



**Dan Hanna** motioned to pick the Troy Kartchner Rezone up off the table. **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** explained the public hearing process to those in attendance. The applicant or a representative will present the proposal. The Commission will then ask clarifying questions about the proposal and may also ask staff clarifying questions. The public will then have the opportunity to speak. When public input is closed, the Commission will carefully consider the proposal and reach a decision.

Dan Larsen, 601 West 1700 South, Logan, UT, representing Troy Kartchner, presented the proposal. The rezone request is to change from Low Density Residential Two (LDR2) to Low Density Residential Three (LDR3), for property located at approximately 5<sup>th</sup> South and 12<sup>th</sup> West, just north of the new Burton Elementary School. The property measures just over ten acres. They would like to build twin homes, which the rezone would allow. Twin homes are planned to the south of this proposal. The current uses around the property are the PUD to the south, vacant property and a subdivision to the east, the Kim Weimer property to the north, and to the west is the Summerfield PUD. The area was pointed out on the projected map.

**Chairman Dyer** asked if there is a row of twin homes along the street, what is the rest of the property going to be?

Dan Larsen stated it would be twin homes, subdivided.

**Chairman Dyer** asked if they are willing to accept buffering the residential property (Weimer) to the north, when the time came.

Dan Larsen said they would do so.

**Chairman Dyer** asked if Val Christensen had any comments to help the Commissioners understand the proposal.

Val Christensen said that the staff review states the proposal would add about 16 units. The main difference in the zones is lot size— LDR3 lot size is 6,000 square feet; LDR2 lot size is 8,000 square feet.

**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 and asked Val Christensen for his staff evaluation.

Val Christensen said all aspects of the requested zone change are similar except the size of the lots. The Commission needs to decide the impact, if any, of 16 extra units.

The Commissioners discussed the proposal.

**Chairman Dyer** said there is a single family residence just to the north. His concern with buffering that property would be addressed at the time of development. Tonight the issue is that of land use, a change in zone which essentially allows a 3% or 4% increase to what the developers already have planned.

**Thaine Robinson** said he did not have a problem with the smaller lots of an LDR3 zone.

**Dan Hanna** motioned to recommend approval to City Council for the rezone at approximately 5<sup>th</sup> South and 12<sup>th</sup> West, from Low Density Residential Two (LDR2) to Low Density Residential Three (LDR3). **Mary Ann Mounts** seconded the motion

None opposed. **Motion carried.**

#### **7:05 pm – Conditional Use Permit – L.D.S. Church Summerfield**

Johnny Watson, JRW & Associates, 1152 Bond Ave., representing the L.D.S. Church, presented the proposal. The church would be located in the new Summerfield subdivision. The parcel is just west of the Kartchner Rezone that was just previously discussed. He pointed out the area on the site plan projected on the overhead screen. The zoning is Low Density Residential Two (LDR2). A church in any residential area requires a conditional use permit. The plan for this church is similar to the Harvest Heights Church. The building will be about 16,000 square feet with about 200 parking spaces. It will be a 3-ward building. The time frame of when this project will go forward is unknown at this time. There is a need for such a facility in this area currently for the Willowbrook ward and the Summerfield development in the future. The church fits within the residential nature of the Comprehensive Plan – for ease of use and vehicle access, and will be designed and constructed to be harmonious with the neighborhood. There will be screening of parking areas and the building location on the property. The building is set back from the subdivision and is not located right on 7<sup>th</sup> South. The distance for exiting from the church parking lot is as far from a planned roundabout as possible. There is plenty of area for additional screening, as the site is just over four acres. The use of landscaping as a buffer from the main road will be excellent. Mr. Watson stated he does not see the church as something that will create noise. Sewer requirements are less than an average size family home, as use of the building is mostly on Sundays and some evenings. It will be fire sprinkled. There will be lawn and landscaping. Utilities adequacy for the building and subdivision will be worked out with the City's Public Works Department.

**Chairman Dyer** said this is a large church lot and asked if there has been any discussion of a recreation area such as a field or picnic shelter.

Johnny Watson said there has not. The size and scale of the property just lined up with the way homes are planned for the area.

