

# Planning & Zoning Minutes

January 10, 2008

12 North Center  
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020  
Fax: 208.359.3022



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

## Commissioners Attending;

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

## City Staff and Others:

Rex Erickson – City Council Liaison  
Gary Leikness – Planning Administrator  
Emily Abe – Secretary  
Elaine McFerrin- Secretary  
Stephen Zollinger – City Attorney  
Shawn Larsen – Mayor  
Keith Davidson - Engineer

**Chairman Dyer** opened the meeting at 7:03 pm.

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

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

**Mary Haley** and **Josh Garner** were excused.

## Minutes:

1. Planning and Zoning meeting – December 6, 2007

## ***Corrections:***

p. 4 – Under Mr. Hanna’s comment on Valley Wide Center – change from “virtually and completely built out” to “completely sold out”.

**Thaine Robinson** motioned to approve the Planning & Zoning minutes for December 6, 2007, as amended. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

## New Business

1. Stephen Zollinger – Conflict of Interest presentation

Jimmy Barrett, representing Stephen Zollinger, gave a presentation on Conflict of Interest. He reviewed the basic law of open meetings through a PowerPoint presentation accompanied by an informative handout. He covered Open Meeting Laws (67-2340 through 67-2347). He said

vacancies do not reduce the number of meeting members needed for a quorum. When a conflict of interest arises, seek advice from the city attorney. If seen as a valid conflict, disclose the conflict on record at a council meeting. He advised it is better to err on the side of caution. The commissioners asked questions pertaining to their meetings and discussed the issue.

### **Public Hearings:**

7:05 pm – Conditional Use Permit – Madison High School – 12<sup>th</sup> West and University Blvd.

**Chairman Dyer** stated there would be a presentation by the applicant and/or city staff so everyone understands the proposal for the Conditional Use Permit. The public will then speak, followed by the staff recommendations. Then the issue will go to the Planning Commission for a decision.

Johnny Watson and Brent McFarland –1152 Bond Ave., representing JRW & Associates:

Johnny Watson said they had already been before the Planning Commission for the Conditional Use Permit for Burton Elementary and were here tonight to talk about the Conditional Use Permit required for the high school. It is currently zoned Transitional Agriculture 1 (TAG1). They need the CUP to build the high school – 40 to 50 acres of the 160 acre parcel. There are staff reviews from the Public Works Engineer and the Planning Administrator with recommendations. They must be in compliance to get the CUP. He said they want to balance the use of the land and how it affects its surroundings. The high school is an animal of a different color. It will have some large impacts. The high school will be a large traffic generator, and there will be extensive infrastructure required for storm, sanitary sewer, and fire suppression impacts. Rexburg, in its Comprehensive Plan, states there is a need of several schools. University Blvd is an arterial and will generate significant traffic. There is the importance of connecting pedestrian areas; the area will be one of primary residential development, and pedestrian issues will need to be addressed. It will not be long before the City gravitates in that direction of growth due to University Blvd. He said they feel the criteria are being met because of what is suggested in the Comprehensive Plan about this kind of location for the high school. Highway 20 also has some good and bad points for travel there.

Brent McFarland said of the design of the high school that they were driven by the functional needs of the user, and they were able to design conducive to the city ordinance.

Johnny Watson spoke of Gary Leikness's review in that unlike Burton Elementary, the auditorium of the high school is recommended to be directed away from the street frontage. The function creates a specific volume. He said he takes a little offense to some of the comments from the design reviews. It does not necessarily fit into the narrow criteria, but they do feel like the design of the high school is very sensitive to the neighborhood. They do feel like it will blend in with future growth in that area. They are professionals who wear different hats, but they also are tax payers, so they have to weigh the ability to construct a school that is not only economic, upfront, with good maintenance, but also is a place for the children of Rexburg to enjoy learning and to excel.

Brent McFarland praised Gary Leikness's review comments. He said the primary function here is the education of students which occurs indoors for the most part, extracurricular activities being mostly in the evening, or sometimes mornings. They have tried to be conscientious of that and will place the football field in particular away from any future potential residential development areas.

There is no hazardous waste to deal with; the solid waste will comply with the city ordinance in that it is remotely located out of right-of-way view and will be fully screened. Pedestrian traffic within the campus itself is addressed through sidewalk to be developed and through right-of-way improvements for these sidewalks.

