

# Planning & Zoning Minutes

April 15, 2010

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

## Commissioners Attending:

Winston Dyer – Chairman  
Ted Hill                      Thaine Robinson  
Jedd Walker                Nephi Allen  
Richie Webb                Dan Hanna  
Mary Ann Mounts        Gil Shirley  
Scott Ferguson

## City Staff and Others:

Rex Erickson – City Council Liaison  
Val Christensen – Community Development Director  
Natalie Powell – Compliance Officer  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:02 pm.

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

Gil Shirley, Nephi Allen, Winston Dyer, Thaine Robinson, Ted Hill, Mary Ann Mounts

**Josh Garner** was excused.

## Minutes:

1. Planning and Zoning meeting - April 1, 2010

**Mary Ann Mounts** motioned to approve the Planning & Zoning minutes of April 1, 2010. **Ted Hill** seconded the motion.

**Thaine Robinson, Gil Shirley,** and **Nephi Allen** abstained for not having been present.

None opposed. **Motion carried.**

**Dan Hanna** and **Scott Ferguson** arrived at 7:04 pm.

**Jedd Walker** arrived at 7:05 pm.

## Public Hearings:

**Chairman Dyer** explained the procedure that is followed for public hearings.

7:05 pm – Conditional Use Permit – L.D.S. Church #2 Summerfield – approximately in the 400 block on the west side of South 12<sup>th</sup> West

Ancle Davis, of NBW Architects, 990 John Adams Pkwy., Idaho Falls, presented the conditional use permit request. This church will be the 10<sup>th</sup> stake center, very similar to the BYU-Idaho 9<sup>th</sup> stake center. The plan is for 37% permeable landscape with the rest as hardscape. The Development Code states a percentage of at least 30% landscaping, so they are exceeding the minimum required. There will be more parking for this stake center than there is for the 9<sup>th</sup> stake center. There will be a double chapel. This church is a BYU-Idaho stake center.

The church site plan, along with the entire plat (which was on the April 1<sup>st</sup> P&Z agenda and which will be on the April 21<sup>st</sup> City Council agenda), was projected on the overhead screen. The proposed church location is just south of the Weimer property.

**Chairman Dyer** asked if City staff had reviewed and approved the proposed accesses onto 12<sup>th</sup> West. Is the street being widened? Are curb and gutter being provided?

Ancle Davis thought the accesses had been reviewed and approved. Nothing has been discussed regarding widening of the street or curb and gutter. They are providing turning lanes off of the church parking lot.

**Chairman Dyer** said that on previous developments like this one, they have had to widen the street commensurate with the City master plan.

Val Christensen stated there will be a development agreement put together by the City Engineer that will address these points and other concerns prior to the issuance of a building permit. This issue is addressed in one of the proposed conditions of approval (#5) in the Community Development Department staff report.

An audience member (John Steiner) asked for clarification of where the church site is planned – if it abuts the Weimer property and fronts on South 12<sup>th</sup> West and not 7<sup>th</sup> South.

Ancle Davis pointed out the location on the map – the site is just south of the Weimer property and stays along South 12<sup>th</sup> West. There will be a fence built to buffer the Weimer property from the church. The stake center will be for eight wards.

The audience member (John Steiner) asked why a church for BYU-Idaho students is being put way out in this location.

**Scott Ferguson** answered that all the University students that live further out, along with those that live close to the University, use the chapels in town. There are major parking issues. The chapels are now being planned to be located closer to the housing units that they serve.

**Chairman Dyer** asked if staff had any information that would help to clarify the proposal for the Commission.

Val Christensen clarified the location of this church site. What is planned is standard, similar to the stake center on Trejo

**Chairman Dyer** wondered if coming before the Design Review Committee should be addressed in the conditions, because there were some design issues with the church on Trejo.

Val Christensen said a project of this size would most likely come before the Design Review Committee at the plan review stage.

