

# Planning & Zoning Minutes

August 16, 2007

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CITY OF  
**REXBURG**  
America's Family Community

## Commissioners Attending:

Winston Dyer – Chairman  
David Stein      Charles Andersen  
Ted Hill          Dan Hanna  
Mike Ricks      Thaine Robinson  
Josh Garner

## City Staff and Others:

Rex Erickson – City Council Liaison  
Gary Leikness – Planning Administrator  
Stephen Zollinger – City Attorney  
JaNell Hansen – Secretary

**Chairman Dyer** opened the meeting at 7:01 pm.

## **Roll Call of Planning and Zoning Commissioners**

Ted Hill, David Stein, Charles Anderson, Thaine Robinson, Winston Dyer, Dan Hanna, Josh Garner, Mike Ricks

## Minutes:

A. Planning and Zoning meeting – August 2, 2007

**Thaine Robinson** motioned to approve the Planning & Zoning minutes for August 2, 2007. **David Stein** seconded the motion.

**Dan Hanna, Josh Garner, Winston Dyer** and **Charles Andersen** abstained for having not been present. None opposed. **Motion carried.**

## Public Hearings:

7:05 pm – Conditional Use Permit – 270 American Street – American Self Storage Expansion

Danny Miller presented his application for a Conditional Use Permit for expansion of American Self Storage. The first buildings were built before the area was annexed into the City. It was zoned commercial in the County, and then Highway Business District when it was annexed. It is now zoned Community Business Center. He presented the site plan for the proposal. He said there is a need for additional storage facilities in Rexburg.

**Chairman Dyer** commented that he was pleased with this application. It is a model application. He asked for clarification on the zoning on the property to the north. Danny Miller said the zoning on the property to the north is split as Commercial and Residential. The setbacks from the commercial zone for our buildings would be 5 feet. The setbacks from the residential zone for our buildings would be 10 feet. We could move the entire building south five (5) feet, but this will turn the traffic lane into a one-way street.

**Chairman Dyer** asked how they are planning to buffer their development from the neighboring residential property. Danny Miller said they would be putting up some type of fence.

**Chairman Dyer** asked what their plan was for lighting their property. Danny Miller said the lighting on the existing building is attached to the buildings so it lights the corridors. The proposed buildings will have lights in the doorways. **Chairman Dyer** asked if he will be willing to use cut-off fixtures. Danny Miller said he would be willing to do that.

**Chairman Dyer** asked about signage. Gary Leikness said commission can dictate signage location. The applicant would like a street sign which says ‘American Street’, which he believes is a private street.

**Chairman Dyer** asked if the street privately held by applicant. Danny Miller said it is listed on his deed.

**Charles Andersen** asked if they are planning to put in a septic, since there is no sewer connection. Danny Miller said the plan is to put in a holding tank until there is sewer in the area. The road would have to be bored under, which the cost is \$40,000 for one toilet and one sink. He didn’t feel it was worth it.

Gary Leikness said the hearing was not advertised as a variance of sign height or setbacks. The conditional use permit is the only item that can be decided tonight.

**Chairman Dyer** opened the public input portion.

**In favor:**

Michael Williams, 4648 Cedar Butte Circle. I am an interested citizen, and a personal acquaintance of the applicant. He would like the Commission to be aware that the applicants have done a fantastic job of making their business look nice. They have done more than what has been required. They improved the whole area. They are very thorough. This will be a great asset. It is consistent with what was originally planned for the site. This will make it a little nicer for everyone around there.

Dave Waters, representing Blue Ox Development, the property to the North. We support this conditional use permit. We are in agreement with the applicant regarding the setback requirement and the sewer line. As a development company, we can afford the street boring better than the applicants can at this point.

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Chairman Dyer** closed the public input portion.

Gary Leikness presented the staff report.

**Thaine Robinson** said this is possibly the best land use for this property, since it is so far off the street and is not visible from the highway. He would be in favor of the proposal. **Charles Andersen** agreed.

