

Planning & Zoning Minutes

June 21, 2007

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Ted Hill Charles Andersen
Mike Ricks Mary Haley
Dan Hanna David Stein

City Staff and Others:

Gary Leikness – P&Z Administrator
Stephen Zollinger – City Attorney
Emily Abe – Secretary

Chairman Dyer opened the meeting at 7:23 pm.

Roll Call of Planning and Zoning Commissioners

Charles Andersen, Dan Hanna, Winston Dyer, Mary Haley, David Stein, Ted Hill

Thaine Robinson and **Randall Porter** were excused.

Minutes:

Planning and Zoning meeting – June 7, 2007

Dan Hanna motioned to approve the Planning & Zoning minutes for June 7, 2007. **Charles Andersen** seconded the motion.

Mary Haley abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings: None

Unfinished/Old Business: None

Report on Projects:

1. PUD Ordinance

Gary Leikness said he presented the PUD Ordinance to the City Council. They will have several readings of the ordinance. They recommended that he go back and modify the ordinance a little before the next hearing. He will make sure the ordinance requires these projects to go to City Council for final approval. Also, he will make it clear in the document that no skinny streets or sub-standard streets will be allowed in PUDs. He will also add density bonus options.

2. Building Height/Parking near University

Gary Leikness said the City Council wanted the Planning & Zoning Commission to continue to explore this, and get input from the University, the Fire Department, and Housing. **Chairman Dyer** said the Council wanted input from both the University Housing and the Apartment Owner's Association.

The Commissioners discussed mixed use developments. Dennis Warr handed out photos of a mixed use development near the BYU campus in Provo, Utah.

Gary Leikness said some of the Council members were not convinced that we could get college students out of their cars. They were also concerned that if we consider higher building heights, that a mechanism be in place to fund the needed fire equipment.

Chairman Dyer said the Council was also concerned that that we could be creating opportunities for some that we are not giving to others. Gary Leikness said they were also concerned with the impacts of taller buildings in some areas.

Chairman Dyer said the City Council also felt like they were not informed as to what was going on with the survey. They were getting calls from the public, and they did not even know about the survey. Last night's discussion with the Council was to build support and keep dialog going in both directions. Gary will keep gathering public input. The Commission will look at this input closely, so the information will be pre-processed by the time it goes to City Council.

Dennis Warr said he is trying to move forward on his project. As a future developer who is trying to build above the current standards, perhaps property owners who build above the standards should chip in on the cost of the needed fire equipment. He asked what zone he would need if he does a mixed use there. **Chairman Dyer** said there is a mixed use zone, as well as a PRO zone.

The Commissioners discussed this issue.

Non controversial Items Added to the Agenda:

Gary Leikness said the Council was also concerned when an applicant did not show up for an item that was on their agenda. We need to remind the applicants in our meetings that they still have to get approval through the City Council for their proposal. Also, if the applicant or their representative is not present at our meeting, we should not hear the issue. Staff should not represent the applicant.

Mike Ricks arrived at 8:05 pm.

New Business:

Preliminary Plat – Walker Addition, Division 3

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

Mary Haley was selected to act as chair for this issue.

Winston Dyer: The Dyer Group, 310 North 2nd East. He pointed out the property on the map. This is a 9 acre parcel, and consists of 8 lots. It is a commercial subdivision, and the area is rapidly developing mostly in medical office facilities or professional offices. This is a continuance of the master plan that was brought to the commission in December 2003. The only changes that have been made are to move the street down slightly, and increase this division of the plat from 7 to 8 lots. The city has asked for an easement for access to the waste ditch on the property.

Chairperson Haley asked about the fire hydrants. Winston Dyer said they have 3 fire hydrants on the plat, and any other fire hydrants needed as the lots developed will be handled at the site plan approval stage. We have the capability to place a fire hydrant on any of the combined lot lines.

