

# Planning & Zoning Minutes

September 6, 2007

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

## Commissioners Attending:

Winston Dyer – Chairman  
David Stein      Mary Ann Mounts  
Ted Hill          Dan Hanna  
Mike Ricks      Thaine Robinson  
Mary Haley      Randall Porter

## City Staff and Others:

Rex Erickson – City Council Liaison  
Gary Leikness – Planning Administrator  
Stephen Zollinger – City Attorney  
Jimmy Barrett – City Attorney  
Emily Abe – Secretary

**David Stein** acted as chair for **Winston Dyer**, who would be late.

**Chairman Stein** opened the meeting at 7:05 pm.

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

Mike Ricks, Mary Ann Mounts, Randall Porter, Thaine Robinson, David Stein, Mary Haley, Dan Hanna, Ted Hill.

**Charles Andersen** was excused.

## Minutes:

A. Planning and Zoning meeting – August 16, 2007

**Mike Ricks** motioned to approve the Planning & Zoning minutes for August 16, 2007. **Dan Hanna** seconded the motion.

**Mary Ann Mounts, Mary Haley** and **Randall Porter** abstained for having not been present. None opposed. **Motion carried.**

## Non controversial Items Added to the Agenda:

Alicia Thornburg asked for clarification on the intent of a condition of approval for her conditional use permit at 366 West 3<sup>rd</sup> South and 276 Steiner Avenue. She asked how the commission would like her to prevent parking on the concrete areas next to the driveways.

The Commissioners told her to put something there that will prevent parking on the areas, but it was up to her on exactly what she wants to do. Planters would be fine.

## Public Hearings:

7:05 pm – Rezone – RR1 to MDR1 – 796 West 7<sup>th</sup> South

Kurt Roland, Schiess & Associates, 310 N 2<sup>nd</sup> E. He said they are proposing to rezone the property from RR1 to MDR1. He pointed the property out on the map.

**Thaine Robinson** asked what the impact on schools would be from changing from Rural Residential to Medium Density Residential. Kurt Roland said they plan to put townhomes on the property.

**David Stein** asked if there is a development plan or concept plan for the property. Kurt Roland said there is not.

**Randall Porter** asked if a development plan is required by code. Gary Leikness said the code does not require a development plan for a zone change request, but the commission could require it.

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

**In favor:** None

**Neutral:**

Russ VanAllen; 635 Casper Ave. I hope you have read the letter submitted. It was written by members of my family who live next to this property. I am concerned with Mary Ann Beck's West property line and our East property line. The GIS map is inaccurate. The line should be straight, not as the map shows it. He does not want part of his property put into her property. There is an error by the surveyor. Everything is off by 10 feet.

**Opposed:** None

**Written Input:**

Letter from Maurine G. Steiner and Teddie Lou Steiner, neutral to the proposal.

**Rebuttal:**

Kurt Roland said Mary Ann Beck will be building a home that will buffer the adjacent property.

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

Gary Leikness presented the staff report.

**Mike Ricks** said if the half-acre for Mary Ann Beck's home will be on the west side, then this will buffer the residential area. Since the MDR1 zone complies with the comprehensive plan, this sounds okay.

**Mary Haley** said what has been talked about needs to be in writing, as far as Miss Beck's property providing the buffer.

**Chairman Stein** said he feels there should be a concept plan submitted, since this is such a dramatic change in zoning that abuts residential.

The Commissioners discussed the issue.

**Mary Ann Mounts** motioned to recommend to City Council to approve the zone change from RR1 to MDR1 at 796 West 7<sup>th</sup> South. We need to make sure the property boundaries are right, as addressed by Mr. VanAllen. **Ted Hill** seconded the motion.

