

Rigby Planning and Zoning Commission

Minutes of the Meeting

May 9, 2019

Meeting was called to order at 7:10 p.m.

In attendance were Chairman Ellsworth, Stowell, Sutherland, Wilding and Warner. Cowley joined the meeting at approximately 8:16 p.m.

The Pledge of Allegiance was led by Chairman Ellsworth.

The minutes were approved as presented. Sutherland moved to approve the minutes; Warner seconded. All were in favor; none opposed.

Proposed Adult Businesses Ordinance: Planner Parry presented the Adult Businesses ordinances. The purpose of the ordinance is to preserve First Amendment rights while also preserving community standards.

Warner asked about the origin of the two pink areas on the map. Parry replied that GIS mapping was given two parameters: City industrial areas on the City Comprehensive Map with the further overlays of Idaho law for 2500' from schools and churches.

Ellsworth asked if such a business could go anywhere currently in Rigby. Parry replied yes. There is also no business license application currently which would assure proper zoning placement of any businesses into an existing building in Rigby. Ellsworth suggested that this ordinance is basically getting ahead of any future problems, and Parry said yes.

Ellsworth asked about section 3-6-24 D 1. Parry responded that there is no expectation for a 10-year-old regarding criminal acts and they would be held harmless.

Warner commended Parry on this proposed ordinance for the community benefit. Warner asked for public comment.

Eliza King, 380 N 3 W, supports this ordinance. Important for such businesses to not be allowed to go just anywhere. Such businesses should not be in a strollable area. Having a designated zone would alleviate issues with children seeing things they shouldn't.

No other comments from the public were offered.

Ellsworth asked about signs of such businesses. Parry responded that sign ordinance and decency laws would apply.

Warner asked the difference between the Jefferson County ordinance, this proposed ordinance, and the two areas demarcated on the map presented. Parry stated that Rigby retains its own jurisdiction and land use, and this ordinance is important if Rigby chooses to have a designated zone for adult businesses. Currently there is no restriction on where such businesses can go in Rigby. Parry stressed that the Comprehensive Plan speaks to the health, safety and welfare of the residents of Rigby, and this proposed ordinance is simply getting ahead of any potential problems of incorrect placement.

Warner moved to recommend to the Mayor and City Council the Adult Businesses ordinance; Stowell seconded the motion. All were in favor; none were opposed.

Commercial Zones proposed ordinances:

Parry presented the proposed CC, C-1 and C-2 ordinances as in the staff report.

Parry stated that Commercial zone sprawl is one concern because all along a commercial zone there may be R-2 used as a buffer, and this scenario would open the floodgate to more R-2 developments in Rigby. Warner asked about the need for walkable developments. He has concerns that there is too much need for vehicle trips to what should be walkable conveniences. Parry referred to the City's Comprehensive Plan Map wherein there are smaller Commercial Zone areas suggested where the concept of walkability is preserved. Warner again expressed his concerns; where townhomes go in there will hopefully be a walkable grocery store, church, etc., and this concept would be attractive to seniors and others who would like walkable neighborhoods. Parry said that is definitely something we could promote. Warner stated that perhaps there should be a committee established for walkable and meaningful community for seniors and all residents. What value does our community place on this concept especially given that public transportation services are not available. The public needs to weigh in on what happens with commercial developments. Parry said that is all very possible, and the process of this proposed ordinance can easily incorporate the public along with utilizing the Comprehensive Plan and the 2014 Community Review documents.

Stowell stressed the importance of the public being educated on commercial developments and not being caught into the latest store that is potentially coming into town. Long-term planning as to where and what type of commercial developments should be approved is a good idea. Parry said that is exactly what this proposed ordinance is for—for orderly growth where traffic flows, hours of use, walkability and buffers protect residential from commercial. It's nice to have the business, but proper placement is very important. Parry talked about the concept of Conditional Use Permit, stated in 10-5D-6 in the proposed ordinance: "The purpose of the Conditional Use Permit (CUP) in commercial zones is to assure the adequacy of parking space, the levels of noise permissible, traffic flow, hours of operation, as well as any other considerations in the public interest and pertinent to the requested use when considering the practical application or how to remedy any extensive impacts of the requested use to the parcel of land. A commercial CUP may be permitted whenever such use is specifically noted in the permitted uses code section of each commercial zone, and issued subsequent to recommendation of the Planning and Zoning Commission...." Parry said it's well and fine to have a proposed new businesses, but the impact such an application has on the community is critical because of competing uses.