**Chairman Dyer** noted that the applicant came forward with an approved master plan under the rules and regulations at the time, and all was in order. He also has real issues with sign proposal. He doesn’t feel we can justify any request for a higher sign, but this issue can be addressed at a later date.

**David Stein** motioned to approve the Conditional Use Permit at 270 American Street for the American Self Storage expansion with the conditions listed in the staff report (see below), and the conditions listed in the zoning ordinance under conditional uses. **Dan Hanna** seconded the motion.

**David Stein** amended the motion to mention that no variances were addressed at this time. **Dan Hanna** seconded.

None opposed. **Motion carried.**

***Proposed Conditions of Approval***

1. Trash receptacles should be fully screened from the public right-of-way and should not be visible from adjacent residential property.
2. There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in itself is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.
3. A site plan, elevation plans, and a lighting plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, design standards, etc. shall be submitted and approved by the City prior to the issuance of a building permit.
4. Commercial lighting standards per the City's development code shall be adhered to.
5. Large equipment that is to be located on the subject property and is to be used for heating/cooling/ventilation of the proposed building(s), or similar uses, shall be located the maximum feasible distance from any adjacent residential dwelling unit, and shall incorporate any current technology that reduces noise generation.
6. The final setbacks shall be approved by the planning department during the review of the building permit application process. All setback requirements shall be adhered to.
7. Sign permits are not covered by this permit and require a separate submittal for review and approval. Any and all signage shall comply with Rexburg's Sign ordinance, and shall obtain sign permits prior to installation.
8. A decorative masonry wall, at least six (6) feet in height shall be erected along all property lines which lie adjacent to a residential zone. This can be modified if the adjacent property owners agree on an alternative material and then this mutually agreed upon fencing material is proposed and approved by the Planning Commission.
9. One parking space for every 200 units and one space per employee are required. Required parking shall be provided adjacent to main office. No required space shall be rented for the use for vehicular or similar storage. The site plan to be submitted with the building permit application shall be reviewed and approved by Madison Fire and Rescue as well as any other applicable agency/municipality.
10. The site plan shall include a diagram depicting vehicle maneuvering for vehicles the size of the City's large emergency vehicles. These vehicles should be depicted at corners of proposed buildings.
11. The maximum hours of operation, excluding office hours, is from 8am to 10 pm seven days per week. No use of the storage units shall occur during the hours of 10pm to 8am, including but not limited to loading and unloading of vehicles, arrangement of materials inside or outside of storage units, and any other noise generating activities.
12. Ten (10) percent of the total parking area must be provided for landscaping and snow removal. The applicant will need to landscape all other areas not included as parking or maneuvering area. A landscape plan should be submitted with the building permit for review and approval by the planning department.

7:30 pm – Conditional Use Permit – South 2<sup>nd</sup> East – Cell Tower (Teton Communications) **CANCELLED**

Gary Leikness said it was discovered that the legal description was not correct in the public notice. A revised legal description has been requested from the applicant, and we will reschedule this for the next meeting.

**Dan Hanna** motioned to table the Conditional Use Permit for a cell tower until the September 6, 2007 meeting with a request that staff re-notify the surrounding property owners with mailings. **Charles Anderson** seconded the motion.

None opposed. **Motion carried.**

## Unfinished/Old Business:

### New Business:

1. Preliminary Plat – Henry’s Fork Plaza revised plat

Kurt Roland, Schiess & Associates, 310 N 2<sup>nd</sup> E Ste 125. He presented the preliminary plat. They are proposing 18 new lots in the Henry’s Fork Plaza subdivision. He said Yellowstone Highway and the guard rail can be repaired. We did not extend roads to the east property line during phase 1, because the Steiners didn’t want to do this during phase one. If this is a requirement of this phase, then it will be taken care of.

**David Stein** asked what has changed from this plat from the last plat. Kurt Roland said they decided they don’t want to put a big box store there. They want to stay uniform with what is there now.

**Thaine Robinson** asked about the distance from the backs of the buildings and the width of the streets and landscaped area. Kurt Roland said 10% will be landscaped. There will be 26 feet between the parking stalls.

