

Planning & Zoning Minutes

November 1, 2007

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

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

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – Planning Administrator
Emily Abe – Secretary

6:00 pm – Work Meeting with City Council – Hemming Property Project

Chairman Dyer opened the meeting at 7:14 pm.

Roll Call of Planning and Zoning Commissioners

Mary Haley, Thaine Robinson, Winston Dyer, Mary Ann Mounts, Randall Porter, David Stein

Ted Hill, Charles Andersen, and Dan Hanna were excused. **Mike Ricks** would be arriving later.

Minutes:

A. Planning and Zoning meeting – October 18, 2007

Mary Haley motioned to approve the Planning & Zoning minutes for October 18, 2007. **Thaine Robinson** seconded the motion.

Randall Porter and **David Stein** abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – Preschool – 374 Oaktrail

Nicola Tavares; 374 Oaktrail Drive. I would like to obtain a permit to start a preschool out of the basement in my home. I would like to have a maximum of 12 kids at one time, for 2 ½ hours a day. I would like to operate from 9:00 to 11:30 am so it will not conflict with other children going to school and being dropped off from school. We would only meet four (4) days a week. She pointed out her property. Our back yard is fenced in, so the canal behind our property will not be an issue if the kids are outside. I will be the only employee of the preschool. The traffic will only be parents dropping their kids off. A lot of the kids will hopefully be from the neighborhood, from our friends and family, who would walk and carpool.

Thaine Robinson asked if there is a separate entrance to the basement of her home. Niccola Tavares said there is not a separate entrance. There are fire exits through the window wells. Our basement is being finished by a contractor, so we have a permit through the city for this. I can check with the contractor to make sure it is on file that it is going to be a preschool.

Randall Porter asked if she has a business license for this proposal. Niccola Tavares said I went to get a business license, and they said I would need a conditional use permit before I could get a business license, since I will have more than six (6) kids at the school.

Chairman Dyer asked if all the yards along the canal have fenced in yards. Niccola Tavares said they all do except for the home next to us, but there is a fence between our yard and theirs.

David Stein asked what percentage of the floor area of the home would be used for the preschool. There is a stipulation for home occupations that no more than 25% of the floor area of the residence shall be associated with the business. Niccola Tavares said it is only one (1) room and a bathroom, which I assume is less than 25% of our floor area.

Chairman Dyer asked what the zoning in the area is. Gary Leikness pointed out the area. The subdivision is zoned LDR2, and the surrounding area has a mixture of zones.

David Stein asked about the home occupation requirements in the development code. Gary Leikness said these regulations would apply to this proposal.

Chairman Dyer opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input:

Letter from Anthony K. Perkins, neutral to the proposal, but requesting more information.

Chairman Dyer closed the public input portion.

Gary Leikness presented the staff review notes. The permit should be subject to the home occupation requirements.

Randall Porter asked if there is an additional building permit required. Gary Leikness said there would be a “change of use” permit required, in which the house would be inspected for life safety issues for this use.

Chairman Dyer asked if we have any idea of other home occupations in the area. Niccola Tavares said she does not know of any other home occupations in the area.

Chairman Dyer said he has a concern with the canal in the back with preschool aged children.

Mary Haley said she is concerned that this use will create more garbage.

The Commissioners discussed the proposal.

Mary Ann Mounts motioned to approve the conditional use permit for a preschool at 374 Oaktrail Drive, with the conditions that she contract with the parents that they drop their kids off along the road, and not use the driveway so they don't have to back out, that she meet the life safety requirements for the state or city for this particular use, and that she gets a business license. She is not approved for any additional employees. If she needs to get more employees, she must come back to the Commission for further review. **David Stein** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business:

1. Preliminary Plat – Rock Creek Hollow, Phase 2

Galen Nelson; 504 N 4000 E, Rigby, Idaho; representing the developers of Rock Creek Hollow. We have re-submitted the preliminary plat that we had submitted a year ago. At that time, the setbacks didn't meet the ordinance requirements. We have been waiting for the PUD ordinance, but when it was adopted, it wasn't really appropriate for this project. Mr. Leikness has found an ordinance with requirements that this development meets. We believe that this plat meets the setback requirements. We are asking for approval of this preliminary plat.