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

**In Favor:** None

**Neutral:**

John Steiner, 417 South 12<sup>th</sup> West. He is not against the proposal, but he is concerned with the traffic increase, in relation to the new high school and this project, that there will be on South 12<sup>th</sup> West. He realizes that it may eventually be widened, but there are basically only two accesses to 12<sup>th</sup> West— either Main or University. There are going to be eight wards, a high school, and a subdivision. What is the plan? Everything cannot be funneled onto one two-lane road.

**Opposed:** None

**Written Input:** None

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

Val Christensen said the City Engineering Department has requested transportation studies regarding 12<sup>th</sup> West. As far as this particular project, the City Engineer did not identify any problems. The parcel is 7.35 acres. He briefly went over the five proposed conditions of approval in his staff report.

**Chairman Dyer** asked Councilman Rex Erickson about the widening of 12<sup>th</sup> West.

Rex Erickson stated the widening of this road will be done by the time the high school opens in October of this year.

**Chairman Dyer** clarified that this widening project would be done during this summer, with the widening of 12<sup>th</sup> West from Main Street to University Blvd.

Mr. Erickson said that was correct. The Church is a good project; they will put in sidewalk, and curb and gutter along their 12<sup>th</sup> West site. These things will eventually need to be done in the future on that entire road.

**Richie Webb** arrived at 7:16 pm.

Val Christensen clarified that everywhere that the church parking lot abuts the residential zones, there would need to be a privacy fence as a buffer.

**Chairman Dyer** said a church facility requires a conditional use permit to be in a residential neighborhood. The question before the Commission is, as shall a conditional use permit be issued for this proposed church site development? If so, what conditions need to be part of the permit to make it work for the neighborhood?

**Ted Hill** addressed Mr. Steiner's concern. As was discussed at the last P&Z meeting on April 1<sup>st</sup>, when this plat was presented, in regard to 12th West, traffic generated from the schools would be during the week. The majority of church traffic would mainly be on Sundays.

**Scott Ferguson** said this stake center is probably not the last one. The Commission needs to look to the future. In the next five years, the University student population will grow by about 5,000 more students. The marred student population seems to be growing the quickest.

**Thaine Robinson** is concerned with the design standards. When it comes time for the design review of the building elevation, the committee needs to be very careful.

**Richie Webb** asked if the height of the privacy fence follows specific criteria when it is used as a buffer from residential zones.

Val Christensen said the fence specifically needs to be a 6-foot high fence, or a 7-foot wide, specific landscape buffer of trees and bushes.

**Mary Ann Mounts** asked if the Church still follows a policy of no gates in their fences.

An LDS Church representative in the audience (Terry Bradshaw) said the Church does not put gates in a fence. There is a liability issue. The standard design is a chain link fence with slats. This stake center will serve eight wards. It is more of a twin to the church on 7<sup>th</sup> South.

Val Christensen said that the type of fence could be addressed at the time of design review.

John Steiner asked about outdoor lighting. He lives across the street from the subject property.

**Chairman Dyer** said there are City lighting standards that are followed; this issue is addressed in the proposed conditions of approval (#2). The light has to be downcast-style and cannot migrate past the property line.

**Dan Hanna** motioned to approve a conditional use permit for the Summerfield L.D.S. Church#2 at approximately in the 400 block on the west side of South 12<sup>th</sup> West, that shall include the five (5) proposed conditions of approval stated in the Community Development staff report, including a 6<sup>th</sup> condition: that the Design Review Committee shall meet to review the elevations plan - for a total of six(6) conditions. **Mary Ann Mounts** seconded the motion.

**Mary Ann Mounts** felt the type of fence could be addressed at the time of the Design Review

John Steiner asked about excess water. What is the plan for it? There is a lot of asphalt.