The location is about 300 feet from the roundabout.

Johnny Watson stated that the intent was to keep the building back as much as possible.

**Chairman Dyer** said there are single family homes on the plat to the south and the east. He asked if a slatted chain link fence will be used as a buffer.

Johnny Watson said some kind of buffer fence is planned.

**Chairman Dyer** asked if Val Christensen had any information to help the Commission understand this proposal.

Val Christensen said the City's Comprehensive Plan identifies residential neighborhoods as acceptable areas for churches.

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

**In Favor:**

Dan Larsen, 601 West 1700 South, Logan, Utah. He wanted to clarify that there is a 14 inch waterline proposed on the west side of the property.

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Chairman Dyer** closed the public input portion and asked for Val Christensen's staff evaluation.

Val Christensen stated there were a couple issues in his staff report that needed to be addressed. First, regarding his staff report's proposed condition of approval #1: the portion of the development that is going to final plat stage does not contain this piece of property that the church is proposed on, according to GIS (Geographical Information System) findings. There is a Master Plan. The latest submitted plat should be expanded to include this property.

**Thaine Robinson** asked for clarification.

Val Christensen clarified there has been a preliminary plat done, but it does not include this parcel.

**Chairman Dyer** clarified it is not a platted lot. If there is going to be something built here, in this case the church, then it needs to be made a part of the subdivision as a recorded lot.

Val Christensen stated that developer Troy Kartchner said the lot will be final platted with the second phase of construction, but it is not in the first, and GIS is requesting that it be part of the latest submitted plat.

The second issue is that City Council had requested that the streets in this development not have grid name streets. The developer needs to use worded street names throughout the subdivision development. He thanked the developers for their patience in regard to this street name issue.

The Commissioners discussed the proposal.

**Chairman Dyer** clarified that these two issues (fencing and street names) could be addressed in the conditions of approval, for them to be part of a plat. Then, when that plat comes before the Commission, these two issues will be addressed further.

**Mary Ann Mounts** motioned to approve a conditional use permit for an L.D.S. Church in the Summerfield development, that shall adhere to Development Code 926, Section 6.13, regarding standards applicable for a conditional use permit, and to include the eight (8) proposed conditions of approval in the staff report, and two (2) additional conditions: #9 – as part of a submitted plat, there shall be fencing (some kind other than chain link with slats) as a buffer from residential homes, and #10 – as part of a submitted plat, street names throughout the development shall follow a theme - for a total of ten (10) conditions of approval. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

#### *Conditions of Approval*

1. The latest submitted plat shall be expanded to include this property.
2. All necessary infrastructures will be extended at the applicant's expense and must be approved by the City Engineer.
3. Trash receptacles shall be fully screened from the public right-of-way and should not be visible from adjacent residential property.
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.
5. Commercial lighting standards per the City's development code shall be adhered to.
6. 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.
7. The proposed building and site shall adhere to the City's design standards or as negotiated with the established Design Review Committee (DRC).
8. A landscape plan shall be submitted as part of site plan review. Parking lot buffers shall be included
9. As part of a submitted plat, there shall be fencing (some kind other than chain link with slats) to be a buffer from the residential properties.
10. As part of a submitted plat, street names throughout the development shall follow a theme.

Johnny Watson apologized to the Commission; he had thought that the plat was completed. He thanked them.

## 7:25 pm - Conditional Use Permit – Teton Communications Cell Tower

Tony Hafla, 2699 West Meadowlark Lane, Idaho Falls, president of Teton Communications, presented the proposal. The property for the proposed new cell tower is east of the City's water tower and is just less than 3 acres in size. The cell tower application in September 2007 was denied because ordinance requirements were not met at that time.

Teton Communications serves the wireless community in Eastern Idaho, specializing in two-way radio wireless service. They want to add on to the current capacity for service to all their customers by adding a new tower to increase wireless capacity and a building addition to their current facility. They feel that the need for additional wireless service is great. This hilltop location already houses towers and is ideal. This expansion is a direct result of the needs of the citizens in the area. The current Teton Communications tower facility is full. There is no more space on the tower or the building. Teton Communications has had demands and requests for additional services. Letters from businesses stating support and a need of the proposed tower were included with the application that the Commissioners have reviewed.