Parry requested the Commissioners take their copies of the proposed ordinance home and comment on the draft as their homework, particularly noting the impacts as well as the permitted uses listed. Parry stressed the importance of knowing that if a particular use is no longer listed, it is a way of phasing out competing land use interests.

Warner suggested the proposed Commercial Zones ordinance be reviewed by Commissioners and be on the agenda at the next P&Z meeting. Warner said that it's a great idea for kids, for example, to walk to amenities in the City. There is a value and interest for short drives and senior housing developments. Without planning the future, Warner said, land goes to the highest bidder and opportunities are lost.

Ellsworth asked about the possibility of reserving lands for parks. Parry suggested the term is set-asides when large residential developments go in, and the Comprehensive Plan as well as development agreements as well as ordinances would be good tools to require set-aside park spaces. Parry also mentioned storm water retention ponds are an available tool currently. Warner asked if parks and recreation areas are within the purview of the P&Z. Parry said yes. Ellsworth suggested that nearby accessibility and walkability are important.

Plans and specification in C-1 and R-2 zones; City Code 10-8 Miscellaneous Provisions:

Parry said that in 9-1-4 buildings in the Commercial Zone are currently under design review. Also in 10-8-6 current City Code currently state that all City yards will be landscaped and maintained. Parry discussed the concept of "complaints" or suggestions, and the process of code enforcement. She said that the letters sent in the last few weeks have resulted in great success with cleaning up trash, tall weeds, etc.

Parry presented the Commercial Building Design Review form that she has been working on.

Chairman Ellsworth asked if there are any conflicts of interest on the hearing tonight. Commissioner Sutherland recused himself because he owns property adjacent to the hearing parcel.

Planner Parry presented the staff report for Sweetwater Townhomes Final PUD. Parry explained that the applicant is not requesting increased densities, then went through the math for densities.

Parry pointed out the pictures in the Staff Report, particularly on page 4 where there is R-2 multi-plexes on the west side of the parcel. Parry also pointed out that City ordinances for PUD's say there will be more restrictive application of ordinances. Parry also suggested Commission members write down all elements of the development agreement and include those verbally in the motion.

Ellsworth asked about traffic calming measures. Parry responded there are at least several ways of calming traffic: signage, speed bumps which are not highly conducive to snowplowing, brick walkways or concrete or asphalt stamping, narrowing of the roadways, and islands.

Kurt Roland, Eagle Rock Engineering, 1331 Fremont Avenue, Idaho Falls. Representing the developer.

Originally was 84 units, now 56. A basketball court. Meets parking requirements. There will not be vinyl siding; it will be Hardibacker siding. Plan is to include speed bumps. Playground equipment will be installed. Landscaping is at 36% while 30% is required.

Ellsworth noted there is a change from the original plan when there was an entry island. Roland confirmed, and noted that the canal company has road access on the north side of the canal.

Ellsworth asked about the traffic study. Roland said they cost \$8,000 to \$10,000, and they did not do a study. The developer plans on widening the street in front of the parcel, and striping a new turn lane. Roland said that with lightening the number of units they are hoping to not do a traffic study. The current plan shows two parking spaces in the garage plus at least one visitor parking space for each unit. Wilder mentioned that parking spaces and how this would work if residents do not use a "minimalist" type strategy with their belongings being stores in garages, and if this will be enforced by the HOA. Parry interjected that was her suggestion of using the word "minimalist." Wilder asked Roland if green space could be used for additional parking, and Roland said this development needs to consider cost of adding more parking spaces and if this would then pencil out. Warner asked if he thought they care about the

developer's bottom line; Roland said he didn't think they do. Warner said they shouldn't. Wilder said that parking will be an issue.

Stowell asked the distance between the corner buildings. Roland said he thinks it is 25'. Parry read City Code Chapter 11 which states increased density per acre is allowed for reduction in yards, setbacks and so forth. Parry stressed that setbacks and siting between buildings can be reconsidered in a PUD. Stowell said he likes this plan much better than previous plans. Stowell also asked about rear setbacks given that buildings are roughly 25' apart with garages placed back to back. It was determined that the distance between buildings is adequate since Fire/EMS approved this PUD layout.

Warner asked and Roland replied that there will be individual ownership with common walls.

Stowell asked regarding landscape requirements on the perimeter as a buffer. There was a lengthy discussion regarding the type, style, trunk caliper and density of screening by four-season trees. Roland stated that a professional landscaping plan will be done, and Parry stated that these specifications will definitely be put in the development agreement. Warner said this will be important for neighbors. The challenge will be the narrow space for trees.