None opposed. **Motion carried.**

7:20 pm – Conditional Use Permit – 322 West 4<sup>th</sup> South – Self Storage Unit Facility

Jeremy Bingham said he purchased the property and has already improved it. He said most of the conditions of approval in the staff report will apply to the building permit. He is worried about the conditions for the masonry wall and the hours of operation. If you are skiing at Targhee, you can't get back to your storage unit to put your skis away before they would have to be closed. He said dictating the hours of operation might not be appropriate for this type of business. This is a good use for the property. It is close to campus and is a business that will bring revenue to Rexburg.

**Winston Dyer** arrived at 7:53 pm.

**Mary Haley** asked if they are planning to have an office frontage to the street. Jeremy Bingham said they are not. He said people passing by will see a nice rod-iron fence with fir trees, bushes, and nice landscaping. It will look a lot like what Adam's Elementary did, except it will be 8 feet instead of 4 feet.

**Thaine Robinson** asked where the entrances would be. Jeremy Bingham said the fence would go across the front with an automatic gate in the middle of the storage units.

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

**In favor:**

Ryan Orme; 3737 Taylor Ln. I am in favor of these storage units. It is a good fit for the community, and I think there is a need. Storage units are an acceptable use there. I feel this should be approved.

Inel Curtis; lives across the street. This is wonderful. We have the other storage unit right in front of our house and haven't had a problem with it. This is fantastic. When I first heard it was being zoned, I hoped it wasn't going to be apartments. This is a great idea for this area, and it is really needed.

**Neutral:** None

**Opposed:** None

**Written Input:** None

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

Gary Leikness presented the staff report.

**Thaine Robinson** asked how we can address the long rooflines. Gary Leikness said these roofs will only be about 8 of 10 feet tall.

**Mary Ann Mounts** said the metal roofs concern her, since this will cause all the snow/ice to slide into the neighbor's property.

**Chairman Stein** said we have design standards to protect the commercial zones, so his opinion is that these will have to adhere to the design standards as much as they can.

**Dan Hanna** asked if the storage units next to this property have limited hours of operation. Gary Leikness said he does not know.

**Mike Ricks** said the fence needs to be at least 50 feet from the street so people have places to park. The entrance way should be at least 24 feet wide, since most people will have trailers in there.

**Thaine Robinson** said if they buffered this from the street with nice landscaping, he would not be opposed to it.

**Winston Dyer** said we spent a lot of time comprehensively planning the West 4<sup>th</sup> South area, and we wanted to encourage commercial development of that area. We wanted to preserve it as a business corridor. This does not appear to be the highest and best use of the property. Since the lots here are all narrow and deep and singularly owned, smaller developments are being proposed. Also, because this is commercial, these people want to run their business and not have it restricted by hours of operation. When it was zoned commercial, it was a given that they would run their business as they would. Our City nuisance ordinance could address any problems that arise if the hours of operation are abused.

The Commissioners discussed the hours of operation.

**Mary Ann Mounts** motioned to approve the Conditional Use Permit at 322 West 4<sup>th</sup> South for a Self Storage Unit Facility with the conditions listed in the staff report (see below), and that the slope of the roofs be inward to the property in question. She emphasized condition #11 about emergency vehicles, that there needs to be space for a 50 foot vehicle to be able to maneuver. **Winston Dyer** seconded the motion.