**Chairman Dyer** said they have a plan to detain their storm water onsite.

**Richie Webb** abstained for having not heard the public input.

None opposed. **Motion carried.**

***Conditional Use Permit #10 00071  
L.D.S. Church #2 Summerfield***

***Conditions of Approval***

- 1. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, drainage, etc. shall be submitted and approved by the City prior to the issuance of a building permit.*
- 2. Lighting shall meet the requirements of the Development Code.*
- 3. A privacy fence shall buffer parking lots from residential property.*
- 4. Storm drainage and other engineering considerations to be reviewed and approved by the City Engineer.*

5. *A development agreement concerning the donation of right-of-way and other requirements to be completed by the City Engineer and agreed upon by the applicant prior to issuance of a Building Permit.*
6. *The Design Review Committee shall meet to review the elevations plans.*

**Unfinished/Old Business:** None

**New Business:**

1. Draft Vendor Regulations Ordinance No. 1029 – Discussion

The Commissioners received the draft document at the April 1<sup>st</sup> meeting; it was also emailed to them – for review. They discussed the document thoroughly.

Natalie Powell said that the last time they met, there were concerns about addressing litter and also about the possibility of a traffic study. She has spoken to City Engineer John Millar; he stated that a traffic study usually costs at least \$100,000. They may want to use other verbiage.

“Assessment of traffic impact” was the language suggested by **Chairman Dyer**.

Natalie Powell went through the document with the Commissioners, highlighting the salient points of each of the major sections.

Page 4 - Definitions - numbers 13 through 16 - the kinds of vendors (Mobile Vending Cart, Mobile Vending Trailer, Mobile Vending Vehicle, Mobil Structure). All will need to get a business registration, submit a site plan for review, have inspections, etc.

**Richie Webb** asked if there is a time limit to the term “seasonal”.

Natalie Powell said the time allowed will be addressed when the applicant gets a business registration. The conditions will be different based on length of time (e.g. two days versus three weeks) the business is allowed. The goal is for the businesses to be pedestrian friendly and for them to be a positive addition for the community.

**Ted Hill** asked if there are any mobile vending carts in Rexburg.

Natalie Powell said currently there are none, but there will be a hot dog cart near Payless Shoes soon, off the main pedestrian path.

Page 5, Number 27 – “temporary” defined as 6 months or less.

There was discussion on where the vending units could be stored when not in use – possibly a side or back yard, not in the front yard setback.

Natalie Powell said the site plan gives staff the opportunity to examine how the business will look and fit. The City does not want these businesses to be intrusive.

Application, business registration, vendor’s license - all are necessary.

Electrical, plumbing, life safety issues have been addressed.

Page 11 - “Violation” – license can be revoked if the vendor is not in compliance.

Page 11 - **Ted Hill** expressed concern about the bond requirements. A business just starting up will not have the resources.

Natalie Powell said a bond requirement is based on the type of business and square footage. The City Clerk will determine if one is needed. It is rarely required.

**Chairman Dyer** asked Natalie Powell to consult with the City Clerk specifically on this issue to make the requirements more workable.

Natalie Powell stated that input for this document was taken from City inspectors and a number of other City staff.

Page 13 – addressing General Restrictions – time open, etc.

**Ted Hill** thought that hours, especially evening hours, need to be restated - more realistic.

**Scott Ferguson** said the document could be worded so that review by City staff at the time of registration could determine start up and end up time. There was a consensus on this idea.

Page 14 - Location restrictions addressed

Page 15 - IVL – Identified Vending Location (page 15). There would be a specific number – first come, first served basis. Number could be limited.

Val Christensen said the owner of premises would need to give consent. Then, the City would still determine whether to approve the location.

Page 16 – Change the wording from **Enforcement** section to **Compliance** section

Red Box, propane, ice machines, Christmas trees, pumpkins, firewood, etc - location discussion, question of aesthetics - Val Christensen said the location concerns for these could be addressed in Development Code 1026.

**Chairman Dyer** suggested that Val Christensen reserve a spot in the Miscellaneous section of Development Code 1026 for this subject, to be explored in the future. It is a separate issue from tonight's Vendor Regulation Ordinance.

**Gil Shirley** asked if this draft ordinance addresses that the vendors are required to have some type of insurance – there is a liability concern.

Natalie Powell thought it was a requirement for all businesses. She will look into this issue.

Rex Erickson addressed **Mr. Shirley's** concern about insurance. The property owner could be liable if he allows a vendor who does not have insurance the use of his property.