Stowell, Wilder and Warner stressed that more parking should be added along the north side of the parcel. The walking path was eliminated from the past plan. There is plenty of sidewalk all around the parcel.

Ellsworth asked about the turn lane. Roland stated that the asphalt will be added to sufficiently build out the turn lane.

Roland stated the PUD will be enclosed with 6' fence on three sides of the PUD. Parry said she called about an 8' fence; posts are too flimsy for the height of an 8' fence. Warner said that is why staff recommended both a vinyl fence and four-season trees as a buffer for R-1 neighbors.

The hearing was opened by the chair.

Eliza King, 380 North 3rd W, Rigby—has concerns for the community. The plan looks a lot better than past plans. Regarding parking on the road 3rd W, INL parking happens frequently but enforcement is an issue. How will this be enforced? King also mentioned buffers for the front (east facing) side of the parcel. Landscaping on the east side would be important also. There will need to be wheel blocks to prevent vehicles going into trees and the fence and to prevent going into neighboring properties. She expressed her appreciation for everyone who has worked on the development. King said that a strong HOA will be important.

Stacy Byington, 430 W 2 N, Rigby—She likes this plan a lot more than previous plans. Not as many units. Concerned about no traffic study having been done. Concerned about if only small trees of slow-growing trees are planted. Concerned about canal company not being able to clean canal with fence there also.

Jed Hodges, Rigby Canal Company, 352 N 2100 E, Rigby—The access to the canal is working fine as long as the fence is put on the north side of the access road. No footage is mentioned in State law; but reasonable access width is required.

There was a discussion about the placement of the road and the fence. It was determined that the fence is in the appropriate place on the plan to allow the canal company to have adequate access. The fence will not interfere, and the proposed PUD plan shows this.

Ellsworth asked for staff follow up. Parry stressed there will be four-season 6'-8' trees at planting, and a 6' fence will both be required at development. Probably a columnar variety of arborvitae given the limitation of space. The fence will be placed appropriately for the canal. Turn lanes will be striped and built as discussed. Tall trees in front would be appreciated by neighbors. Parry noted that a letter of understanding or letter of agreement with Rigby Police to patrol the PUD for no parking enforcement for both Fire and EMS safety as well as residents' comfort. Stowell asked about enforcement of no parking enforcement on 3rd W. Parry said this is a City issue that will need to be enforced. Red curbing of 3rd West is a possibility. Wilder asked about wheel blocks, as well as the narrowness of the green space (3') and the density of the four-season trees. Warner asked if there are curbs all along the parking, and Roland said there will be curbing all along the drive and parking spaces. Parry asked about internal sidewalks being built to City specifications, and Roland replied yes they will be built to City spec's of 4" thick concrete.

Ellsworth asked about the number of parking spaces. Parry said that the staff report includes 19 extra parking spaces distributed throughout the site plan. Wilder said he would rather have more parking spaces in the development rather than more green space over the minimum requirements. There was a discussion among the Commissioners regarding there should be no parking on 3rd West. The developer offered to paint the street curb red.

Warner said between 7:00 a.m. and 9:00 a.m. there is a lot of traffic already on 3rd West. Ellsworth, Wilding and Warner agreed that the traffic study should be accomplished. Warner said the City Council SNAFU of rezoning the property R-2 has created a problem for this parcel regarding traffic. Roland offered to conduct a traffic study. Warner said that he is not certain what the traffic study would show except there is going to be more vehicles; R-2 ties their hands. Warner said a traffic study may show some more options for controlling traffic—left turn lane, right turn lanes, right turn only signs, etc.

Greg Nelson, 629 N 3510 East, Menan—the developer of the parcel.

His wife designed the layout and elevation of the units; farmhouse style. They will have vinyl vertical siding on the units. There will be an HOA, as in three other residential units that they have built. A property management company runs their properties. Instead of spending money on a traffic study, they would rather spend the money on signage and traffic flow. Warner said he agree that a traffic study would show little except a raise in traffic numbers. Wilder said he would rather work with the developer to have a nice, safe place to live, and have the developer work with the City. Stowell said that the parking spaces may not be as much an issue since there are 3 parking spaces per unit, but all of the vehicles will be leaving or coming the same time, or at the busiest time of the day. Warner said that Sundays will indeed be very busy and all at one time.

Nelson said a majority of the homeowners are young couples with young children, or seniors with two cars. Two car families would be the norm. Warner said he is nevertheless willing to entertain traffic solutions on busy 3rd West.