**Mike Ricks** said there should be fifty feet from the curb so large vehicles with trailers can park safely.

**Dan Hanna** asked if the motion included #12.

**Winston Dyer** suggested a condition of approval addressing the storm drainage for the property.

**Mary Ann Mounts** amended her motion to exclude condition #12, so the hours of regulation are not regulated. The nuisance ordinance can take care of that. She also added that the distance from the back of the sidewalk to the gate be at least 50 feet to allow for safely parked vehicles with trailers, and that the storm drainage of the property be worked out with the City Engineer. **Winston Dyer** 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 or other members of the community, 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 CBC zone requires a 20-foot setback from property line; as the property line does not begin until approximately 15 feet behind back of sidewalk, the proposal will essentially need to observe a setback of approximately 35-feet from back of sidewalk.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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. (Excluded from the motion.)
13. 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 shall be submitted with the building permit for review and approval by the planning department.
14. To provide adequate screening of the proposed buildings and use, decorative opaque fencing (as reviewed and approved by the design review committee) shall be included along the front of the proposed buildings and parking area, but not within the front yard setback. In addition, landscaping shall be established within the front yard setback shall include the following as a minimum:
  - a. Fully automated sprinkler system- details to be submitted for review and approval by the City Engineer.
  - b. Evergreen trees- one tree per 20 feet of lot frontage, 7-feet tall at planting. Drought tolerant and native trees should be considered.
  - c. Shrubs- one shrub per 5 feet of lot frontage, five-gallon containers at planting. Drought tolerant and native shrubs should be considered.
  - d. Ground cover shall include a majority of grass. Drought tolerant species such as buffalo grass or similar should be considered.

**Winston Dyer** was restored as chair.

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

Tony Hafla: Teton Communications, 545 S. Utah Circle, Idaho Falls. We are a multiple-use company, mostly two-way radio. Most of our clients are public safety first responders. Our reason for going to a taller tower is because of requests by those people. You cannot improve coverage on two-way radios by building another tower. You have to get it all from a single location. We purchased the land in the early 1980s and specifically came to the City to talk about the land use. We were given a green light, and were the third tower built up there. Since that time, five additional towers have been allowed. Some of these towers are as close as 20 feet to our fence. We are being held to all these requirements because these other towers are too close to us. We were there first, these people were allowed to build, and now we are being denied because they are too close to us. In most communities, the towers are clumped together so you don't have them all over in everyone's neighborhood. This is not a new use. We have all been there a long time. Our new tower is proposed to go right next to our old tower, which is only 85 feet tall. When I called to fill out the form, no one could tell me how high a tower we could even apply for. The current ordinance is vague. We had to hire an engineer to measure the water tank to give the city the information about the maximum tower height. There are a lot of pieces to this that have not been tried, tested, and evaluated. There are

also setbacks to new residential and proposed residential. Interestingly, more residential development has been approved without protecting our incumbent right. We had a tower, why was residential development approved within our buffer zone? This needs to be a two-way street. We tried to put our new tower as close to our existing tower as possible to reduce the additional skyline impact. We also sit basically behind the water tank if viewed from Highway 20. It is not as intrusive as it might appear to be. The skyline is pretty much dominated by the water tower and the new temple. The towers that are in between have very little visibility. There were some comments in the staff report about utilizing the existing facilities that are there. The reality is that these facilities are not conducive to two-way radio communications. We need the signal to go all directions. If you put a directional antenna on a monopole, you don't get a signal behind the pole. Monopoles are not used at all in the two-way radio industry. We also worked really hard with the FAA to get this tower so we did not have to light it. It is a used tower, and is a very faded red and white. It does qualify as red and white, and therefore does not require lighting. We felt the lighting would be more of an encumbrance on the than the tower being colored. The other main item that was brought up in the staff report was the easement, or the access to the site. I don't pretend to be an expert on how roads become roads, but I know that this particular pathway has been used since the 1950s. Qwest usually has some pretty high standards before they will install utilities, and there are utilities running down both sides of that road. I fail to understand why that is an issue and is incumbent upon us of proving access. We will be happy to donate property if that is what the situation is. Since this is a service corridor, landscaping and some of the other issues in the staff report become unnecessary.

**Mary Haley** asked why they are not extending the height of the tower they already have. Tony Hafla said it is not engineeringly possible. **Mary Haley** asked if they could tear down the one they have and put the new one up. Tony Hafla said they possible could do this, but they already have enough interest in potential contracts to fill about 2/3 to 3/4 of the new tower's space. They had originally anticipated building a 200 foot tower, because that is the type of growth we can envision for this location, but they are limited by the height of the water tower.

**Chairman Dyer** asked how high the water tank is. Tony Hafla said it is 165 feet. The height of their existing tower is 85 feet. **Chairman Dyer** asked if they could double the height of their existing tower. Tony Hafla said this would be not economical, because we would have to dig up the foundation and replace it.