**Chairman Dyer** suggested that as a requirement of the vendor license permit, evidence of insurance must be presented covering product and property liability.

Page 13, number 9 - Cleanliness, maintaining work site, complying with code – broad language was seen as sufficient by City Attorney.

Photos of the property could be required. Staff would determine what is necessary.

**Mary Ann Mounts** commented on curb appeal – she will give Natalie Powell input.

Ms. Powell will research other areas regarding curb appeal of such businesses.

Mr. Erickson suggested language in the ordinance should state that the business location should be well kept, well painted, well maintained.

Natalie Powell stated she would incorporate such language into the document in regard to appearance, cleanliness, etc.

**Chairman Dyer** felt the Commission has given sufficient input and feedback for this draft ordinance to go to City Council.

Rex Erickson commented on the need to continue to provide excellent customer service and to move smoothly through the process of business registration. The City Clerk issues the business registrations. As long as the vendor meets the requirements of the City Code, the business should then move through the processes of compliance and inspections.

**Chairman Dyer** reiterated the need to be especially careful about facilitating our public through the necessary processes.

Natalie Powell will work with City Clerk Blair Kay on these concerns.

**Thaine Robinson** motioned to recommend approval to send the draft Vendor Regulations Ordinance No.1029, to include the changes discussed at tonight's meeting, to City Council for review and adoption. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

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

1. Produce co-op location question – Cynthia Goodsell

Cynthia Goodsell, 429 South 3<sup>rd</sup> East. They have an informal question about their current produce co-op. This produce co-op now is done at Lincoln School and the Middle School. They split cases of produce up among a number of people. They have been doing this at the schools since November 2009. She had spoken to Mr. Christensen about possible other locations, and he had suggested she come before the Commission. They want to know their choices, just in case the schools may restrict their building use due to budget cuts. They wonder if parks or a residential zone would be possible as alternative locations.

**Chairman Dyer** asked Cynthia Goodsell to explain how the co-op works.

Mrs. Goodsell explained that this is a food co-op – each person puts in \$15.00 each week; they can sign up at any time. Anyone can sign up, but there is a maximum number due to parking. It is not a closed group. There is a website to sign up. The purpose is to get produce at a lower cost. The money is pooled to purchase produce from a wholesaler; a semi brings the produce to Rexburg. They unload it and distribute it equally. People pick up their baskets. It takes about an hour to sort what is delivered. There is a 20- minute window for people to pick up their items. If people do not pick up their food, it goes to the fire department to be given away. The deliveries occur only on Saturdays. Volunteers handle the distribution. No one is paid. In the summer they could do this project outside. In the winter, a building would be good.

Mrs. Goodsell wondered if the distribution could be done in her driveway. She has seventeen friends in a two-block area who participate in this project.

A semi truck makes the delivery. Room is needed.

It was expressed that it would be better if this distribution could be done outside of a residential neighborhood.

Mrs. Goodsell wondered if they could use the City Park in the summer - the truck would stop at the curb, not onto park property. In some other states, they exclusively use City parks to do such distribution. She said currently the times of delivery vary, and they can be changed.

Val Christensen stated he spoke with the Mayor on this issue. The Mayor felt they could possibly use the City parking lot just north of City Hall on a Saturday. Of course, it would depend how many people were involved. There are about 160 parking spaces. The other suggestion was that they look into speaking with Madison County about using the County fairgrounds, which would be good in winter (there are Quonset huts). Another suggestion was property near the City Street shop (north end of 5<sup>th</sup> West) in the summer.

Rex Erickson asked Cynthia Goodsell if they have a business license.

Mrs. Goodsell said they do not have a business license.

Mr. Erickson asked if the distribution could be done out of the back of the semi truck.

Mrs. Goodsell said it could not because of the need to take all merchandise off the truck for sorting from the boxes into baskets for each person.

Mr. Erickson expressed that this co-op idea is a great thing, but what effect does it have on local stores who do pay for a business license who are in the produce business? – there may be complaints. They might need to talk with those businesses, or get a business license.

