

Planning & Zoning Minutes

May 17, 2007

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Ted Hill Thaine Robinson
Mike Ricks Randall Porter
Mary Haley Josh Garner
Dan Hanna Charles Andersen

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – P&Z Administrator
Stephen Zollinger – City Attorney
Emily Abe – Secretary

Chairman Dyer opened the meeting at 7:05 pm.

Roll Call of Planning and Zoning Commissioners

Mary Haley, Dan Hanna, Josh Garner, Charles Andersen, Winston Dyer, Thaine Robinson, Randall Porter, Mike Ricks, Ted Hill

David Stein and **Mary Ann Mounts** were excused.

Minutes:

1. Joint City/County meeting – April 26, 2007

Corrections:

- P. 6 – Under Dean Peterson’s motion, clarify “back to the *existing* impact area.”
- P. 6 – Under Dean Peterson’s motion, clarify that the impact area was moved from the current location to Poleline Road.

Thaine Robinson motioned to approve the joint City/County minutes for April 26, 2007. **Mike Ricks** seconded the motion.

Dan Hanna, **Randall Porter** and **Charles Andersen** abstained for having not been present. None opposed. **Motion carried.**

2. Planning and Zoning meeting – May 3, 2007

Corrections:

- P. 2 – Under Chairman Dyer’s comments that it would leave a little less than 5 feet on the sidewalk, add that he said this would be okay.
- P. 3 – Clarify that the motion died for a lack of a second.
- P. 5 – Under Chairman Dyer’s comments, clarify that the Joe citizen may *not* have interest.

Randall Porter motioned to approve the minutes for April 5, 2007. **Mary Haley** seconded the motion.

Charles Andersen and **Dan Hanna** abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Rezone – Approximately 1076 S 12th W – TAG1 to CBC

Gary Leikness pointed out the area on the map. This area recently came before the Commission and City Council for Comprehensive Plan Map changes and annexation. The applicant requested LDR2 for the entire area. However, they obviously intended to apply for commercial for this area, since they had just changed the Comprehensive Plan to commercial. Since we had already published for a public hearing to change it to LDR2, we were unable to change the zoning proposal to commercial. This required them to come back as sort of a “house cleaning” item. He reviewed the staff report. This conforms to the Comprehensive Plan.

Mary Haley asked who the applicant is. Gary Leikness said the current applicant is Richard Smith.

Dan Hanna asked about the Kauer property and their legal interest. Gary Leikness said we have their affidavits of legal interest from the annexation & rezone request.

Chairman Dyer opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion.

Gary Leikness said the staff report is a basic zone change proposal analysis. He reviewed the report.

The Commission discussed the Comprehensive Plan Map in this area. The area is comprehensive planned as commercial.

Thaine Robinson said when we talked about the Comprehensive Plan originally, a majority of us voted that this area would be commercial.

Mike Ricks said he voted against it, since the area should be residential around the new school.

Chairman Dyer said it is consistent with what we have deliberated in the past. We did discuss at length the South interchange and the fact that the highest and best use of the ground in close proximity to it is commercial.

Charles Andersen motioned to recommend to City Council the rezoning of the property at approximately 1076 South 12th West from Transitional Agricultural 1 (TAG1) to Community Business Center (CBC). **Dan Hanna** seconded the motion.

Those in favor:

Winston Dyer
Ted Hill
Randall Porter
Thaine Robinson
Charles Andersen
Josh Garner
Dan Hanna
Mary Haley

Those opposed:

Mike Ricks

Motion carried.

7:15 pm – Rezone – Airport Commercial Park – CBC to LI

Greg Stoddard; 1991 E 183 N. He represents Cedar Falls LLC, Harmony Investments, and Joe Wheeler. These are the three (3) current owners of the Airport Commercial Park. He said we just got through changing the Comprehensive Plan to show this area as industrial. Part of the reason we are asking for this is Light Industrial will allow more uses of the property. It will also help us in this area, since the architectural design standards are not quite as strict in Light Industrial as they are in Community Business Center. A lot of our clients are looking for a more inexpensive, warehouse use. This would suit the area.

Gary Leikness said the mobile home park to the north of the proposed property is Comprehensive planned as Industrial also.

Chairman Dyer opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion.

Gary Leikness said this request is in compliance with the Comprehensive Plan Map. He reviewed the staff report.

Randall Porter asked what the design standards are for Light Industrial. Gary Leikness said we have interim Light Industrial standards that focus not on the entire structure, but more on the office area. There are also landscaping standards. **Chairman Dyer** said we have some Light Industrial design standards that have been proposed, but have not been specifically adopted.

Chairman Dyer declared a perceived conflict of interest in that he is the engineer of record on the subdivision. However, he no longer has any material interest whatsoever in this proposal. The Commissioners did not have an issue with this.

The Commissioners discussed some requirements of the Light Industrial zone.

Thaine Robinson said he is concerned that this property could turn into a “bone yard.”

Chairman Dyer said we once discussed corridor standards along Highway 20, including landscaping and setback requirements, for better visual presentation. He asked Gary Leikness if these had been pursued. Gary Leikness said no. He said the Commission could rezone with conditions relating to buffering along the highway.

Ted Hill said developments in the Light Industrial zone can have some storage outside the building, as long as they are not building or manufacturing anything outside the building. He said there has already been a design standards review on one of the buildings, and there were concessions made in anticipation of this being zoned Light Industrial. This has been an ongoing discussion for quite some time.

Charles Andersen said he is in favor of this proposal, because we need light industrial in our community. It brings in higher wages and better jobs than just retail.