Chairperson Haley asked how the developers will be able to flood-proof their buildings, since this property is in the flood plain. Winston Dyer said the fact that the property is located in the flood plain is noted on the plat, so that anyone contemplating buying a lot in this subdivision is made aware that it is in the flood plain. As the developers come forward with specific building proposals, they will have to provide an elevation certificate indicating that their building is elevated above the flood plain. This is reviewed by Madison County, and they sign off on it. When that is in place, they are permitted to move forward with construction.

Chairperson Haley asked about the current First American Title building that has already been built on the property. Winston Dyer said they were sold a piece of property that almost matches the corresponding lot on the plat, and were able to build. They have been made a signatory to the plat, so that they are approving the fact that it will become this lot, and they will dedicate the portion of the street that they own. Another lot has been sold privately, and the new owners will also be a signatory to the plat.

The Commissioners discussed the City's plans for pathways along the river.

Winston Dyer said First American Circle will be the correct name of the street on the plat. The plat currently shows Willis Court, but this will be changed.

David Stein motioned to recommend to City Council to approve the preliminary plat for the Walker Addition, Division 3 with the condition that the name of the road be changed. **Charles Andersen** seconded the motion.

None opposed. **Motion carried.**

Winston Dyer was restored as chair.

Dan Hanna left at 8:27 pm.

Compliance:

Banner Signs

Chairman Dyer said this has been a matter of public interest of late. We have had a sign ordinance in town for years, and we were involved in an update to that sign ordinance in 2003. The ordinance has a number of details that are associated with temporary signage. We have, as a matter of compliance, invited several around town that had definite concerns with temporary signage at their place of business to come into compliance. We have had good response from these. No sooner did they come into compliance, but they were quick to point out numerous other locations in town where similar concerns exist. We have also had input from the citizens about temporary signage, in particular the banner signs. One of our charges is compliance with the ordinances, so we initiated an effort to

take a spot check of the community and see what we have. A windshield tour was made of the primary business corridors in town and a list was compiled of locations where temporary signage was evident and there were concerns about whether they were in compliance. This was submitted to the compliance officer with the idea of it being a fact-finding mission. In the process, with a little mix up in communications, a form letter was put together and sent out to approximately 43 businesses indicating what our sign ordinance says and inviting them to come into compliance by June 30, 2007. Many people in the business community were surprised and concerned over that information and the tone of the letter. That kicked off contacts with the press, and we have seen it being played out. Last night at City Council some of those business owners that were concerned about the situation came and discussed it as a matter with the City Council. The City Council would like for us to discuss the issue and look at the ordinance. There have been a number of people who have pointed out some ambiguity and duplicity in the ordinance and questions about how far it applies. At our July 19 meeting we will be discussing that, and we will be inviting the public to come and meet with us and bring us their input, ideas and concerns about the sign ordinance. This way we can further explore the issue and see if improvements to the ordinance would be helpful. It is the age-old argument, and it is the very thing that Planning & Zoning is charged with: we have to balance the rights of the private property owner and individual to do with their land as they would desire to do vs. the greater good of the community. We certainly want to champion the business community and their efforts to improve commerce and be successful. At the same time, we want our community to look attractive and attract more growth, more economic stability and more commerce, which will in the long run bless the business community. We have the opportunity to look at both sides of the issue and make sure it is appropriate for the community. He invited the Commissioners to re-familiarize themselves with Ordinance 908 – Signs in Rexburg. July 19 will be a public information meeting where we can hear their concerns and begin to compile our scope of work of what might need attention. We will work with this and get recommendations up to City Council on what to do.

Chairman Dyer noted that there has been a fair amount of input to the City offices, and throughout the community, from those that were notified, there has been a very welcomed effort to come into compliance. Things have been cleaned up, and we are better now than we were a couple weeks ago. The criticism and input we have received on the sign ordinance has been well taken, and we have some work to do.

Tabled requests: None

Building Permit Application Report: None

Heads Up:

1. Final Plat – Walker Addition, Division 3 – July 5
2. Final Plat – Snell-Grove Townhomes – July 5
3. Sign Ordinance Public Input – July 19

Chairman Dyer adjourned the meeting at 8:55 pm.