Mr. Hafla stated that Teton Communications caters hard to its customers, particularly to the local clients. They were one of the first towers to be built at this location. It was a farmstead. The City has grown since that time. Referencing the City's Cell Tower Ordinance #915, Teton Communications feels they are demonstrating a need for increased services, and they are demonstrating a project that is sound in providing service. They have a significant parcel of land that protects them and buffers them from surrounding land owners, and it protects them should a tower fall. The facility is well buffered from 2<sup>nd</sup> East.

Mr. Hafla addressed the Community Development Staff Report and the issue of lighting. The Federal Aviation Administration does not require the tower to be lighted. With homes and development so near the tower location, they would prefer not to light it at all. He is working on addressing ingress and egress to the parcel with City Engineer John Millar. The easement to the back is City property. There is an existing security fence. Teton Communications would like to take the back of that fence down, add the tower, and re-fence that area. They currently do not have landscaping and would prefer to have some direction of what they would need to do regarding any landscaping. They have effective weed control within the compound.

The FCC regulates the radiation emissions.

The new tower is intended to accommodate all types of wireless users. Teton Communications has had requests for high power radio stations. Mr. Hafla stated this type of tower is perfect to provide the needed services to the community.

There is little noise and vibration; the tower will be quite quiet. The location of the tower would have little or no traffic.

Referring to the Community Development Staff Review's proposed conditions of approval and the issue of screening the parcel from residential properties, Tony Hafla expressed that fencing the entire 2-acre parcel might be overkill, particularly due to expense and the amount of snow the area receives that would make it difficult to maintain the fencing.

**Thaine Robinson** asked for clarification on the height of the new tower, as some of the letters of support that were provided with the application state a tower height of 160 feet.

Tony Hafla said the tower is 150 feet high, the same height as the water tower.

**Thaine Robinson** asked if Teton Communications saw some sort of time limit for this tower being usable. With technology changing, he asked how Teton Communications would feel if the Commission decided on a sunset clause to be included in the conditions of approval stating the applicant would need to apply again in 15 years - would that be feasible?

Tony Hafla said this timeline would not be a problem. More towers may be needed at that time.

**Thaine Robinson** asked how far the nearest private residence was from the proposed tower.

Tony Hafla stated the nearest home is about 200 feet from the proposed tower. This tower could not fall on a residence.

The color of the tower is red and white. They could make it blend in better by painting it light gray.

**Chairman Dyer** asked Mr. Hafla to point out the existing tower and the location of the new tower on the map projected on the screen.

Mr. Hafla did so. He stated that the height of the existing tower is 65 feet.

The cell tower will be able to provide a new public radio system for 5 counties.

Public safety services, including the Rexburg Police Department, will benefit from the location of the tower.

**Chairman Dyer** asked the applicant to describe what the new tower is going to look like in comparison to the one already there.

Tony Hafla said that the top of tower will be fairly busy, with a crow's nest at the top. but some antennas will be fairly low.

**Chairman Dyer** said a concern is if the tower would be visibly obtrusive. He asked the size of the biggest surface area toward the top of the tower.

Tony Hafla said the largest antennas would be cell phone antennas; there would not be any large dishes. There will be some big C's, or broadcast antennas, off the side of the tower. He said it is better to use lots of small rather than big antennas. They are also less of an eyesore. The areas is surrounded by lights, so they do not see reason for any more.

**Mary Ann Mounts** said in the past lighting was concern.

Tony Hafla said in 2007, it was strongly felt by Richard Smith that there should be adequate lighting for helicopters. He reiterated they feel they are surrounded by lights. Their opinion is it would be superfluous, but they will do whatever is needed.

Val Christensen stated that staff determined they could overlook the actual setback conditions, but as the towers are an existing condition, staff felt this area had been already set aside for the use of towers. Rather than having towers located in other areas, staff would like to see towers continued in this location rather than throughout the City. The applicant did look at collocation, which was a concern of the Commission at the time of the 2007 application.