**Thaine Robinson** asked him to point out where the tower is proposed to be, and where the existing tower is. Tony Hafla pointed this out on the map.

**David Stein** asked if the City of Rexburg first responders were clients of Teton Communications. Tony Hafla said both Public Works and the Police Department are their clients.

**Mary Haley** asked if their signal was being blocked right now. Tony Hafla said they are being blocked off the hill towards the college. The landform is in the way. **Mary Haley** asked if the new tower will fix the problem. Tony Hafla said the new tower will have better visibility, although not perfect.

**Thaine Robinson** asked what color the tower is. Tony Hafla said it is a faded red and white. **Thaine Robinson** said the ordinance requires him to reduce visual obtrusiveness. This would probably stand out, especially next to the other towers. Tony Hafla said their goal was to not have to put lighting on the tower, since they feel this would be much more obtrusive.

**Chairman Dyer** asked if the color of the tower could be changed if the tower were lit. Tony Hafla said it could.

**Dan Hanna** asked conditions of approval the applicant is most concerned about. Tony Hafla said the landscaping requirement is a concern. Without water, landscaping is hard to do. Also, the residential lots already are landscaped to provide a buffer. The commercial lighting standards should not apply because we would prefer not to have any lighting. We can't do much about the shadow from the tower. However, since it is a lattice tower, it will cast much

less of a tower than the monopoles or city water tank cast. Also, fencing the entire 2 acres seems a bit much. The landscaping requirements are their biggest concern. He has issues with proposed conditions 7, 8, 9 and 10.

The Commissioners discussed these issues.

Gary Leikness showed pictures of the existing towers in the area, as well as the proposed new location.

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

**In favor:** None

**Neutral:**

Richard Smith; 950 S. Millhollow Road. I come tonight not to discuss whether it is a good idea to put towers here or not to put towers here, but to address historically what has happened on the last two towers that have gone up in that area. In 2001, a company came to locate a tower about a quarter mile east of this area. It was proposed to be a cell tower, and because of its height, it was not required to be lit. At that time, the Commission had testimony from the Life Flight Helicopter operations out of Idaho Falls, and there was discussion that that was a very unsafe condition. Mr. Hafila is correct in some parts and incorrect in other parts. It is true that FAA may not require the tower to be lit, but it is not true that he can just build a tower as high as he wants and have FAA approval. The FAA has approved an instrument approach into the Rexburg Airport. That instrument approach is based upon the height of the water tower. If penetration of any tower above the height of the Rexburg water tower is allowed, FAA will take away that instrument approach. They will raise it and make it less usable. The P&Z Commission in 2001 imposed a condition upon the tower that was 1300 feet away that it could not be higher than the water tower, and that it had to be lit, even though it wasn't required to be lit by the FAA. They did that because of safety concerns for the life flight helicopter operations going in and out of the area. There was already a tower in the area that was not lit, and it was a very unsafe condition while flying at night. There are operators around that would strongly disagree with the idea that it is okay to put up structures that are not lit. Life Flight sent letters to this body, who reviewed it and imposed a lighting restriction on the tower. I would suggest that whether this is allowed or not, that those two conditions be required. It should not be above the water tower, and it should be lit. There are cell towers up there now that really look higher than the water tower. This might be an optical illusion. I guarantee that that is an enforcement issue. It is the way they were constructed, not the way they were approved. In 2004, another tower was permitted in the area. It was on the land that I own and leased them. We removed two towers from the eastern side of Rexburg. At that time, Verizon came in with a request to put a tower in. This body placed the following conditions: it would be lit, it would be lower than the water tower, and a 15 year life was placed on the tower. After 15 years, the tower will go away. These are certainly things that the Commission should consider. I commend this body for proposing and passing the ordinance regulating cell towers. Right now cell towers are not allowed within 450 feet of residential zones. I commend you for doing that. It will stop the proliferation of many of these towers. I want to point out one thing. I am concerned with a related item that Planning & Zoning is considering in conjunction with the Madison County Planning & Zoning Commission. Right now the impact area south of Poleline Road extends about 300 feet. There is discussion that that impact area be shrunk back to Poleline Road. That is directly across the street from a major City subdivision and newly proposed subdivision all in this area. According to the County Planning code, AG1 allows the building of a cell tower without any height restriction. To give up your impact area directly across the street from a fully developed subdivision is not a prudent thing to do. Impact areas are intended to protect the City of Rexburg from intruding uses, and to impose in that area all the ordinances in the City. I am suggesting to you that even though you have a great ordinance to stop cellular towers and a great ability to impose conditional use permits on them, the day you shrink rather than expand this impact area is the day you invite and allow any farmer along that entire route to allow at 200 or 300 foot tower. You really ought to think twice before you allow any changing of that impact area. If anything, the impact area ought to be expanded at least a half-mile to the south. There is no logical reason that the County

