

Planning & Zoning Minutes

October 16, 2008

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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Mike Ricks
Randall Porter Richie Webb
Ted Hill Mary Ann Mounts

City Staff and Others:

Gary Leikness – P&Z Administrator
Stephen Zollinger – City Attorney
Natalie Powell – Compliance Officer
Elaine McFerrin - Secretary

Chairman Dyer opened the meeting at 7:02 pm.

Roll Call of Planning and Zoning Commissioners:

Richie Webb, Mike Ricks, Randall Porter, Winston Dyer, Thaine Robinson, Mary Ann Mounts, Ted Hill

Charles Andersen and **Dan Hanna** were excused.

Minutes:

1. Planning and Zoning meeting – October 2, 2008

Corrections:

Page 7 - Chairman Dyer's comment under **Non controversial Items** – change “*non-forming* (not enough parking as per ordinance) housing apartments” to “*non-conforming* (not enough parking as per ordinance) housing apartments”.

Thaine Robinson motioned to approve the Planning & Zoning minutes for October 2, 2008, as amended. **Randall Porter** seconded the motion.

Ted Hill, Mary Ann Mounts, Mike Ricks, and Richie Webb abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – Loel Nyal Walker – 271 N. 3rd W. - Duplex

Chairman Dyer briefly explained the public hearing procedure that is followed in the course of the meeting.

Chris Walker, 420 S. 2nd W. He presented the proposal for his father, Nyal Walker, the owner of the property, who was not able to attend tonight's meeting. An aerial photo of the property was projected on the overhead screen. The applicant is requesting to change 271 N. 3rd W. from a single family dwelling to a duplex. The necessary changes have been completed in the remodeling of the property, with the exception of electrical, which is being taken care of this week.

Chairman Dyer asked if life safety issues, such as size of basement windows to allow exit in case of fire, etc., have been addressed in the remodeling of the building. He said he appreciated the photos that were included in the application, which help to illustrate what has been done.

Chris Walker said life safety issues have been addressed.

Chairman Dyer said it was a little unusual for all changes to have been done to the property and have it be occupied before the applicant comes before the Planning & Zoning Commission to request the conditional use permit. He asked Mr. Walker to address this point.

Chris Walker stated that family – his brother and his cousin - had previously lived in the basement apartment. The property is owned by his father and his uncle.

Chairman Dyer clarified that the remodel was done and then occupied by family members who lived in the basement apartment as opposed to renting it out.

Mr. Walker said that was correct and added that the upstairs was rented.

There is a side entrance and sidewalk that give direct access to the basement apartment from the exterior of the property. There is a landing with a stairway going down to the basement entrance door.

Randall Porter asked how many parking spaces are required for this proposal.

Chris Walker stated there are four (4) spaces for parking – two spaces in the 2-car garage and 2 spaces in the driveway outside of the garage.

Gary Leikness stated that, for the record, it should be clarified that this Conditional Use Permit is for the use of the property as a duplex including the 4 parking spaces (2-car garage and 2 spaces in driveway) and would not include the approval of the circular driveway in front of the house, which is actually located in the City right-of-way. Their sidewalks are in place. The property is zoned Low Density Residential 2 (LDR2), which requires a conditional use permit for a duplex.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing.

The Commissioners discussed the proposal.

Mary Ann Mounts stated this proposal appears to have met all the requirements. She is aware of the neighborhood and the house.

Ted Hill agreed that the proposal is straightforward.

Mary Ann Mounts motioned to approve the Conditional Use Permit for a duplex at 271 North 3rd West, to include that the circular driveway is **not** included in the 4 parking spaces that are part of this conditional use permit. **Ted Hill** seconded the motion.

The Commission discussed the motion.

None opposed. **Motion Carried.**

Unfinished/Old Business:

Student parking concerns discussed at previous P&Z meeting on October 2, 2008:

Chairman Dyer asked Stephen Zollinger if there had been any progress by City staff in looking at how other communities are handling student parking concerns.

Stephen Zollinger stated he has looked at signs in the Bozeman area. He talked to university administrators about how they are handling their residential parking, and he asked if they had any increased ratios for houses in close proximity to campus. They will be forwarding him information. The City Council has said to move forward as quickly as possible to address residential parking around BYU-Idaho.. The suggestion is to look only at the LDR (Low Density Residential) zones around campus within 1,000-feet; they would possibly be eligible for residential parking permits per parcel, to be used anywhere within a residential parking zone.

Chairman Dyer asked, in regard to the HDR (High Density Residential) areas around BYU-I, if there was any further information on how other communities handle “walking only” contracts.

Stephen Zollinger stated that he and Gary Leikness agree that some sort of concession needs to be made to create an incentive to convince students not to bring their cars if they are living very close to campus. He and Mr. Leikness will put information together to bring before the Commission by the last P&Z meeting in November.

New Business: None

Compliance:

Natalie Powell, City Ordinance Officer, reported on the taking down of realtor signs that were not adjacent to the properties that were for sale. She contacted as many realtors as possible, to let them

know that the signs needed to come down in accordance with the City's Sign Ordinance. The realtors were given several days to take the signs down. It then took several hours for the City to gather up the signs in the bed of a pick-up. They had to stop because the bed of the truck became full. They went again and gathered up the remaining signs on the corners, in the clear site triangle, where a sign would cause obstruction of vision. The realtors were contacted to pick up the signs. They were given copies of the Sign Ordinance and directed to the website for further information. They were cooperative. The problem is taken care of for now.

Mike Ricks brought up a clear site triangle problem, on 5th West and 7th South, regarding the parking of a large plumbing truck being parked overnight on 7th South. Cars heading east from the middle school cannot be seen.

Stephen Zollinger asked that Mr. Ricks complete a Compliance Request form and give it to Public Works Director John Millar to address this situation.

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up: None

Chairman Dyer adjourned the meeting at 7:26 pm.