Because this proposal did not involve collocation with an existing cell tower, a conditional use permit was determined to be needed.

Tony Hafla said the City's Tower Ordinance was fairly new and was written by a consultant. He felt this document was written to address an area that did not have towers, not wanting continuous towers right next to each other. If one looks at the history of where Rexburg has been and where it is going, the City has the tools to regulate locations. The specified location is a de facto location for cell towers; it is not a bad place to have them, because they are obscure. In addition, they can prevent additional towers from being developed, as an example, across the street.

Chairman Dyer said the Commission's efforts and input for this ordinance should not be minimized. Lots of time and effort was put into the cell tower ordinance, to assure that it would be an asset for the community.

**Thaine Robinson** asked why the smaller existing 65-foot tower could not be taken down, with its the existing information being put on the proposed one.

Tony Hafla said taking the tower down would involve total redesign. The towers are designed to hold a certain amount. Economically, it would be a significantly more expensive proposition, and the tower would need to be larger in detail, with larger legs and more steel.

**Chairman Dyer** asked what the applicant could do about visual obtrusion, so that the proposed tower is not a Washington Monument up on the hill.

Tony Hafla said the planned tower is a lattice tower and that one tends to look through a lattice tower and not see it. A monopole tower cannot be seen through. If the City is looking at minimizing towers in Rexburg, look to lattice towers. They will accommodate all kinds of wireless servers.

**Chairman Dyer** said the lattice tower takes a lot of eye sight. The lattice tower located near Barney Dairy Road is quite solid. He asked if there is there something that could be done with the arrangement and layout of this proposed tower 's antennas that might help it visually.

Tony Hafla said they are willing to come before the Commission with different options.

Landscaping has grown since the first application in 2007.

**Chairman Dyer** asked Val Christensen if there was any other information to help the Commission understand this proposal.

Val Christensen stated that he examined the minutes and the conditions of approval from the 2007 cell tower proposal that was denied and tried to identify that the applicant had addressed the concerns. A main key point that staff identified is that the tower location was already created.

Chairman Dyer complimented Tony Hafla on how well his application was put together in addressing points of concern.

**Chairman Dyer** opened public input.

**In Favor:**

David Davis, 32 North 2162 West, with Rexburg-Madison County Emergency Services. They are in favor of this proposal by Teton Communications.. It is the primary site used for the City. The tower would provide a new radio system. By locating the antenna at this cell tower's high elevation, Rexburg and surrounding areas would be covered. It is a vital location for Rexburg, as it would provide the best communication within City limits for Emergency Services, the Rexburg Police Department, and the Madison County Sheriff's office. It would ensure better communications and safety of emergency services personnel.

Ted Austin, 1152 Bond Ave., owner and general manager of radio station Q102. He is in support of this Teton Communications proposal. He has been in the broadcasting business for almost 40 years. This particular tower would enable him to bring another commercial FM radio station to the Rexburg area. At this time, there is no site that his antenna could be located on. FM radio stations antenna require height. This tower would provide an improved translator signal to Rexburg residents and the surrounding area; it would provide what is needed for such a station. There is a competitive environment in the broadcasting industry. The station would be 100,000 watts, the maximum allowed for FM stations. The existing towers are monopoles. His station antenna requires vertical space. The antenna they want to use would take 40 to 50 vertical feet. The base of the antenna has to be at least 50 feet above the ground. A tall tower on a high point of ground is the most important thing for an FM broadcaster. Mr. Austin said anything less than 200 feet is not required to be lighted or painted. It is a choice of the community where the tower is located. Towers typically fall down in sections. He reiterated that a tall tower is needed for this FM radio station; there are none currently in Rexburg.

**Neutral:** None

**Opposed:**

Larry Hallam, 1129 S. 2<sup>nd</sup> E. - His home is the closest to the proposed cell tower. All the comments that have been made tonight are asking the Commission to not abide by the code that is set and to overlook what the code actually says. The Commission has been asked to look at this as an addition, but it is a new tower. He stated the distance, which he personally measured, is 141- feet from his lot line to the tower base (already started). Since the distance is under 200 feet, that is an ordinance violation. The height is also a violation. Yes, there are towers that exist now, and they do not comply with the regulations. It was mentioned those were there before. Is it right to add another tower? It is in violation of the code and should not go there. The upkeep may be able to be better, but the upkeep now is not the way it should be. In regard to aesthetics of the existing tower, Mr. Hallam prefers the monopole. One does not see through the 3-legged lattice tower- one sees the whole thing.