Planning Commission should want to control the growth of Rexburg to the South. Those are my feelings about the cell towers, and a little history about how you folks have approached these in the past.

**Opposed:** None

**Written Input:** None

**Rebuttal:**

Tony Hafla said Richard was correct in that the FAA has the rule of the land as far as setting tower heights. You can't just build a tower as tall as you want. You have to apply and they give you a permit if it is over 199 feet. If it is under 199 feet, they will evaluate it compared to approaches to runways. They may restrict you to a lower height, and they may force you to light it, paint it or both. Our proposed tower has been approved by the FAA without lighting at 150 feet. We did have approval through them at 200 feet as well, but this does not fit your current ordinance. The way we were approved without lighting is because we are already surrounded by six other lighted facilities. We actually made the argument that we would like to not light it and add to the light pollution up there. They agreed. You folks might feel differently. As you folks plan Rexburg, everyone carries wireless devices. You need to plan for that. The ordinance is a very good start at that, but it was probably put together very hastily and didn't think about a lot of things that you might want to review now. Richard is obviously not opposed to cell towers since he has one on his property, but he is concerned about issues. The other thing that would come into play is that is if you are going to allow additional subdivisions, commercial, rezoning, etc, it would be prudent to look at how you are impacting what is already existing there. When this subdivision was approved, I don't think anyone made sure the lots were setback 450 feet from the existing towers. It should go both ways.

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

Gary Leikness presented the staff report. He recommended the application be denied, based on the criteria of the ordinance that are not met. He addressed these issues.

**David Stein** asked how the Commission can approve a conditional use permit if the application does not meet the ordinance. Gary Leikness said the ordinance allows the Commission to waive some requirements if they feel they are not appropriate.

**Chairman Dyer** asked Jimmy Barrett if the Commission could approve this when it does not meet the ordinance. Jimmy Barrett said they can deviate from the ordinance as long as it serves a purpose of the ordinance.

The Commissioners discussed the proposal.

**David Stein** said if we are going to allow towers, he would rather see it in this location rather than somewhere else in town. There are already numerous towers in the area, and this one will not make a huge difference.

**Dan Hanna** said he would like to hear testimony from the first responders that this tower is needed. If this is critical to our community, we need to consider it. This location has already been established as an area for cell towers.

**Mary Ann Mounts** said she wants proof that there is not already space there that is not being utilized.

**Chairman Dyer** asked if cell towers are allowed in the LDR1 zone. Gary Leikness said they are allowed as a conditional use.

**Chairman Dyer** said we wrote this ordinance to try to get our arms around the cell towers in Rexburg and the communications professionals were complaining that because of the shape of the hill you can't get around it to serve all the areas of Rexburg. We tried to encourage them to get on buildings at the University, and they came back with technical reasons why that wouldn't be sufficient. The top of the hill was the most likely place, although some did go further out into the county that can get in under the hill. We did at the time designate that we would like to get these towers grouped and get them to share towers whenever possible. We have a real dilemma. Where do we put cell towers if this is not the place?