**Thaine Robinson** said it looks crowded. Staggering the buildings would look better.

**Chairman Dyer** asked how we address the relationship of buildings to each other, since the building permits will come in one at a time. Gary Leikness said each lot is required to have a 20 foot front yard setback. This creates a problem for this proposal.

The Commissioners talked about the roads in the proposal.

Gary Leikness said the setbacks need to be addressed tonight.

**Chairman Dyer** asked if the existing, privately owned property lines had been adjusted. Kurt Roland said some had been. **Chairman Dyer** said this is not a revised plat, it is an amended plat. Once property in the subdivision has been sold, the owners either become signers to the plat, or it becomes an amended plat.

Gary Leikness said the CC&Rs give the developers permission to revise the plat rather than amend it.

Stephen Zollinger said you can’t circumvent the platting requirements through CC&Rs. If they have changed existing property lines, the amended plat has to bare the signatures of all the modified parcel owners. They can require the property owners in advance to agree to sign an amended plat, but the city has to see signature of every affected parcel owner.

**Chairman Dyer** asked if the Commission can take action on this plat. Stephen Zollinger said since this is a preliminary plat, we can just make it a condition that all affected parcels have to be signers of the plat.

The Commissioners discussed the plat, and the interconnectivity of the traffic ways with surrounding developments.

**Charles Andersen** said he would like to see the CC&R’s.

Gary Leikness said this plat is very much related to the site plan, since we are approving lots that are essentially land locked. He feels the applicant can work with him and hammer out all the issues.

**David Stein** motioned to table the preliminary plat for the Henry's Fork Plaza revised plat, pending further input from the applicant and staff. **Josh Garner** seconded the motion.

None opposed. **Motion carried.**

2. Final Plat – Stonebridge, Division 2

**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.

Winston Dyer, The Dyer Group, 310 N 2<sup>nd</sup> E. He presented the plat. This subdivision was first master planned 7 years ago. Because of some questions and concerns about utility service and possible accommodation of recreational facilities along the river, the owner deferred from developing the southern pieces of property and concentrated on the northern pieces. He pointed the property out on the map. All the northern phases of the subdivision have been constructed. This is a proposal for the southwest quadrant. This is the same proposal as what was approved by the Planning & Zoning Commission in September 2003. The proposal stalled at the City Council level in final plat approval because of the recreational issues. The piece of land is about 13 acres, and would comprise 31 lots and a public reserve area. It is single family residential zoned LDR2 and will be built to all city standards. This phase will generate about 32 cars in the peak hour and about a 40 pupil increase in the school system. He pointed out the master plan for utilities.

Jerry Hastings, 611 Summerwood Dr. He represented BC Stonebridge, who is the developer of the property. He discussed the history of the project. They have been asked to come back through the final platting process based on some issues with river access, etc. The master plan was approved long before Madison trails was ever heard of. At that time, there were provisions made on the south side of the river for a trail system. There was not any discussion at the master planning stage about a trail system along the north side. When phase 2 originally came to the Planning Committee, there were some concerns about the possibility of the need or desire to take the trail system to the north side of the river. As we presented the final plat, it was asked that we, as the developers, meet with Madison County, who was at that time developing the trails plan, and see if something could be worked out. This property was bought with the anticipation that the river frontage would make signature lots in the subdivision. In the process of the meetings with the county, we had a proposal that would allow the trail to come to the north side of the river, up the street, and then back down into the river. There was concern that this is not what the city wanted. The plat was sent on to City Council. In the City Council meeting, it was determined that we submit our ideas, and the city would submit their ideas. Phase 2 was put on hold to allow the city to come up with a plan that we could work with. BC Stonebridge wrote two (2) official letters and sent numerous emails to the City Engineer and the Mayor's office. There was a meeting with the Mayor, and we were promised some feedback as to what the city was asking. In a three (3) year time period, we have not had one comment from the City or the Mayor. Now as the project has moved to this stage, we have been asked to come back to the Planning Commission. In the middle of development of phase 1, impact fees were enacted. In the meeting, the City Engineer was asked to get something to us by March 2004. We have been open to various things along there. We understand now that the trail proposals are to be treated like a street, and we are to give the city the property to go through our signature lots. BC Stonebridge feels like they are being held up for something that they had in good faith tried to help negotiate with the city. We as developers are willing to work out a plan with the city, but we feel very strongly that free land is not part of this program. We will work to do something satisfactory to give access down along the river. Whatever the proposal is, we would like to see what the maintenance plans are, and what type of safety provisions would be made. BC Stonebridge has not been holding up the project. We have made effort to resolve the issues with no response from the city.