Johnny Watson said they have had a number of meetings with Public Works Director John Millar on how to best serve the site, to fit in with the city infrastructure. On the north, at the intersection of 12<sup>th</sup> and 7<sup>th</sup>, they have extended the water line to the elementary school, and they will extend through the property so that future developers can connect in. Sanitary sewer has been brought down also, so that developers can tie in in the future. Currently, on 12<sup>th</sup> West, there is sanitary sewer, but no water. The City requested they dedicate some of the land to a well in the future – they are working with John Millar on this water service. Sanitary will be extended up the future University Blvd. The storm drainage will be retained on site. Sprinkler irrigation and landscaping will be done with canal water, not the city system. John Millar and Keith Davidson were very helpful in coordinating the utilities for them.

JRW & Associates representatives said that the traffic impact study requested of them by the City, were done by Keller Associates for the school district. JRW & Associates spoke with John Millar to find out where the potential impacts would occur in his opinion so these concerns could be addressed by Keller Associates in their study. The conclusion is that the impact to West Main from Highway 20 is minimal. Concerning the impact to University Blvd. and the off-ramps overlooking it, given the 5 year projection of the study, the recommendation from Keller Associates is that the school district would be responsible for approximately 30% of the signalization that will be needed of the off-ramps at University Blvd. and at Highway 20, in order to keep this area at a level of service that is compliant with the impact. At 12 W. and W. Main, their recommendation was that no improvements were required to the current new stoplight and turn lanes. At the University Blvd. and Yellowstone Highway intersection, their recommendation is that currently that area is challenged, but there are no improvements required given the addition of the high school to the area. At 12<sup>th</sup> W. and 7<sup>th</sup> S., the left turn lanes are recommended to meet future growth – no improvements are needed at this time. At the 12<sup>th</sup> W. and University Blvd. intersection, the recommendation is for dedicated or protected left turn lanes to allow for traffic flow, or possibly use of a roundabout. Regarding the widening of 12<sup>th</sup> West – in the recommendation, an interior loop would be created to have a free right hand turn, but no other widening is needed. JRW & Associates feel they can mitigate the impact of the traffic by the high school by careful work of meshing the City's implementations and Keller Associates' recommendations. Regarding having thoughtful design decisions, the effective buffer of shielding surrounding properties from noise impacts, building size, and resulting traffic, JRW & Associates feels their setbacks are far enough back on the property. Although it is difficult to anticipate the amount of residential growth in the future, they feel they easily meet the requirement for buffering student activities from this future growth. Regarding the slope of the sight, a soil engineer, Forsgrens, has made recommendations, and JRW & Associates will incorporate them in their design. They have reviewed staff comments and noted the possibility of a future public hearing for the site plan. They want to create a design based on data and facts rather than just an open public forum, so they would sit down with staff and engineers to create a facility that meets all ordinance requirements and any special needs or restrictions. They see this whole process as very advantageous, and they praised staff for all their efforts.

**Charles Anderson** arrived at 8:12 pm.

**Chairman Dyer** asked about whether the play fields closest to potential future residential areas would be lighted. The JRW representatives said the baseball diamond is not lighted. The softball fields on the community fields area are lighted. They said that a bus loop is proposed to exit back out to 12<sup>th</sup> West. **Chairman Dyer** made the point that in his looking at the traffic study and the 5 year growth of the area without the school, there are a number of impacts that are occurring at these areas; then the school itself adds to those. According to the study engineer's recommendations, the City would likely be responsible for those impacts that would be occurring anyway, and the School District would then participate to the degree that the high school adds to the situation.

**Randall Porter** asked if a road traverses from all directions that go through the site. The representatives said there was not at this time, but eventually there would be. **Randall Porter** said some thought should be given to how the roads will tie in with the future grid system.

**Mike Ricks** asked the capacity of the gymnasium in relation to the parking. The representatives said the capacity was 2400 and that the parking ordinance fits the gym at full capacity. He asked where all the snow will be pushed to, and the representatives said some would need to be moved and hauled away. There will be a low-backed curve so they can push it along.

**Dan Hanna** said that with University Blvd going west, where does it terminate? The representatives said it would be terminated at the seminary building property, and it would be extended when the surrounding property develops. **Dan Hanna** said he is concerned with the road dead-ending at this time and feels there might need to be more access to the west. The representatives said there would be an interior loop.

**Mike Ricks** wondered of the possibility of another elementary school on the north part of this parcel. The representatives said that was possible; the District Superintendent, in the audience, agreed.

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

**In favor:** None

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Rebuttal:** N/A

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

**Chairman Dyer** called on Keith Davidson for any comments that would help the Commission decide on the issuance of this Conditional Use Permit. Mr. Davidson said everything should be covered under John Millar's staff review. He noted that the development agreement for the entire site will be prepared by the City as a condition of approval for the site plan.

**Mary Ann Mounts** said why waste time tonight when this public hearing is just for a Conditional Use Permit. This is not a public hearing for the site plan, which could be at a later time when all details are worked out.