**Written Input:** None

**Rebuttal:**

Tony Hafla said their facility was there before the homeowners moved in. The homeowners moved in knowing the facility was there, so they knowingly accepted the tall water tank and their tower and the area. There had been a ramshackle house on the tower property, so there has been some improvement. He stated that Teton Communications is willing to improve the site. The Ordinance

does allow for use with conditions. A need has been shown. A new tower will benefit existing and new businesses.

**Chairman Dyer** closed the public input portion. He asked Val Christensen for his staff evaluation.

Mr. Christensen reviewed the proposed conditions of approval.

**Mary Ann Mounts** asked Val Christensen if this proposal meets the ordinance. Val Christensen said it does meet the ordinance as a grandfathered situation.

**Chairman Dyer** asked Val Christensen to expound on this issue, in regard to considering what is there now being a presently existing non-conforming use.

Mr. Christensen said staff felt the previous towers placed there were done so with the mindset of being a cell tower location rather than spreading towers out throughout the City.

The Commissioners discussed the proposal.

**Mary Ann Mounts** said she made the motion to deny a cell tower application by Teton Communications 2 years ago, as it did not meet the requirements of the ordinance. Now, she agrees with what Mr. Christensen has said about this being a grandfathered situation, that it was the intent to put the towers grouped together in one location. The homeowners came after the towers decision was made. They were aware. There is a need for more wireless services now. She is in favor of this proposal.

**Ted Hill** stated he is comfortable with what had been presented and supports the proposal.

**Dan Hanna** wondered about other possible locations for cell towers.

**Ted Hill** said there is no other location that could provide the height needed.

**Thaine Robinson** said that the Ordinance states that a cell tower cannot be higher than the water tower. This tower would be the same height as the water tower.

Landscaping was discussed. Proposed Condition # 8 speaks of maintaining the site. Proposed Conditions #9 and #10 speak of enhancing the landscaping.

The Commissioners discussed possible additional conditions regarding the color of the tower, and a sunset clause.

**Dan Hanna** and **Ted Hill** expressed that they are not in favor of making the applicant do the entire landscaping but just having the applicant control weeds at the site.

Discussion continued.

**Mary Ann Mounts** motioned to recommend approval to City Council for a conditional use permit for a Teton Communications cell tower at South 2<sup>nd</sup> East and east of the water tower, to include staff's proposed conditions numbers one through eight (1 through 8) and to eliminate/strike proposed conditions numbers nine and ten( 9 and 10), and to add three additional conditions: **#9** –

that the color of the tower shall be changed to gray, and **#10** -that the access road shall be graveled, and **#11**- that in fifteen (15) years this cell tower shall be revisited and if it is no longer used or needed, it will be taken down. **Ted Hill** seconded the motion.

There was more discussion.

None opposed. **Motion carried.**

### *Proposed Conditions of Approval*

1. There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in it self is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.
2. 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.
3. Commercial lighting standards per the City's development code shall be adhered to.
4. 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.
5. Evidence must be submitted to the Planning Department that clearly shows that site has full access to the nearest public right-of-way, in that site ingress and egress is through lots which may or may not allow access by way of access easements
6. Proposed fencing and anti-climbing material to be used shall be submitted to the Planning Department for review and approval prior to the issuance of a conditional use permit
7. A landscape plan that adequately addresses screening shall be submitted for review and approval by the Planning Department prior to the issuance of a conditional use permit
8. As part of the submitted landscape plan, information shall be included that adequately addresses the need for regular site maintenance to ensure that noxious weeds are not present and at the same time no dust leaves the property in such a manner that it becomes a nuisance
- ~~9. *Stricken* The proposed tower, due to its height of 150 feet, will not be screened from adjacent properties, existing and platted. A shadow will likely be cast on the recently approved lots to the east in the Founder Square planned unit development. As space is leased on the new tower, a larger shadow will be cast on adjacent residential property. Therefore, the entire parcel of 2.76 acres shall be screened and/or appropriately landscaped so as to complement the surrounding residential properties. The submitted landscape plan shall addresses screening of the tower base and also for the entire subject parcel.~~