**David Stein** asked when master plan was set forth. Winston Dyer said the master plan was set forth in 2001. Phase 1 was platted simultaneously with the master plan.

**Dan Hanna** said more than 20 yrs ago there was discussion about development on the north side for bike/horse trails. The intent has always been that the river be preserved for public access.

**Ted Hill** said 5 or 6 yrs ago the city made a grant application for the gravel pit on the east side of this property to be developed into a recreational area. At that time, the walk path was proposed on the south side of the river.

Gary Leikness said the subdivision ordinance requires pedestrian connectivity to neighboring commercial developments. This would be a great opportunity for pedestrian connectivity to the 2<sup>nd</sup> East corridor. Most cities recognize the value of river frontage and trails systems. This is an urban river, where we are trying to get people to go out and recreate. One way is to create loops on the river systems. The applicant has obviously said they want to work with the city on such a system. Although this was originally phase 2, with the practicality of getting a sewer system in and paying for it, it was in the developer's best interest to develop the northern phases first. The city and the developer both share in delay of this development to some degree. I would request that the Commission require the trail system through there, and explore the possibility of waiving the park impact fees there. However, the developer would add value to the project if the subdivision as whole had access to a well defined city trails system. If they close this off, these lots get a view of a dry river bed in the summer, but it is only for those lots. A public easement to a trails system would add tremendous value to the subdivision. Property values in Rexburg have increased in the last three years, so this could offset the cost of the trails system. I would recommend that the trail system continue to go through, that we work with them on the impact fees, and that the development has a public access easement.

**Josh Garner** asked if there is an existing trail in the area right now. The Commissioners discussed the issue.

Jerry Hastings said the only reason phase 2 was not put in was because there was no response from the city. We have asked the city for assurances and we have been stonewalled. Costs have gone up. It's time to get this resolved and move forward. We don't want to take another 6 months to get this approved. Time is money.

**David Stein** asked if the property is in the urban renewal district. Stephen Zollinger said it's too far east.

**Ted Hill** asked how the issue of getting the land for the trails system gets resolved if we move forward on this plat. This Commission is not in a position to give this land away. That can't be part of this proposal. **Chairman Robinson** said we are just a recommending body, who will recommend approval or denial of the plat to City Council.

**David Stein** the issue has to be worked out between the city and developer. We can't resolve it here.

The Commission discussed the issue.

**Charles Andersen** motioned to recommend to City Council to approve the final plat for Stonebridge, Division 2. **Ted Hill** seconded the motion.

**David Stein** said our Comprehensive Plan calls for trails systems along the river. We should make a motion that the City and developer work it out, but that we want the trail along the river. **Josh Garner** agreed.

**Charles Andersen** said he agrees, but if the city wants the trail, they need to move on it and get it.

**Those in favor:**

Mike Ricks  
Dan Hanna  
Josh Garner  
Ted Hill  
Thaine Robinson  
Charles Andersen

**Those opposed:**

David Stein

**Motion carried.**

**Chairman Robinson** called a 5 minute break.

**Winston Dyer** was restored as chair.

Compliance: None

Non controversial Items Added to the Agenda: None

Tabled requests:

1. Temporary Sign Ordinance Deliberation

**David Stein** motioned to pick the temporary sign ordinance issue up off the table. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** said we had a work session on the sign ordinance on August 9. We went through the input we received from the public and the business community, and the issues the commissioners had from going through the ordinance. We wanted to identify the issues we would revise in the ordinance. The list they created is in the Commissioner's notebooks. He asked if anyone would like to change the list.