Val Christensen said there is the question of private versus public. The best way might be to use private property; speak with someone who owns a lot and would be willing to let this delivery and distribution occur on it.

Mrs. Goodsell thought that their volume is very small. She did not feel that what they do is a business.

Rex Erickson said that the business is the produce truck.

Cynthia Goodsell asked what the Commission would recommend to them.

The Commission suggested finding private property to do this co-op and having the vendor they buy from get a business license. Mrs. Goodsell said the trucks are contracted.

**Chairman Dyer** thanked Cynthia Goodsell for coming before the Commission to present this issue.

### **Compliance:**

1. D.J. Barney's site plan – Follow-up

Natalie Powell showed pictures on the overhead screen of the Barney property on Airport Road that were taken a couple weeks ago. Several concerns have come in about the property. She visited the property and had a discussion with Mr. Barney onsite on what work needed to be completed to eventually bring his property into compliance, so that he can get a temporary certificate of occupancy. These pictures are from that visit. Three concerns were expressed at an earlier Commission discussion –fencing, landscaping on the front of the property(road, curb, gutter), and the shielding of the different items on the property. One picture showed the putting in of the sidewalk.

The area that is being prepped for a fence along the south property line near Baker Trailer Court the fence would eventually buffer commercial from the residential area. A photo of the new building was shown; it is a very nice building. Mr. Barney is close to getting the temporary certificate of occupancy. Bathrooms and electrical work need to be completed. In their discussion, it was decided that only dumpsters that were empty would be stored nearest to Hwy 20. Some items need to be more organized, or gone entirely. There were piles of dirt in one picture. They are now gone. A concrete pile was shown, which is being disposed of. A trailer house was shown, which will eventually be off the property shortly.

Then, photos taken today were shown. The property is cleaner. There is prepping along the property line, for run-off, so that it goes into the ground rather than on neighboring property.

D.J. Barney said they are working on sorting out items according to code requirements. Another photo showed that prepping for landscaping and widening of the City street is being done. However, Mr. Barney said they were told to stop today by the City because of the proximity of sewer lines. Piles of dirt have been flattened and smoothed. Some items have been removed from the property.

Natalie Powell complimented D.J. Barney on the hard work he has done. The photos clearly show the progress.

**Scott Ferguson** said he drove by the property yesterday, and it has dramatically improved.

**Thaine Robinson** asked D.J. Barney the basic purpose of his business.

D.J. Barney said he bought this subject property years ago to relocate his business from 1<sup>st</sup> North. His business is to clean up other people's messes – old trailers, abandoned vehicles, etc. There is a holding area until items are sorted out. The business is also a recycle and construction business. They make other areas more livable. Mr. Barney said his business is not a salvage yard. It is a business in progress.

Mr. Barney said his goal is to make the area look better. His dumpster business last year took in \$330,000 - that money was kept here in Rexburg because of his business, rather than the money going to an Idaho Falls business like it would have if his business was not here. They are going to make the property look a lot better. He said by the end of the summer, all of the dirt hills will be gone. The dirt that is still present will eventually go where the gravel is put. Sewer and water remain a concern. Water is coming up fast. There are concerns about being located in the flood plain.

Rex Erickson said the original site plan shows an impound lot. Will it be enclosed so that the impound items will not be visible from the highway?

D.J. Barney pointed out the planned location of the impound yard on the photo map projected on the overhead screen. He will be submitting a new site plan. The impound lot will be located behind the building. It will be enclosed and locked. He pointed out the new building.

The goal for this summer is for the land to the north to be totally flat with nothing stored on it. He pointed out the location planned to load the dumpsters. They will build a barricade so that the area is not visible from the highway. They are anticipating building very large storage units all the way around the business which will buffer the impound lot.

They are anticipating a contract for a possible holding yard for windmills. They would be stored here from the factory until they go out to be used in big windmill projects.

D.J. Barney said his intention is to make this property a very nice place. He wondered if his property should have been zoned Heavy Industrial at the time of the property's annexation. In the near future, they hope to have a dedicated recycling center for the City of Rexburg. It will be well-shielded from everything. The economy has slowed them down.