Randall Porter said he agrees with that and is not opposed to the zone change. He said it would be wise to put some kind of a stipulation on this zone change to prevent the area from becoming an eyesore. It might be useful to have this development plant trees along the highway.

Mike Ricks said the property to the South was required to put a buffer along the highway.

Charles Andersen motioned to recommend to City Council to rezone the Airport Commercial Park from Community Business Center (CBC) to Light Industrial (LI). **Ted Hill** seconded the motion.

Randall Porter asked if the motion could include language that would address the landscaping along the highway. **Charles Andersen** said he would rather handle this at the site plan stage.

The Commissioners discussed buffering along the highway.

Those in favor:

Chairman Dyer
Ted Hill
Mike Ricks
Randall Porter
Thaine Robinson
Charles Andersen
Josh Garner
Dan Hanna

Those opposed:

Mary Haley

Motion carried.

Unfinished/Old Business:

Planned Unit Development (PUD) Ordinance Deliberation

Chairman Dyer moved the discussion on the PUD ordinance to the tabled requests portion of the meeting.

New Business:

1. Preliminary Plat – The Meadows, Phases 3,4, and 5

Chairman Dyer declared a direct conflict of interest and excused himself from the table.

Thaine Robinson was selected to act as chair for this issue.

Chris Jaussi; Vernal, Utah. He showed a PowerPoint presentation on the proposed plat.

Winston Dyer reviewed the plat. He said it is consistent with the master plan that has been previously approved. He reviewed the staff review comments.

Gary Leikness said the setbacks on the northern buildings will need to be verified. He pointed out the other staff review comments.

Mike Ricks asked if the parking stalls are 18 feet deep or 20 feet deep. Winston Dyer said they are 18 feet deep.

Charles Andersen said he appreciates the developers improving the previous development.

Dan Hanna motioned to recommend to City Council to approve the preliminary plat for The Meadows, Phases 3, 4 and 5. **Randall Porter** seconded the motion.

None opposed. **Motion carried.**

Compliance: None

Non controversial Items Added to the Agenda:

Ordinance Interpretation – CBC allowed uses – manufactured homes/cabins sales

Gary Leikness asked for clarification on manufactured homes/cabins sales in the CBC zone, and if this zone allows the sale or display of manufactured homes or cabins.

Chairman Dyer suggested it be conditionally permitted in the CBC zone. The Commissioners agreed.

Gary Leikness asked about the Pedestrian Encouragement Zone. He has drafted a survey. He asked if the Commission would like to review the survey before he sends it out.

The Commissioners told him to go ahead and send it out once he has developed it.

Report on Projects: None

Tabled requests:

Planned Unit Development (PUD) Ordinance Deliberation

Randall Porter motioned to pick the Planned Unit Development (PUD) Ordinance deliberation up off the table. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Gary Leikness showed a PowerPoint presentation on the nature of Planned Unit Developments.

The Commission discussed the proposed Planned Unit Development (PUD) ordinance.

Chairman Dyer re-opened the public input portion.

Brent Coles; Boise, Idaho. Our company is Red Rock Development, and we started coming to Rexburg about 10 months ago to look at a piece of property on the hill by the temple. It is down in a hollow area that is challenging to develop. It is zoned LDR1. This property cannot be realistically developed with the 12,000 square foot lots as required in the LDR1 zone. We heard Rexburg was working on a Planned Unit Development (PUD) ordinance, so we put the property under option. We have been designing this property in mind of the draft PUD ordinance. When we looked at the draft ordinance, we noticed that the density bonus was something that we haven't seen before. We recognize that under this ordinance, we could build our project. However, there were a couple things we were concerned about. He pointed out the density bonus requirements that would be hard for certain developments to meet. He showed their proposed development on the overhead screen. He said we are concerned about the brick or stone requirement. If every PUD in Rexburg is just brick or stone, this is not very flexible. We appreciate that there are high building standards, we just need more variety. He said we are also concerned about the landscaping requirements being too restrictive for the homeowners. He said we would be willing to sit in on a work session for this ordinance. Rexburg is well on its way to a good ordinance.

Hans Linton; Boise, Idaho. He said for the most part, we agree that it is important to have these standards. We want to make sure that it gives us the freedom to be able to use creativity. The Commission and Council should have the final say on the acceptability of the creativity of each development. He said we would prefer the PUD to require the developer to meet, for example, 5 of the 8 categories to get a bonus. If we have to meet every single point, it may not be worth it to develop a PUD.

Chairman Dyer closed the public input portion.

The Commission discussed the proposed Planned Unit Development (PUD) ordinance.

Ted Hill said he would like to have a work meeting on the ordinance, and go through it line by line. Gary Leikness said Ted could come to his office and they could go through it line by line.

Charles Andersen motioned to approve the draft Planned Unit Development (PUD) ordinance to move forward to City Council subject to some modifications. **Dan Hanna** seconded the motion.

Charles Andersen amended his motion to include that any Commissioner with concerns could give minor input to staff. **Dan Hanna** seconded.

Stephen Zollinger said if there are any substantive changes, it will have to be noticed up for another public hearing.

Josh Garner abstained.

None opposed. **Motion carried.**

Building Permit Application Report: None

Heads Up:

1. Joint Meeting: Madison County, Sugar City, Rexburg, Teton, Newdale – May 31, 2007
2. Conditional Use Permit – 407 W 1st N – Assisted Living Center

Chairman Dyer adjourned the meeting at 11:09 pm.