Chairman Dyer pointed out some typing errors on the plat.

The Commissioners discussed the plat.

Gary Leikness presented the staff review comments. He explained that the subdivision ordinance has a provision for condominium developments to be treated with only one (1) front yard, side yard, and rear yard. The perimeter is addressed, but interior lot lines are not considered. This project qualifies as a condominium project, and he reviewed it against the applicable standards.

The Commissioners discussed the issues from the last time this preliminary plat was proposed and denied. **David Stein** said the current submitted plat does appear to address the issues that were discussed before.

Mary Haley said there are no spaces for storing recreational vehicles.

Thaine Robinson asked if the snow storage areas were realistic. Gary Leikness recommended a landscape strip along the streets for snow storage, so the sidewalks would not be blocked.

Mike Ricks arrived at 8:21 pm.

Randall Porter asked if the parking requirements have been met. Gary Leikness said the requirements have been met.

Mary Ann Mounts motioned to recommend to City Council to approve the preliminary plat for Rock Creek Hollow, Phase 2 with the conditions that where possible, they move the interior sidewalks away from the road to allow for a landscaped strip for snow storage, to increase the likelihood that the sidewalks will be cleaned, and that they must adhere to the same architectural styles that have been approved for the buildings in phase 1. **Randall Porter** seconded the motion.

Mary Ann Mounts amended her motion to include that the CCRs must prohibit recreational vehicles being stored on the site. **Randall Porter** seconded.

Mike Ricks abstained since he was not present for the entire discussion.
None opposed. **Motion carried.**

2. Disabled Person's Facility in LDR1 – Cynthia McCurdy

Gary Leikness asked that the Commission not make a decision on this issue until we get legal council from our City Attorney.

The Commissioners discussed the issue.

Mary Ann Mounts motioned to table the issue of a disabled person's facility in the LDR1 zone. **Randall Porter** seconded the motion.

None opposed. **Motion carried.**

Compliance: None

Non controversial Items Added to the Agenda:

Gary Leikness said Premier Powder Coating would like to locate an assembly and storage facility in the old John Deere building on 2nd East. The ordinance does not specifically allow anything like that. This would be more of an industrial use there. There is a possibility that since John Deere was there, the Commission could make this a continuation of that grandfathered use to allow this. CBC is not meant for industrial. However, there is a lot of grey area in that zone.

Chairman Dyer said he is uncomfortable extending any type of grandfathered status. John Deere has been out of there for over a year.

David Stein said since they finally got this all cleaned up, we don't want to bring another industrial use into a commercial area.

Tabled requests:

1. Preliminary Plat – Silver Estates

Thaine Robinson motioned to pick the preliminary plat for Silver Estates up off the table. **David Stein** seconded the motion.

None opposed. **Motion carried.**

Jon Gregory; 225 W 245 N, Blackfoot, Idaho. He said this is the preliminary plat they presented a few weeks ago. The issue was that the roads were not lined up on the grid system. We went back and looked at that, and found that it would be really detrimental to our subdivision. We are also concerned with access from the highway being

too close to the access south of us. Our thinking is to leave it the way it is. Since this has been tabled, the Bronze Business Park was brought in and approved with the roadway in the middle.

Thaine Robinson asked what is not on the grid. Gary Leikness showed the plat with a grid overlay – showing where the streets do not line up with the grid.

The Commissioners discussed the issue.

Chairman Dyer suggested reversing the layout of the development to line up with the grid, and adjust some of the cul de sacs to provide for future connectivity.

Jon Gregory said he would bring in a concept sketch of the development incorporating these suggested modifications.

Randall Porter motioned to table the preliminary plat for Silver Estates until this concept sketch is provided. **Mary Haley** seconded the motion.

None opposed. **Motion carried.**

2. Sign Ordinance – Statement of Intent

Issue remained tabled.

Report on Projects: None

Building Permit Application Report: None

Heads Up:

1. Annexation/Rezone – Pine Brook Subdivision & surrounding property (Curtis Ferney)

Chairman Dyer adjourned the meeting at 9:36 pm.