Mr. Barney asked if he could bring in a row of newly manufactured trailers; they would then use their own trailer park to buffer the property from the other property owners. They have sufficient land.

**Thaine Robinson** commented that the Light Industrial zone does not allow a trailer court.

Val Christensen stated that when a commercial or industrial zone abuts a residential zone, it has to meet the residential setbacks requirements. The most it would be is 20 feet.

**Chairman Dyer** appreciated Mr. Barney's explaining of the history of the plan for this property development. There have been lengthy discussions on this property in the past; there was a site plan done about this development. Mr. Barney has always had a good plan. **Chairman Dyer** said at that earlier time, simple commitments were made to get the property landscaped, to have it buffered from the highway, and to put a fence in along the south property line to buffer it from Baker Trailer Court. Several years have passed, and these commitments have not been done.

D.J. Barney stated he does not remember making those commitments at any time.

**Chairman Dyer** stated they have received numerous concerns and complaints about the property and what it does to the attractiveness of the community. The Commission appreciates all his efforts to clean up the property, but there were to be these elements to be taken care of and completed.

D.J. Barney asked when these issues were addressed.

**Chairman Dyer** said it was when the site plan was originally brought in with the planned development for the property.

**Chairman Dyer** read from staff review actions of 2007 regarding the impound yard – it must be visually screened from the right of way, show screening details of the impound yard, and the proposed fence east of impound yard must provide complete screening.

Mr. Barney said that site plan addressed only about 1,000 square feet of the lot. It was the footprint for the building.

Val Christensen said right now they are not talking about that original site plan. That was for just a portion of the lot. He said one of the concerns is that the entire lot has evolved into a business.

**Chairman Dyer** said there was a site plan for the entire lot.

D.J. Barney said that site plan never came to the City. That was them trying to figure out what they were going to do with the property. He said that **Chairman Dyer** drew up that site plan for them.

**Chairman Dyer** said it came before Planning & Zoning.

Val Christensen said it is a moot point. Now that there is enough of the lot in use, according to the ordinance, this Commission has the ability to discuss the issue and to tell Mr. Barney how to buffer the property from Hwy 20.

Mr. Barney said the empty dumpsters are screening the property. He knows what he wants to do, and it is going to look better. How can he buffer the Baker Trailer Court without losing property?

He had wanted the industrial property to be preserved. He feels that he was told that everything he would like to do would fit in Light Industrial.

**Chairman Dyer** said salvage yards are not allowed in a Light Industrial zone.

D. J. Barney said he does not run a salvage yard – everything he does is an incidental use.

Natalie Powell said the uses were reviewed by City Attorney Stephen Zollinger, who felt the uses fit in the Light Industrial zone. The main issue is shielding and protecting of the property from the areas around it, so that concerns from the community are addressed.

D.J. Barney said he does not want to put in grass. He does not want to water grass or trees. The property is industrial. It needs to be treated as industrial. He is putting in granite that costs \$80.00 a square yard because it looks nice – once it is in, he will not have to do anything to maintain it. He has spent a lot of money on his building, on the right-of-way to the street, expanding the City sewer, bringing in fire hydrants, widening the road, and curb, gutter and sidewalks. It is a road going nowhere, and it is in the flood plain.

**Chairman Dyer** said all these things are required to develop and do business. The road will eventually go somewhere.

Mr. Barney said he realizes that. His move to this location was to alleviate the problems he had at his 1<sup>st</sup> North location, because he is a legal business in this zone. Health issues have slowed him down – he wanted to be a lot farther ahead than he is currently, as far as the development of this property.

**Chairman Dyer** said the property owners around him have taken care of the landscaping requirements.

It was discussed that this property is on the highway corridor; it needs to be landscaped. Every other business has to landscape.

D.J. Barney reiterated he does not want to put in grass. He is working hard to bring the property up to code.

