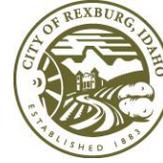


Planning & Zoning Minutes

March 4, 2010



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Gil Shirley
Scott Ferguson Ted Hill
Dan Hanna

City Staff and Others:

Stephen Zollinger- City Attorney
Val Christensen – Community Development
Director
Jake Rasmussen – Community Development
Intern
Natalie Powell – Compliance Officer
Elaine McFerrin – P&Z Coordinator
Scott Johnson – Community Development
Economic Facilitator

Chairman Dyer opened the meeting at 7:04 pm. He welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Scott Ferguson, Gil Shirley, Winston Dyer, Thaine Robinson, Dan Hanna, Ted Hill

Richie Webb, Nephi Allen, Jedd Walker, Josh Garner, and Mary Ann Mounts were excused.

Chairman Dyer announced that **Thaine Robinson** has been reappointed to the P&Z Commission. He congratulated him on this reappointment and thanked him for all of his good service.

Stephen Zollinger addressed the Commission on two matters.

Recently the City Council has spent some time looking at reorganization of a “Ready Team” for the City of Rexburg to assist when a developer or interested business comes in to the City to apply; a key individual would walk them through the system, easing the process by moving through several steps simultaneously, instead of individuals having to go to various departments. The City Council has authorized the consolidation of a number of positions at the City into the creation of one position – the Community Development Economic Facilitator. This position would be the point person of the “Ready Team” with respect to developments, grants, and businesses coming into the City and would help to facilitate the growth of Rexburg. Mr. Zollinger introduced Scott Johnson, the new Community Development Economic Facilitator.

Scott Johnson stated that he is very happy to be here tonight and to be given this opportunity to work for the City. He is originally from Colorado and has lived here for 16 years. He has been in the private sector for a number of years and started a business here, of which he is still part owner. He also helped relocate a business to Rexburg. Both of these businesses employ about 45 people; both are successful, high-tech, and well-paying. Mr. Johnson understands the private side very well. He understands the resources that are here in Rexburg. He loves Rexburg and wants to help this community to grow. Mr. Johnson stressed that as the City moves forward with their “Ready Team”, they want to make things better. There is a plan and a purpose for Rexburg, Idaho; the team wants to make sure to do things carefully and correctly, keeping Rexburg’s great spirit.

Chairman Dyer congratulated Scott Johnson on his appointment to this position; the P&Z Commission looks forward to working with him. He asked if Mr. Johnson will be coming to Commission meetings on a regular basis.

Stephen Zollinger stated that as projects are brought forward, it will be Scott Johnson's responsibility to shepherd them through the process, which may oftentimes include attending P&Z meetings – as a support from the City, the carry-through person. As Planning & Zoning Commissioners, they should refer interested individuals, developments, businesses, relocating businesses, etc. to Scott Johnson.

The second point Stephen Zollinger wished to address relative to the “Ready Team” is that the City Council has directed staff to create a faster track to move the application process along more quickly, aiming to make the process more customer friendly, in that staff is here to help them and not thwart them. The Commission is going to see that faster track tonight with the 2 rezones that are on tonight’s agenda; these applicants are on the City Council agenda of March 17th to address their Comprehensive Plan Map Amendment application requests, which were recommended for approval to City Council by the Planning & Zoning Commission at their February 4th meeting. Hearing the rezone requests tonight will speed the process up from the average 6 weeks (P&Z public hearing, recommendation of approval, to City Council for hearing). If these two zone change requests are recommended for approval, those recommendations of approval would be contingent upon their Comprehensive Plan Map Amendment application requests being approved by City Council. Through the “Ready Team”, the City hopes to move applicants through the full process more quickly and efficiently.

There was discussion as to the reason for the Comprehensive Plan hearing date of March 17th for City Council.

Dan Hanna commented that, as he is part of the faster track for the Ray Peterson rezone (with Comprehensive Plan Map Amendment application being heard on March 17), he understood that the City Council could not hear the Comprehensive Plan Map Amendment applications unless it was at least 6 months from the last time such applications were heard.