Parry said that a recent development agreement she drafted says that the HOA agreement can enforce that garages are used for vehicles, and "No excessive additional storage will occur in garages."

Warner asked Roland what can be done at the entrance such as "right turn only", or a widening of the entrances for left and right turn lanes.

Stowell said that this PUD meets all requirements, while Wilding and Cowley added that one of the requirements is to establish traffic impact. There was a discussion about this application and its fit with the City Comprehensive Plan. There was a discussion about HOA's and whether a neighbor could be on the HOA board with no vote.

Warner said it's a pretty good plan overall except for the traffic issues, but the City Council already determined that this parcel would be R-2. He said a traffic study would not change the traffic impact. Nelson said that he is not opposed to more parking, as long as the City realizes that will take away from some of the green space now at 36%. Several Commissioners recommended adding additional parking spaces wherever is feasible. Ellsworth added that the more cars you are parking, the more cars will be on 3rd West.

Warner moved to recommend to the Mayor and City Council approval of the Sweetwater Townhomes PUD with the following:

- A significant effort to help alleviate the impacts of traffic from this development. To include a left turn lane striped/painted on 3rd West and a widening for deceleration and acceleration lanes on 3rd West. Red curbing 3rd W for no parking on the street.
- Widening of both entrances/exits to include both left turn and right turn lanes out of the development.
- HOA or CC& R's that this is a life-style development with no storage on site, and vehicles must be parked in garages. Visitor parking spaces are not to be used by residents, they will be designated parking spaces—numbered according to unit numbers. Enforcement will be conducted by the HOA, and vehicles will be towed if in violation. No storage of trailers or any other personal items are to be parked in visitor parking spaces; removed or towed immediately.
- A Letter of Agreement signed with Rigby City Police to allow parking enforcement on the interior streets of the PUD.
- At least 10 additional parking spaces. Up to 19 more parking spaces added, on the north side and on the west side. No basketball court as on plan.
- Varying horizontal and vertical, plus wide, board-and-batten siding between units (not within units) as demonstrated in the rendering provided by developer and as attached to the staff report (to comply with R-2 code). Stonework on all four sides elevations and divided light windows. Varied construction so that these are not cookie-cutter buildings that all look the same.
- A unique hardwood-forested central park.
- A fence constructed as soon as possible; at the earliest parts of construction as soon as feasible. A 6' perimeter fence and 8' or higher at planting four-season trees around the perimeter of the development on the north, west and south sides to provide an enhances visual and sound buffer. Columnar variety arborvitae evergreens will be used at least on the north side of the

parcel given the narrow allotment of planting space. Additional blocking trees on the east side of the development along 3rd West.

- Playground equipment will be installed within the development as presented. If a basketball court is installed it will be with respect to neighbors (not along the fence.)
- At least 4 separate picnic shelters, with at least two in the hardwood forest.
- No internal fences allowed.
- Interior sidewalks built to City standards, including 4" thick concrete, and as located on the site plan.
- Individual units will be sold.
- Fire/EMS/No Parking signs will be placed in at least 9 locations.
- Traffic calming measures will be placed including signs.
- With two parallel and long drive aisles, decorative paving should be used to delineate crossings at driving aisles thereby providing a traffic calming measure and increased pedestrian safety.
- Storm water drainage must be kept on the property.
- Required use of garages for vehicles. 56 water meters.
- Garbage dumpster placement will be in coordination with City Public Works.
- Surface water rights to transfer to the City.
- Fire Lane signage. No parking on inner streets
- Letter allowing City Police to enforce no parking on inner streets.
- Firewalls between the units per IBC and IFC.
- Limit of two stories.
- Commissioner Cowley seconded the motion. Roll call vote. All in favor; none were in opposition.

Training on Planning and Zoning—calendars and Comprehensive Plan. Planner Parry shared the annual Planning Calendar with the P&Z Commissioners. It is of interest to note how much time transpires between the submission deadline date and when the City Council will hold a hearing. Generally it takes just over two months if all goes smoothly. Also, there is a higher standard of informing the public between P&Z and City Council.

Copies of the Comprehensive Plan were previously distributed. Parry encouraged the Commissioners to read over the Comprehensive Plan.

Sunrise Townhomes Findings of Facts—the Findings of Facts for Sunrise Townhomes was distributed in the P&Z mailed packet. There were no corrections noted. Warner moved to approve, and Sutherland seconded the motion. All were in favor; none were opposed.

Motion to adjourn by Wilder; seconded by Cowley. Meeting adjourned at 9:56 p.m.

Minutes approved:

Brent Ellsworth, Chair Date