**Chairman Dyer** asked Natalie Powell to clarify the problem the Commission is trying to address.

Natalie Powell stated the City requires a fence and/or a buffer of landscaping. Mr. Barney would like a certificate of occupancy for his building. He knows what needs to be done and inspected for the building's interior. What will hold up issuance of this certificate is the exterior. Most items have been addressed. A fence is needed to buffer the residential from commercial. Additionally, shielding is needed for the different items that are stored on the land.

Val Christensen said the landscaping does not have to be grass. The Development Code used to have language that addressed exactly what type and amount of landscaping there needed to be along the highway corridor. That language is no longer in the revised Development Code 1026, but this ordinance does say that the P&Z Commission can determine, depending on the type of business, what is necessary for a buffer from Hwy. 20. Mr. Christensen said the ordinance is clear about the necessity of having screening. If it is a vacant lot that is one thing, but the lot is being used. As the rest of the property starts to be utilized, there kicks in the fact that landscaping must to be addressed.

**Chairman Dyer** said the Commission works with a lot of developers. They do their best to make their requests happen, but a win-win situation is needed for both the community and the developer.

Mr. Barney said the property is not their view when looking at Hwy 20. It is his view.

**Chairman Dyer** asked staff to help the Commission by defining the question they are trying to address for discussion and then resolution.

Natalie Powell stated that D.J. Barney would like a certificate of occupancy for his building. What will hold that up, as previously discussed, are the exterior requirements, which are being completed. Curb and gutter are in, and most of the landscaping at the front of the property is in. The fence to buffer between the residential property and the commercial property still needs to be addressed. The shielding of the different items kept on the property needs to be done.

**Chairman Dyer** asked staff if they are addressing the original smaller site plan or the entire property.

Val Christensen said there are multiple issues to consider. Mr. Barney's occupying of the building is a separate issue, but there also is the rest of the lot that is being utilized. This Commission would set the requirement for the Hwy 20 buffer, per the Development Code 1026.

**Chairman Dyer** asked Mr. Barney if there will be just the occupation and use of the shop building and property immediately around it (having to do with the smaller site plan) or if the whole property is going to be used. The Commission needs this clarified.

D.J. Barney said his occupancy would be for opening a gun store and moving his office there. He does not have a concrete floor in the building yet.

**Chairman Dyer** reiterated his question of whether Mr. Barney will be using the whole property.

D.J. Barney said it would be the building and area around, although there are certain business operations that he is doing now that he cannot stop doing.

**Chairman Dyer** asked for clarification on if those operations occupy the rest of the property.

Mr. Barney said he would like to build two 40-foot bins, in a contained area, 80 feet – one place for scrap metal and one place for transloading his dumpsters.

**Chairman Dyer** clarified that the answer to his question is that Mr. Barney does intend to use the rest of the property.

D.J. Barney said he will utilize some of the other property, in a more efficient way.

**Gil Shirley** asked how soon the windmills will be stored on the north end of the property.

Mr. Barney said that is the push as far as cleaning up the property. It may occur this summer.

**Mary Ann Mounts** wondered if the Commission could structure what needs to be done over a time period. She is familiar with the history of D.J. Barney's move to this location. She feels Mr. Barney's frustration. Time specifications of when certain specific requirements need to be completed would help.

**Chairman Dyer** said that is a very good point, but he recollects that it was done before.

Mr. Barney said he was never given a time structure for completion.

**Scott Ferguson** agreed with **Mrs. Mounts**. A bad economy and other issues need to be taken into consideration.

Val Christensen said other people have made complaints about what is being done on the property. This particular property has developed over time into what it is currently.

D.J. Barney said he would like his property to be rezoned heavy industrial. He will meet all the requirements. He asked if anyone has a problem with his parking empty yellow dumpsters along the highway.

The Commissioners said that some of the complaints they received are about those dumpsters.

Mr. Barney asked what the difference is between his having dumpsters and the Councilman having cars.

Rex. Erickson said his property has a buffer between his car business and the highway. He suggested to Mr. Barney that a nice fence could be put in along the trailer court clear to the highway, and a buffer (to be determined by Commission) could be put along Hwy 20. Grass does not have to be used. Comply with what is required to bring conclusion to this issue. Mr. Erickson said the Commission needs to be reasonable on any time specifications, but give Mr. Barney some time to complete this work.

