

Wes Wood, 4323 Nathan Street, Idaho Falls. Wes operates a nearby business. He said this property is a good fit with the Downtown Overlay, and he sees this as a good idea to move forward in the downtown.

No one came forward to testify who was opposed.

Parry told the commissioners that school properties in Idaho cannot go forward with rezones for their own properties by law. Warner asked if there is still a school on the property. Parry said yes, a preschool. Ellsworth asked what the layout of the block is. Parry explained that College Avenue transects the block from north to south, then on each side of this Avenue there is four equally sized lots, totaling 8 lots on the block. Warner stated that there is a minimum amount of vacant space to build a school, and this property is never going to have another school on this property. There was no rebuttal.

The Chair closed the hearing. Sutherland said this zone fits right in with this area. Warner said this is a good fit for commercial; a school will not be rebuilt on this parcel. Warner said he heard no surprising information. Warner moved to recommend approval to rezone to Commercial, and subject to a development agreement as stated by Heath, Parry, and in staff report. He remarked that this is also in accordance with the intent of the Downtown Overlay Zone. Warner also stated in his motion that this parcel is not to include Multiple-Family dwellings. Sutherland seconded the motion. Roll call vote: Ellsworth yes, Sutherland yes, Warner yes, Stowell recused. Motion passed; none opposed.

Sunrise Estates Preliminary Plat in R-1 with Variances, 325 West 1st South

Warner recused himself from this hearing given that he has a financial interest in an adjoining property.

Planner Parry presented her staff report. She recommended the Commissioners jot down all elements that should be in the development agreement that will be an agreement between the developer and the City. Parry explained that all variances on any application must only be granted because of the uniqueness of the land. This parcel has twelve sides which makes it unique, and this application also meets the second requirement that the interests of the community are reserved with this application.

Parry said this application comes with her recommendation with the variances. She believes this application represents the highest and best use of this oddly-shaped, 12-sided and vacant parcel.

The three variances requested are:

1. No sidewalks required; they would be purposeless (one of the requirements of a variance)
2. Slightly smaller lot widths (48' instead of 50' required by ordinance; a result of the uniqueness of the parcel.)
3. Narrower drive entryway than typical City streets (24' rather than 40'; a result of the uniqueness of the parcel.)

The Chair opened the hearing.

Blake Jolley, 1115 Hollipark Dr., Idaho Falls. Mr. Jolley is the engineer. He suggested that the intent of this parcel is for smaller attached townhomes. The parcel has sat vacant for many years, and the parcel is extremely odd-shaped. He and Mitch Bradley from Public Works have worked together to make sure everything is in place. Mr. Jolley discussed each point in the staff report, and consents to each of the points being included in a development agreement including garbage truck access, a 6' opaque fence around the entire perimeter, drainage issues, snow removal, replacement of trees on southeastern corner of parcel while working with the adjacent landowner, HOA and CC&R's to enforce no parking on streets, Fire/EMS signs regarding No Parking, a landscape plan with caliper of trees, dues for maintenance of parcel, surface water rights if any transferred to City, no wider access needed according to Public Works (therefore the variance request), survey discrepancies handled with adjacent landowners directly, no sidewalks because of the proposed variance, extra parking spaces.

Each unit has a two-car garage and is only one-story. The width of the garages was discussed. The depth will be about 24' deep, but the buildings' footprints have not been drafted until this application will move forward.

No one presented testimony for, neutral or against the application.

The hearing was closed. The plat was presented to the Commission. There was a brief discussion regarding the private access which Public Works has agreed to. It was discussed that Jolley said that these are single story unit townhomes. Sutherland said the two-car garages and single-story townhomes alleviated a lot of his concerns compared to past applications.

Stowell moved to recommend to mayor and City Council the preliminary plat with the three variances: no sidewalks are required due to no need for sidewalks; the entry driveway is a sufficient width of 24' and meets the intent of City code for frontage on a City street; and the marginally narrower lots of 48' are due to the uniqueness of the parcel. Sutherland seconded the motion. Roll call vote: Sutherland yes, Stowell yes, Ellsworth yes. Warner recused. All in favor; none opposed.

Sunrise Estates Final Plat in R-1 with Variances

Planner Parry presented her staff report.

The Chair opened the hearing. There was no comment. The hearing was closed.

There was a brief discussion as to how a final plat can come to Commission after the preliminary plat in the same meeting.

Stowell moved to recommend to mayor and City Council the preliminary plat with variances. Sutherland seconded the motion. Roll call vote: Ellsworth yes, Sutherland yes, Stowell yes, Warner recused. All in favor; none opposed.

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.