Minutes:

1. Planning and Zoning meeting - February 18, 2010

Dan Hanna motioned to approve the Planning & Zoning minutes of February 18, 2010. **Scott Ferguson** seconded the motion.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm - Rezone – Ray Peterson - 814 North Yellowstone – Community Business Center (CBC)

to Medium Density Residential 1 (MDR1)

Chairman Dyer explained the procedure that is followed for public hearings. He also stated that the two hearings tonight precede the City Council's decisions for the applicants' Comprehensive Plan Map amendment applications. It was clarified that if the P&Z Commission recommends approval for each of tonight's rezone requests, that approval would be contingent upon approval by City Council of the applicants' Comprehensive Plan Map Amendment applications, which request changes of the subject properties' land use designations (to be heard in City Council on March 17th).

Kyle Baldwin, 957 Hwy 32, Ashton, representing applicant Ray Peterson, presented the rezone proposal. He pointed out on map on the overhead screen the location of the property for which the P&Z Commission recommended approval of land use change. The frontage of the parcel on North Yellowstone remains in the Community Business Center (CBC) zone. Just a portion of the property, about 3.3 acres, is requesting Medium Density Residential 1 (MDR1); that portion was pointed out on the map.

Chairman Dyer asked Val Christensen if this project would be impacted by the road development issue to be discussed later on tonight's agenda.

Val Christensen said it would impact that project. This parcel is one of the reasons why road development in this area is being focused upon. The applicant had come forward with a suggestion for a road in the area..

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.

Dan Hanna recused himself due to direct conflict of interest, as he submitted this rezone application on behalf of Ray Peterson.

Chairman Dyer closed the public input portion and asked for the staff evaluation.

Val Christensen went over his staff report. This rezone request is not yet in conformance with the City's Comprehensive Plan, but it will be if the City Council approves Mr. Peterson's Comprehensive Plan application request.

The applicant was warned upfront of the possibility that the City Council could disapprove the Comprehensive Plan land use change application request, in which case fees would be not be returned. As part of the "Ready Team", Mr. Christensen is fully aware of trying to make the process work well for developers. The Mayor expressed his support in moving forward as the "Ready Team" would like, unless the Commission sees a problem in doing so. The possible public road would not be on a grid line, but it matches up with a County road to the east. The road route would be through the subject property, rather than through the former preferred route on the nursery property to its north. The nursery is already developed, so road development would be easier through the subject undeveloped

property. The staff recommendation is to recommend approval to be contingent upon City Council approval of Ray Peterson's Comprehensive Plan application request.

There was discussion.

Frontage size was clarified as being at about 237 feet.

Thaine Robinson thought plenty of room is being left for possible Community Business Center development at the frontage of this property. He felt he could support this proposal.

Chairman Dyer said the proposal does retain the highest and best use for commercial at the front of the property.

Ted Hill felt he could support this proposal, as did **Gil Shirley**.

Thaine Robinson motioned to recommend approval to City Council for the rezone for Ray Peterson at 814 North Yellowstone Hwy, from Community Business Center (CBC) to Medium Density Residential 1 (MDR1). This recommendation of approval is contingent upon City Council approval at their upcoming March 17, 2010 meeting of the Comprehensive Plan Map land use change designation request for Medium Density Residential for the subject property. **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

Dan Hanna resumed his place on the Commission.

7:20 pm - Rezone- Temple View LLC – 431 West 4th South – Community Business Center (CBC) to High Density Residential 1(HDR1)

Chairman Dyer welcomed Jared Sommer's father to tonight's meeting.