**Mike Ricks** said for the good of the community, if there are going to be cell towers, this is probably where they should be located. However, a tower this tall ought to have a light on the top.

**Mary Haley** asked if those towers were ever considered in people buying and developing the surrounding properties. **Chairman Dyer** said it wasn't, but it should have been looked at more closely. It is a buyer beware situation.

**Thaine Robinson** said there will probably be 300 homes in this area in the next 15 years. The property might have a right to put this tower up, but he also has a technology that we don't know will be around in 15 years. With technology changing so fast, maybe this should be taken down in that amount of time.

**Mary Ann Mounts** asked how we know if this use cannot be accommodated on existing towers.

**Ted Hill** said with the towers in the area already, this additional tower will not have a huge impact. He does not feel it should have to be lighted, since the towers around it are already lighted. We should not restrict this tower with a time period. If the time comes that this towers is not being used, they will take it down.

**Randall Porter** said he thinks the time will come when people will recognize that we are losing our scenic vistas and open spaces on the horizons and will ask us to stop building cell towers in that area. However, I don't know if this one is the straw that will break the camel's back. As soon as homes start popping up in these subdivisions, people will ask if we really need these towers. Most of these towers are hidden from 2<sup>nd</sup> East, but they won't be hidden from the communities that are planned in this area.

**Mary Ann Mounts** motioned to deny the Conditional Use Permit for a cell tower on South 2<sup>nd</sup> East because the ordinance has not been met, as stated in the staff report. **Dan Hanna** seconded the motion.

**Mary Ann Mounts** said we have to honor the ordinance. We cannot decide at some future date to start following the ordinance because the neighbors start complaining. If we don't like the ordinance, we need to change it. If they don't meet the ordinance, they should be denied.

**Dan Hanna** said we need more information.

**Those in favor:**

David Stein  
Mary Ann Mounts  
Mary Haley  
Dan Hanna  
Randall Porter  
Mike Ricks  
Thaine Robinson

**Those opposed:**

Ted Hill  
Chairman Dyer

**Motion carried.**

**Unfinished/Old Business:**

**New Business:**

1. Final Plat – Hidden Valley Trails, Phase 1

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

**David Stein** was selected to act as chair.

Winston Dyer; The Dyer Group, 310 N 2<sup>nd</sup> E. He presented the final plat for Hidden Valley Trails, Phase 1. He pointed the area out on the map. He said the layout of Hidden Valley Road has been changed because of concerns about a straight shot down the hill. He pointed out some utility services that have been adjusted since preliminary plat approval. We have put storm drain collectors at certain points, and we have put easements on the plat to be able to pipe that water down into the bottom of the canyon, where detention basins will be developed. He addressed the staff review comments.

Gary Leikness presented the staff review comments.

The Commissioners discussed the plat.

**Mary Ann Mounts** motioned to recommend to City Council to approve the final plat for Hidden Valley Trails, Phase 1 with the condition that at least one more public access be added to the dedicated trail in this phase.

**Thaine Robinson** seconded the motion.

None opposed. **Motion carried.**

**Winston Dyer** was restored as chair.

2. Preliminary Plat – Silver Estates

Kurt Roland; Schiess & Associates, 310 N 2<sup>nd</sup> E. He presented the preliminary plat for Silver Estates. He pointed the area out on the map. He addressed the staff review comments. He said staff would like the roads to line up with the grid system. We can move those roads anywhere.

**Thaine Robinson** asked if a master plan could be submitted, so we can see the design for the entire thing. Kurt Roland said it has not all been designed yet.

**Mary Haley** asked if the units would be individually owned. Kurt Roland said they would.

Gary Leikness reviewed the staff review comments. He recommended that the city grid system be adhered to. This plat does not adhere to the grid system, and it does not provide future connectivity.

The Commissioners discussed the plat.

**Mary Haley** said she doesn't know how the plat can be approved, since it doesn't line up with the grid system.

Kurt Roland said he would like the City to reconsider the grid system on this piece of ground, because if we put the road on the south end of the development, we cannot have development on both sides of the road.