~~10. *Stricken* - Due to the projects potential visual impacts on adjacent property, the submitted landscape plan, if determined by the planning and zoning administrator, may need to be reviewed by the Planning Commission rather than a staff review.~~

9. The color of the new cell tower shall be changed to gray.
10. The access road shall be graveled.
11. In fifteen (15) years (August 2024) this cell tower shall be revisited , and if it is no longer used or needed, it will be taken down.

7:45 pm – Conditional Use Permit – Greenbrier PEZ – Withdrawn by applicant

**Unfinished/Old Business:** None

**New Business:**

1. Preliminary Plat – Tamana Fields, Division 1

Kurt Roland, Schiess & Associates, 859 South Yellowstone, Suite 2503, representing the Fujimotos. They have scaled this preliminary plat down to 45 acres. He pointed out the site areas on the projected map. The Development Agreement with the City is currently being worked on. In regard to the GIS staff comment stating that the south boundary description of the property does not close, they show that it does close but will re-examine it with GIS staff. They put in turn lanes on Yellowstone to meet City requirements; they have met with John Millar.

Possible businesses they have designed for include box stores, strip malls, restaurants, banks, office, gas station, or convenience store.

**Chairman Dyer** asked Kurt Roland to point out the bigger box lots on the projected map- there are two parcels on the south side of University Blvd. The buildings shown on the map are provided just for visual illustration.

Kurt Roland said there would be one building on each of the two parcels, with two accesses. The easements will be shown on the final plat.

**Chairman Dyer** said to be aware of possible design standard issues– they are showing parking at front of property; they could turn the building, put parking on the east, or could landscape and screen the parking area well. Development Code 926 is going through revisions that will soon be adopted, and it will have greater emphasis on this issue. Some of these lots might be a little small to accommodate requirements.

Val Christensen said all they are looking at right now are lot lines. He said the east side of the property could be buffered with buildings.

**Chairman Dyer** stated he wanted to make sure there is room for the buildings and parking, so the problems encountered at the Henry's Fork Plaza development can be avoided.

The Commission needs to make sure this proposal is a proper plan for moving forward – to be the best that it can be, for the developers and for the community. Planning is all about seeing the end from the beginning.

Kurt Roland said this preliminary plat addresses both the south side and the north side of University Blvd.

The access from Yellowstone is sufficiently wide enough per their meeting with John Millar.

**Chairman Dyer** asked Mr. Roland to note on the plat that accesses to the roadways are as designated, so that no one else can put in driveways.

Ted Hill asked the width of the easement access pointed out on the north side of University Blvd.

Kurt Roland thought the width was 26 feet.

Mr. Hill thought that was what the width was at Henry's Fork Plaza.

**Chairman Dyer** wondered if it could be made wider, as that would be very tight.

The issue of circulation and parking, along with thru traffic, was discussed.

Kurt Roland said this access was wider than that of Henry's Fork Plaza.

**Chairman Dyer** said the Commission needs to thoroughly explore this proposal, as this plat will be a large, major development.

Val Christensen said the applicants were asked to put buildings in their drawings just so the Commission could visualize the potential problems of width. The required parking aisle width stated in the Development Code 926 is a 22-foot aisle width. He stated that the new proposed aisle width would be 24 feet, with an additional two feet on each parking stall (from 18-feet to 20-feet). New standards would measure 64-feet (20 plus 20 plus 24 would be the new minimum).

**Chairman Dyer** asked Kurt Roland if these new standards could be met.

Kurt Roland stated he does not know if they can or not. He will look at this issue.

A GIS photo map of Henry's Fork Plaza was brought up on the overhead screen to look at the aisle area; Val Christensen stated part of the development has been re-platted since the photo was taken.