**David Stein** said he agrees with items on list. He asked if we have any sense of how many businesses are at their maximum allowed personal signage. Stephen Zollinger said he guesses that most of the businesses along Main Street are at their maximum.

The Commission discussed the temporary sign issue.

**Chairman Dyer** said the Commission could work at a subsequent meeting to come up with a good statement of intent for the ordinance. Or, we could give it to Gary to work on it and make a recommendation to us. Gary Leikness said if the Commission nails down the intent for signs in residential and commercial areas, he can run with it to make subsequent recommendations.

**Chairman Dyer** said he feels it is appropriate that we work on the intent of the sign ordinance, maybe focusing by general zone types. If we are going to do this, we need to get it done and get it off our table.

The Commission decided to put the statement of overall intent for the sign ordinance on the next agenda. Once they create this statement, they will turn the remainder of list of issues over to Gary Leikness.

2. Conditional Use Permit – 366 W 3<sup>rd</sup> S & 276 Steiner – Dormitory Housing (Thornburg)

**Thaine Robinson** motioned to pick up the conditional use permit at 366 West 3<sup>rd</sup> South & 276 Steiner up off the table. **Ted Hill** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** reminded the Commission that those commissioners that did not participate in the hearing at the last meeting are not eligible to vote on the final motion.

Gary Leikness presented the revised site plan for the proposal. He showed how the applicant had addressed the issues in the staff report. He pointed out that there is a concrete pad along Steiner Avenue that is likely to be used for parking, but the public understood that there would be no access onto this street. He said they have done a great job at landscaping the parking area. He recommended that some of the trees be moved for sight distance purposes.

Alicia Thornburg, 264 Steiner Ave. She presented a PowerPoint presentation. The proposal is to put 3 girls at 276 Steiner, with a single family downstairs, and 7 girls in 366 West 3<sup>rd</sup> South. She addressed the proposed conditions of approval. She said the two patios on the site plans were existing when they bought the homes, and they use them for recreation areas. These areas are not intended for parking, and they will not be parking.

**Chairman Dyer** asked what guarantee there is that the patio areas won't be used for parking. Alicia Thornburg said they have talked about putting raised flower beds around them so people cannot pull in there. They have also discussed removing part of the concrete from the areas.

**Chairman Dyer** asked if they had received University approval for housing. Alicia Thornburg said BYUI approved the housing conditional upon City approval.

**Mike Ricks** asked if the tenants will drive compact cars. **Chairman Dyer** said the ordinance is clear that 40% of parking as compact spaces is allowed and that is what applicant has done.

**Mike Ricks** said he is satisfied with the proposal and how they have met the conditions.

**Ted Hill** asked why the driving isle width is being widened beyond city requirements. **Chairman Dyer** said the applicant is willing to do that if there is concern about maneuverability. They were trying to be accommodating to Commission's concerns.

Gary Leikness said he would recommend that the Commission explore the patios and the placement of the trees around the parking areas for clear view. They can keep conditions that are listed in the staff report for the proposal.

An interested citizen said the properties look great, and the applicants have done a very good job with them. She asked what assurance the neighbors have that the properties will be kept up if these people someday decide to sell them. **Chairman Dyer** said this is a good question, and it is one we get all the time. The accurate answer to that is that Rexburg does have nuisance ordinances. We have a compliance officer that is paid to take care of these kinds of things. The compliance officer is receptive to public input and/or complaints, and would be willing to pursue these issues.

Gary Leikness said if there is an issue with anything on this property, the city has on file the site plan as proposed and approved by the city. It is an added layer to the nuisance ordinance, should any issues arise.

**David Stein** said he likes the proposal. The concrete pad on Steiner Avenue needs to be removed or screened to prevent parking. The tree in front of the parking should be moved, also.

**Thaine Robinson** said he is fine with how the conditions have been met. He hates to see dormitory style housing go in to this neighborhood, but the zone says they can have it, and they have met all the conditions required, so they should be allowed.