Jared Sommer, 3887 North 3000 West, owner and applicant, stated he was just recently before the Commission for a Comprehensive Plan Map Amendment land use change request, which the Commission recommended for approval. Tonight, he is requesting a rezone of that same property. He pointed out this property on the overhead map; it borders on 4th South. He stated that the Commission recently had a rezone proposal before them to the east of his property, for HDR2. Mr. Sommer stated he is in the midst of construction on the south portion of his property. They want to put an additional unit on the parcel's front portion. There will be married housing here. He stated West 4th South has become a residential corridor into town. The design will ensure safety and protection for entering and exiting the property. He has the long-term support of property owner Nick Allison, a neighbor to the proposed development, who was not present tonight. There would be immediate action to complete the development so that it would be finished up and have a nice look up to the road. Mr. Sommer expressed that the development would be a dramatic improvement for the area and would convey a better opinion upon entering Rexburg than that area has had in his entire lifetime.

Dan Hanna asked about ingress/ egress on 4th South.

Jared Sommer said the egress would be as far to the east as is possible - a forced right turn onto 4th West. He pointed out the ingress location. He has met with the fire department. There is adequate room for a fire truck entrance rather than having a breaker bar as was previously discussed.

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

Val Christensen stated that it is important to look at the zoning aspect of the property at this point, not at what the development may eventually include.

Dan Hanna stated that he has learned from being a Commissioner that looking transportation/traffic needs to precede the zone. change. There has to be connectivity and traffic flow in order to justify the use, in relation to the zoning. Does the zone change have an adverse impact on traffic flow? If it does, then he feels that would need to be examined.

Chairman Dyer said that if there is a zone change to HDR1, a certain amount of density, traffic, etc., could be created and needs to be looked at. Exact details would come later.

He complimented Jared Sommer on the very clear rezone application that was submitted and stated it was very helpful.

Chairman Dyer opened the public input portion of the hearing.

Jared Sommer added, in regard to access, that to not allow access to a property renders the parcel as basically unusable. Access to the property is a major consideration. Fortunately, the parcel further to the east allows expansion. There will be a very significant 36-foot wide bridge – it will be a straight shot to campus. They have put every effort into ensuring that they provide good access.

Chairman Dyer clarified for the record that Jared Sommer's last comment was further input from the applicant rather than testimony.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion. He asked for the staff evaluation.

Val Christensen said that this rezone request, like the first rezone request heard tonight, is being presented prior to the City Council's decision on the applicant's Comprehensive Plan map amendment request.

The area where the property is located is surrounded by high density. The subject property contains .84 acres.

Chairman Dyer asked Val Christensen the number of units allowed for the .84 acres if zoned High Density Residential 1 (HDR1).

Val Christensen stated that 30 units per acre are allowed in HDR1.

Chairman Dyer pointed out they have already approved zoning and subsequent development contiguous to this property that would affect transportation more than this request. It would probably generate less traffic than a commercial development would, depending on the development, in regard to ingress/egress. He is making this emphasis to help them to evaluate the transportation impact of a zoning decision.

Gil Shirley asked if the piece to the south of this rezone request and that is currently under construction, is part of this future development. It is part of this development.

Dan Hanna reiterated Mr. Sommer's earlier statement: this rezone proposal and its subsequent development cleans up this area of the City. It could increase neighboring property values and improve the overall appearance and impression as the City of Rexburg is entered.

Thaine Robinson said the corner is problematic; if there is adequate egress out to the east side, he feels it should be fine.

Chairman Dyer stated this rezone request allows consistent and contiguous development to what already has been approved in the area.

Dan Hanna motioned to recommend approval to City Council for the rezone at 431 West 4th South for Temple View LLC, from Community Business Center (CBC) to High Density Residential 1 (HDR1). This recommendation of approval is contingent on City Council approval at their upcoming March 17, 2010 meeting of the Comprehensive Plan Map land use change designation request for High Density Residential for the subject property. **Thaine Robinson** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business:

1. Discussion of future road development for the area north of East 7th North and west of North 10th East

Val Christensen distributed copies of a land photo map. He is not ready to ask the Commission to do anything on this issue yet. It is felt that City staff would need to get with the property owners in the area before discussion really can proceed. He did want to bring to the Commission's attention that this map is part of road layouts that City staff are trying to address all around town. They feel it is best to resolve some of the road issues now, so that when a developer comes in they can say road issues have been addressed by the City.