Val Christensen stated that the issue of aisle width could be part of the development review. He thought the Chairman wanted to make sure there is sufficient room for the buildings.

**Chairman Dyer** agreed. They have to look at the way the lots are laid out.

**Thaine Robinson** thought that the way Henry's Fork Plaza is laid out, it is costing some of the businesses business, as well as it being a safety issue for people who go there. If you are going to sell a property this big, you want the businesses to survive.

Chairman Dyer said preliminary plats are for seeing how everything is laid out, and for any concerns to be addressed.

Brent McFadden, 5335 North 6000 West, Madison County Planning & Zoning Administrator. He stated that entrances on a major arterial road slow traffic down. He thought the Commission may need to look closely at this access situation. The Yellowstone Hwy is a major thoroughfare for Thornton, Archer, Lyman and Ririe. There would be an increased risk of accidents. Please consider this in what is decided.

The accesses on University were approved.

The Fujimoto family, in the audience, said the three accesses on Yellowstone Hwy had been approved by City Council.

Kurt Roland said the accesses are 400 feet apart.

Val Christensen stated that the City engineer reviewed the accesses on Yellowstone Hwy and found them to be satisfactory. They are as originally agreed upon. In regard to his staff comments, Mr. Christensen said staff felt this was large project – prior to the final plat, survey work will need to be complete. He said the size of aisles can be done for properties as they come through for building permit review. The biggest consideration is up on the north - does the Commission feel there is enough room? The road has already been put in and is what it is. The time to look at dimensions was before the road was put in. The Commission may need to address the width of lots to see if they are adequate.

**Chairman Dyer** asked Val Christensen if he feels the aisles are wide enough.

Val Christensen thought the width to be sufficient.

**Ted Hill** said the width of the lot can be adjusted – if the developer wants to sell a wider lot, that can be done. However, the depth of a lot is critical – it is determined by where the road is placed now.

**Chairman Dyer** said that he, too, is concerned about the depth of the lot, to make sure there is room for a building, parking out front, and clearance in the aisle.

**Mary Ann Mounts** asked Mr. Christensen to clarify his statement about the road - it is what it is. Val Christensen clarified that the distance from the road to the property line is what it is – it is not going to change at this point. They are dealing with the depth of the lot. There are two considerations: they could go with how the lots are shown, to split the lots with the aisle in between, or they could go with long skinny lots with access at the rear. Depth would have to have been dealt with at the time the road was proposed. A number of subdivisions have been developed with very narrow lots.

**Ted Hill** said a developer determines in a proposal how deep the lots are going to be. As long as there is an easement between lots, it would be okay. Lots on one side of the road could be a little deeper – developers could decide. He also wondered if snow storage areas had been addressed.

Val Christensen said that the applicant has shown how the buildings could fit by including them in the drawings. The width of the aisles will meet or exceed the standards, both old and new.

**Chairman Dyer** asked if City Engineering has looked at this proposed preliminary plat in terms of areas for snow storage, storm water detention and run-off, and utility layout.

Val Christensen said not at this point, not until development plans are brought to them. He met with City Engineer John Millar, who expressed that this proposal was too big of a chunk to show everything at this level.

Kurt Roland said the site plan shows water and sewer and underground detention. The site plan was projected on the overhead screen.

**Mary Ann Mounts** stated she is all right with this proposal as a preliminary plat.

**Ted Hill** thought this is a great proposal.

**Mary Ann Mounts** motioned to recommend approval to City Council of the preliminary plat for Tamana Fields Division 1, at South Yellowstone Hwy and University Blvd. to be aware of concerns discussed tonight to make sure aisle widths and other concerns meet the City's Ordinance requirements, and that if an agreement has not already been made with the City concerning the three accesses on South Yellowstone Hwy, that the accesses be examined by City Engineering.

**Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

## 2. Final Plat – Pioneer Village First Amended Plat

Kurt Roland, Schiess & Associates, 859 South Yellowstone, Suite 2503, representing the Thiros, presented the proposal for the final plat for Pioneer Village First Amended Plat. Concerns brought up at the preliminary plat stage have been addressed. The size of the new building was reduced from 2500 to 2000 square feet to open up the area, and this building was moved to the west, with access to the north neighboring property now provided, as was requested by the City.