**Chairman Dyer** said people want to know what the impacts are going to be before they can state if they are for or against a proposal, and yet this is a land use decision and not a detailed site plan review. He asked Gary Leikness for his staff analysis.

Gary Leikness said Johnny Watson and Brent McFarland addressed each of the criteria required that he had asked them to cover, providing plenty of information. He said that the Planning Commission had his staff report. It is up to the Planning Commission to recommend to the City Council if each of the Conditional Use Permit's criteria for the high school are met, based on the information they have tonight. He does recommend the architectural standards. He encouraged them to look at the connectivity of roads and to make any recommendations they may have. He stands behind the conditions of approval that he recommended and encouraged the Planning Commission to recommend adoption.

**Charles Andersen** asked if it was more powerful to tie things that have to be done back to the Conditional Use Permit or back to the site plan that they will have to approve.

Gary Leikness answered that if they make the conditions now, then JRW & Associates would have to address those conditions before they present the site plan.

**Mike Ricks** wondered how serious the City would be in enforcing the rules and regulations on the existing businesses in the area of 12<sup>th</sup> West and University. He said the speed limit should be lower.

**Chairman Dyer** asked if any of the Commissioners needed to declare a conflict of interest.

**Mary Ann Mounts** said that although she works for the School District, she did not see this fact as a conflict of interest. The Planning Commissioners agreed.

**Chairman Dyer** excused himself as having a direct conflict of interest in that he is employed by the architect to help with infrastructure and traffic circulation needs on this project.

**David Stein** was appointed to act as chairman. The Commission members deliberated the issue. They felt they had been presented with good information.

**Mary Ann Mounts** motioned to recommend to City Council to grant the school district a Conditional Use Permit, and that due to the scope of this proposal and future growth ramifications associated with this type of facility, an additional public hearing specifically addressing the site plan, landscape plan, and lighting plan is required prior to the issuance of a building permit; this hearing will result in a recommendation by the Planning Commission to the City Council. A development agreement for the entire site will be prepared by the City as a condition of the approval of the future site plan; this agreement will address street construction, traffic control features, water line extensions, sewer line extensions, and an agreed-upon plan for any cost sharing of the offsite facilities.

**Dan Hanna** seconded the motion.

Gary Leikness suggested they might want to add in their motion what criteria they are going to use to review the future site plan. He suggested they use the criteria for granting a Conditional Use Permit for the general background criteria, as well as the relevant criteria of Ordinance 926 for reviewing the site plan.

**Mary Ann Mounts** amended her motion to include Gary Leikness's suggested addition. **Dan Hanna** seconded.

None opposed. **Motion carried.**

**Unfinished/Old Business:** None

**Compliance:** None

**Non controversial Items Added to the Agenda:**

Dennis Warr, 539 Maple Drive – He is requesting an extension to one of the conditions placed on the Conditional Use Permit he received last year. He would like more time to purchase the additional 98 square feet he needs to proceed with the Conditional Use Permit. He requested six additional months. He explained his personal situation, and the request was discussed by the Planning Commission. The original motion from the January 2006 Planning & Zoning meeting was reviewed.

**Ted Hill** said he felt that extending the time would not be fair to the surrounding property owners who were concerned about having more duplexes in the area and had requested to change the zoning because of this concern.

The request was discussed.

**Chairman Dyer** said it is the consensus of the commission that Mr. Warr needs to move forward with his application for a building permit and not be given an extension on his Conditional Use Permit by the commission, but Mr. Warr would automatically have 6 more months upon obtaining the building permit anyway.

Gary Leikness said the City Council has asked the Planning Commission to expedite ribbon curbing as a requirement for RR2 zoning. The subject was briefly discussed.

**Dan Hanna** motioned to recommend to the City Council that ribbon curbing be a requirement in RR2 zoning. **Mike Ricks** seconded the motion

None opposed. **Motion carried.**

Tabled requests:

1. Preliminary Plat – Silver Estates

Issue remained tabled.

2. Sign Ordinance – Statement of Intent

**Chairman Dyer** asked the commissioners to review the current sign ordinance in their folders. The Planning Commission will work on clarifying a statement of intent for the sign ordinance at the next Planning & Zoning meeting, January 24<sup>th</sup>.

**Report on Projects:** None

**Building Permit Application Report:** None

**Heads Up:**

1. Work Meeting – Hemming Property Project – January 24<sup>th</sup> - 6:00 pm – City Council Chambers
2. Joint P & Z Meeting – January 31<sup>st</sup> – 7:00 pm – City Council Chambers.

**Chairman Dyer** adjourned the meeting at 10:08 pm.