Mr. Barney reiterated that he would like his property to be Heavy Industrial.

The Commission said he could apply for a zone change.

Natalie Powell expressed that a lot of their concerns and the public complaints they are getting would go away if the property was fenced between the residential and Mr. Barney's commercial property, and if there was some type of buffer along Hwy. 20 to shield the property.

**Chairman Dyer** asked the Commission to articulate the prime issues that need to be addressed.

**Dan Hanna** said as a minimum the trailer court needs some degree of buffering, sooner rather than later.

**Nephi Allen** said the second issue is that Hwy.20 needs some kind of buffering. He felt those were the two elements they need to address.

D.J.Barney asked if the Commission could table this issue for a month to see what he could accomplish in that amount of time toward bringing the property into compliance, and then they could address any issues.

The Commission discussed the issue before them.

**Ted Hill** said that he does not think there is a way around a fence being put between the subject property and the trailer court; he feels a fence must be put there. He also feels the berm/ buffering from Hwy. 20 must be done. The berm/ buffer needs to be out where the other berms are all along Hwy. 20. In his opinion, the fence between Mr. Barney's property and the trailer court needs to be done in a year. He would propose giving Mr. Barney two years to complete the buffering from Hwy. 20. The reality is that business is not good.

The Commission gave consensus in support for this time frame.

**Dan Hanna** motioned, regarding the D.J. Barney property (Barney Towing) at 433 Airport Road that: 1) a 6-foot privacy fence shall be put on the subject property's south property line running east to west between the Barney property and the Baker Trailer Court, by April 30, 2011; 2) a buffer shall be constructed the entire length of the property along Hwy. 20, by April 30, 2012 and that only

workable equipment or equipment that is in use shall be located here along this west property line during that period of time; and 3) that there be a continued effort made to clean up the subject property. **Richie Webb** seconded the motion.

The motion was discussed.

**Nephi Allen** thought there should be clarification that D.J. Barney would obtain a temporary certificate of occupancy (when necessary inspections-going on currently on the building are approved).

The final certificate of occupancy would be given when the requirements specified in tonight's motion are completed.

**Dan Hanna** amended his motion to include that a temporary certificate will be given (when necessary inspections on the building have been approved), that a final certificate of occupancy would be issued upon completion of the requirements stated in this motion, and that details of the buffering for the property line along Hwy. 20 should be brought to the Commission by the owner before he builds this buffer. **Richie Webb** seconded the amended motion.

**Chairman Dyer** asked D.J.Barney if he felt this motion was doable.

Mr. Barney said he thought this motion would be doable.

None opposed. **Motion carried.**

**Chairman Dyer** thanked D.J.Barney for working with the Commission and for his patience.

Mr.Barney thanked the Commission.

**Report on Projects:** None

**Tabled Requests:** None.

**Building Permit Application Report:** None

**Heads Up:**

April 22 – P&Z Commission work meeting

April 29 – P&Z Joint Meeting - 12 noon to 1 pm

May 6 - Rezone – MDR 1 to MDR2- 577 South 5<sup>th</sup> West

Rezone – LDR2 to LDR3 – at 5<sup>th</sup> South (west of Willowbrook Subdivision off South 12<sup>th</sup> West)

In preparation for next week's April 22<sup>nd</sup> P&Z Commission work meeting regarding the Comprehensive Plan, Val Christensen addressed some of the Comprehensive Plan (Preferred Land Use) map differences between the old map and the current map. The current types of preferred land use names are the same as the zoning map names – that is confusing. The old Comprehensive Plan map used broader name designations (low to moderate, moderate to moderate high, etc.). He pointed out certain areas for the Commissioners to examine. He asked that they look at all three maps (current Comprehensive Plan map, current zoning map, 2004 Comprehensive Plan map) – in regard to what is currently there, and what it may be moving toward in the future.

The meeting was adjourned at 11:00 pm.