**Chairman Dyer** said that ownership of the Common Area would be a separate statement and can be defined on the plat. There are a total of seven lots that have been re-platted; they are now a strip mall owned by one owner, who wants to sell each lot individually. Mr. Roland does not know at this time if sub-addresses will be used.

The Commissioners discussed the proposal. What the City requested has been done.

**Dan Hanna** motioned to recommend approval to City Council for the final plat for Pioneer Village First Amended Plat, at Pioneer Road and Handcart Lane, to include that all staff review comments be addressed and approved by the City, that the Common Area will be defined on the plat, and that there shall be a lot owners' association formed to maintain the Common Area, as part of and before recordation of the final plat. **Thaine Robinson** seconded the motion.

None opposed. **Motion carried**

3. Inter-Local Agreement and Final Impact Zone Agreement – Brent McFadden of Madison County

Brent McFadden, P&Z Administrator for Madison County -

He stated that the Inter -Local Agreement has been signed, but the Final Impact Zone Agreement still needs to be signed. He is here tonight to request that the Commission move the Ordinance to City Council for signing. The old way of doing expansion of the impact area involved several public hearings. This new ordinance lessens the number of hearings – by forming a committee from the County, and Rexburg or other city that is involved - of 3 members from each entity involved. The County is involved in all impact hearings.

There was discussion.

The agreement gives specifications about when the impact area can be expanded. The trigger is annexation. Once the City has built out 70 per cent of their impact area, there could be a request for expansion of the impact area.

**Dan Hanna** motioned to send the Final Impact Zone Agreement to City Council for review and signing, **Mary Ann Mounts** seconded the motion.

Val Christensen said the City Attorney is requesting an additional condition to those under Section 1.3D of the Final Impact Zone Agreement Ordinance, which would allow consideration of expansion of the impact area – “for consideration of utilities.”

Brent McFadden stated he will update the document, with language the City specifies, to reflect this request, for presentation at the next City Council meeting.

**Dan Hanna** amended his motion to reflect that the Final Impact Zone Agreement Ordinance to be presented to City Council will include the City Attorney’s request to have “for consideration of utilities” added as a consideration for expansion. **Mary Ann Mounts** seconded the amended motion.

None opposed. **Motion carried.**

**Compliance:**

Compliance Officer Natalie Powell stated that the issue of gardens in the right-of-way has been addressed.

**Chairman Dyer** stated that in a meeting he attended, it was brought up that there are a number of lots that are in need of weeding. Natalie Powell can make contact with the owners to address the problem.

Natalie Powell said that City Ordinance states property owners are required to “maintain” their property. As a last resort, it can be hired out to bring an area to City standards.

**Dan Hanna** stated that regarding the Founders Square development and the Sky Meadows development, it is his understanding that for tax considerations, they will be going back to agricultural. They still need to do something with the grass to maintain the property. He added that some City right- of- ways are not being maintained.

Natalie Powell said that one section of Pioneer Road will be taken care of by their Homeowners Association.

**Mary Ann Mounts** commented on a property on 1<sup>st</sup> North that is dry and high with weeds.

**Non controversial Items Added to the Agenda:** None

**Report on Projects:** None

**Tabled Requests:** addressed earlier in meeting

**Building Permit Application Report:** None

**Heads Up:**

Two public hearings are scheduled for the next meeting of September 3<sup>rd</sup>, a rezone and a conditional use permit.

Val Christensen gave a brief staff project report. Kartchner developers met with the City today and are getting ready to submit plans for a single student housing complex next to the armory. It will be for 600 students – they hope to get building permits to the City within a month or two. They are in the PEZ area 2 zone and are preliminarily showing 80% parking for students. The City has its first big single student complex coming in.

**Chairman Dyer** said he is aware of another student complex that is being planned to be located across from the nursing home.

**Ted Hill** and **Chairman Dyer** briefly reported on the Design Review meeting this week with Jared Sommer, held on August 19<sup>th</sup>. This was a pre-building meeting. The property is near Les Schwab.

The meeting was adjourned at 10:50 pm.