The Commissioners discussed the issue.

**Mary Haley** motioned to table the preliminary plat for Silver Estates until the applicant can confer with the city and get the further information we need. **David Stein** seconded the motion.

None opposed. **Motion carried.**

### 3. Preliminary Plat – Professional Plaza Modification Plat

Dan Dummar; 5 Mill Race Road. He presented the preliminary plat for the Professional Plaza Modification. We are simply re-platting the existing Professional Plaza plat to reflect the current ownership. We are vacating a private alleyway along the perimeter. He pointed out the private alleyway that is commonly owned by the individually owners of the subdivision. We are trying to transfer ownership from common ownership to the individual property owners. The issue is that when people want to do something with their property, they can't because it is commonly owned. There is currently one person that has expanded his building, and he needs to transfer everything into individual ownership in order for that to be approved. The owners of the subdivision have met with a city representative present, and have gone over this in detail. There is no change of zoning. He addressed the staff review notes.

Stephen Zollinger said the city has requested that the owners in this subdivision to correct the issue that Dr. Smith has expanded his building onto property he does not own. This plat is their attempt to do this. If this is not corrected, he will have to move his building. The other owners in the subdivision all signed an affidavit that it is okay for his building to be there for the city to approve the building permit, but the mortgage company will not accept that. This plat will not change anything that the city is concerned about.

The Commissioners discussed the plat.

**Chairman Dyer** opened the issue to questions from the public.

Ron Lindsay; a neighboring property owner. We are concerned about the Professional Plaza. He asked if this means that Dr. Smith's building will encroach out onto the alley way. Stephen Zollinger said it already does, but it does not encroach into the setbacks. Ron Lindsay asked if this is a precursor for encroachment into residential areas. We have no objection at this time to the proposal.

**Chairman Dyer** said that the Professional Plaza will still have the required setbacks off of the property lines. We have required setbacks to keep them from getting too close to the residential area.

**Mary Ann Mounts** motioned to recommend to City Council to approve the preliminary plat for the Professional Plaza Modification Plat. **Dan Hanna** seconded the motion.

**Chairman Dyer** abstained.

None opposed. **Motion carried.**

**Compliance:** None

**Tabled requests:**

1. Preliminary Plat – Henry’s Fork Plaza Amended Plat

**Randall Porter** motioned to pick the preliminary plat for the Henry’s Fork Plaza Amended plat up off the table. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Kurt Roland; Schiess & Associates, 310 N 2<sup>nd</sup> E. He presented the preliminary plat for Henry’s Fork Plaza. Since last meeting, we have made the building pads smaller. We have added the two accesses to the East to the Steiner property. We have also started the landscaping on Henry’s Fork Plaza, Division 1 along Yellowstone Highway. It is almost finished. We have talked to the contractor, and they are going to have the asphalt on Yellowstone Highway repaired by the end of the month. We also have street lights on the two entrances. We still need to talk to John Millar about the guard rail. We also staggered the buildings, as requested.

The Commissioners discussed the plat.

**Dan Hanna** motioned to recommend to City Council to approve the preliminary plat for the Henry’s Fork Plaza Amended Plat. **Mary Ann Mounts** seconded the motion.

**Ted Hill** said each building should have a green area in front of them.

**Dan Hanna** amended his motion to include that the buildings should be set back enough to allow a green area in front. **Mary Ann Mounts** seconded.

**Dan Hanna** amended his motion to include that no buildings are allowed in the dedicated easements. **Mary Ann Mounts** seconded.

None opposed. **Motion carried.**

2. Sign Ordinance – Statement of Intent

Issue remained on the table.

**Report on Projects:**

Gary Leikness said we will be getting a variance request from the school district for their property on 1<sup>st</sup> East.

**Building Permit Application Report:** None

**Heads Up:**

1. Rezone – LDR2 to MDR2 – 710 South 5<sup>th</sup> West

**Chairman Dyer** adjourned the meeting at 12:41 am.