**David Stein** motioned to recommend to City Council to approve the conditional use permit at 366 West 3<sup>rd</sup> South and 276 Steiner for dormitory housing, subject to standard conditions in the zoning ordinance, as well as the conditions as recommended by staff. In addition, that the two recreation patios be adjusted so that no parking could feasibly take place there, and that a tree be moved so the parking is screened on the east side of the parking lot. **Thaine Robinson** seconded the motion.

**Charles Andersen, Dan Hanna, Chairman Dyer and Josh Garner** abstained for having not been participants in the hearing process.

None opposed. **Motion carried.**

### *Proposed Conditions of Approval*

1. Trash receptacles should be fully screened from the public right-of-way and should not be visible from adjacent residential property.
2. There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in itself is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.
3. As waste generation is increased, and to avoid overflow of trash receptacles, each unit shall have its own, full-sized, trash receptacle available for regular trash “pick-ups”
4. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit. Landscape plan shall include evidence that an area of 30% or more of the individual lots is being observed.
5. Commercial lighting standards per the City’s development code shall be adhered to, including the use of dark sky compliant lighting. Any proposed lighting shall be reviewed by the City Engineer.
6. Required parking shall be located 25-feet behind the property which begins approximately 18 feet behind the existing sidewalk.
7. Areas of impervious surface that are not approved parking spaces and that are not used as a vehicle aisle shall be constructed, or restored to a landscaped area with trees and shrubs to; this will ensure proper screening of parking areas, and prevent unapproved parking from occurring.
8. Parking areas shall be adequately screened from the public right-of-way and adjacent residential properties. Screening must include the use of deciduous trees and evergreen trees to ensure non-seasonal screening. Deciduous trees shall be planted with a minimum size of 2-inch caliper DBH. Evergreen trees shall be 7-feet tall at planting. Shrubs shall include 5-gallon containers as a minimum. Ground cover shall include a minimum of 50% living material, i.e. grasses, shrubs, etc, other ground cover can be non-living material, e.g. rocks, bark chips, etc.
9. Parking areas should have raised concrete curbing near landscaping areas to ensure that these areas remain well defined, which will prevent impromptu parking of vehicles.
10. The north end of the proposed parking area shall include maneuvering area for the last parking stall. This shall include a 6-foot deep by approximately 22-feet wide paved area.
11. A site drainage plan shall be submitted for review and approval by the City Engineer prior to issuance of a building permit (or change of use permit).
12. Signage shall be designed in a monument style though the use of brick or decorative masonry base and wood material to compliment the surrounding neighborhood and suggest permanence which is consistent with an established neighborhood.
13. An approved building permit must be obtained prior to the issuance of a conditional use permit for the uses requested.
14. In order to share parking to satisfy required parking, a written agreement for such joint use must be approved by the City Attorney as to form and content, and such agreement, when approved, shall be recorded in the County Recorder’s

Office. The agreement shall include language that requires the City to approve any modifications or removing the deed restriction to ensure that all standards for parking requirements on individual lots is satisfied.

**Report on Projects:**

**Dan Hanna** reported on the BYU-Idaho Auditorium Design Standards. The Commissioners discussed the building.

Gary Leikness said there will be public meetings with the Planning Consultants on Rexburg's Comprehensive Plan on August 22<sup>nd</sup> and 25<sup>th</sup> at the high school. The Planners would like people to be there to sit at the tables and help discussion.

Gary Leikness said there is a joint meeting on August 30 with the County. The County is in charge, and has asked for any items we would like on the agenda.

**Building Permit Application Report:** None

**Heads Up:**

1. Joint Planning & Zoning Meeting - Madison County, Sugar City, Teton, New Dale – August 30
2. Final Plat – Hidden Valley Trails, Phase 1
3. Preliminary Plat – Silver Estates
4. Preliminary Plat – Professional Plaza Modification Plat
5. Conditional Use Permit – Self Storage Unit Facility – 322 W 4<sup>th</sup> S
6. Rezone – RR1 to MDR1 – 796 W 7<sup>th</sup> S

**Chairman Dyer** adjourned the meeting at 11:30 pm.