The Commissioners discussed the issue and gave their input. The possibility of holding a public meeting or a work meeting during a Planning & Zoning meeting was mentioned.

Chairman Dyer said his understanding from listening to Mr. Christensen, was that City staff would be ready for a motion of support or recommendation from the P&Z Commission once they have had the opportunity to talk with the property owners involved, to get some general consensus and input from them on what will be planned.

Stephen Zollinger stated a future road development plan could be presented as the City's *recommended* road routes plan, instead of calling it a formal road layout or master plan. They do not want to restrict the developers' rights to put the roads otherwise. They do not want to affect the developers' rights to develop their properties freely.

The consensus was to get property owners' acknowledgement of possibilities before proceeding any further. Staff could talk to property owners individually, showing them the possible plan and getting their input.

Having proposed roads (grid) would facilitate future development.

Chairman Dyer asked Val Christensen what he needed at this time from the Commission.

Val Christensen stated a consensus from the Commission that the City is moving in the right direction would be great. He said the next area to be looked at for future road development would be 12th West.

The P&Z Commission gave a collective positive nod of support to Val Christensen and other City staff to continue with the City's efforts toward future road development plans.

New Business: None

Compliance:

Chairman Dyer asked about the City's efforts to beautify entrances/exits to the City.

Stephen Zollinger commented that there have been at least 2 proposals the City has received that address part of this issue. The issue of a beautification ordinance he cannot see as doable. There is an existing nuisance ordinance. Some issues could be addressed during the course of a development. They cannot dictate how a person takes care of his private property unless it is a nuisance. The City does not have control over railroad properties and how they are maintained.

The beautification of the corridors and looking at the problems encountered on undeveloped properties were issues that need attention

Natalie Powell stated she would like more participation from the Mayor's Youth Advisory Committee, for a possible Eagle Scouts project, student volunteers, etc. to help do work to benefit the City and would also benefit the volunteers in fulfilling their goals for volunteer work. Entrances onto and exits off the highway do need some help. There is a need for more volunteers. They would work hand in hand with the Beautification Committee., who have set some priorities. University Blvd. and Pioneer Road need attention. Because a fence runs along Pioneer road, there is a great amount of weeds between the curb and the fence that are not being maintained. Homeowners associations could be approached to take of the area. There was no Homeowner association when Pioneer Road was built.

There are people that want to volunteer and help. Ms. Powell would like suggestions on how to advertise about a volunteer clean-up effort.

Dan Hanna said the community could be invited to participate on specific days. They envisioned getting a committee organized to address these issue, to prioritize the projects and develop their resources.

Natalie Powell also discussed with the Mayor the possibility of giving out some kind of award for best design as well as for the most improved yard. Everyone likes to be positively recognized.

Scott Ferguson said youth conferences that the community's children participate in also could be a resource for volunteers. Sometimes 300 kids could be involved. He is aware of such an interest in his neighborhood.

Dan Hanna will be helping by speaking to some property owners. He had wondered about toughening up the nuisance ordinance but appears that cannot be done. A clean-up problem around the Comfort Inn property was mentioned.

Natalie Powell asked if the Commissioners had any direction for this issue.

Chairman Dyer said the Commissioners are fully supportive – what can they do to help?

Natalie Powell asked the Commissioners to email her if they see areas in the City that need some attention so that she could visit with the property owners and encourage them to take some positive steps to clean up their properties.

Priority issues were: entrances into the City, beautification grants to investigate. The South entrance off of Hwy 20 into Rexburg could possibly be addressed first. Councilman Bruce Sutherland is the Council liaison for the Beautification Committee.

Thaine Robinson asked if Natalie Powell has had feedback on the temporary Sign Ordinance update that the City Council adopted. Is it enforceable?

Ms. Powell felt it was enforceable.

The Commissioners briefly discussed this issue.

Chairman Dyer felt that the paint shop on 2nd West was in need of some compliance attention.

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

March 18 – Conditional Use Permit - 357 and 371 West 4th South

The meeting adjourned at 9:00 pm.