

# Planning & Zoning Minutes

September 16, 2010



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

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020  
Fax: 208.359.3022

## Commissioners Attending:

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

## City Staff and Others:

Rex Erickson – City Council Liaison  
Val Christensen – Community Development Director  
Jake Rasmussen – I.T. Intern  
Elaine McFerrin – P&Z Coordinator

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

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

Mary Ann Mounts, Ted Hill, Thaine Robinson, Winston Dyer, Nephi Allen, Richie Webb, Jedd Walker, Dan Hanna, Scott Ferguson

**Gil Shirley** and **Cory Sorensen** were excused.

## **Minutes:**

1. Planning and Zoning meeting - August 19, 2010

**Thaine Robinson** motioned to approve the Planning & Zoning minutes of August 19, 2010.

**Dan Hanna** seconded the motion.

Nephi Allen, Richie Webb, Scott Ferguson, Jedd Walker, and Mary Ann Mounts abstained for having not been present.

None opposed. **Motion carried.**

## **Public Hearings:**

7:05 pm – Rezone – Pioneer Village - Community Business Center (CBC) to Mixed Use 2 (MU2) – 591 Pioneer Road, and 595, 625 and approximately 594 Handcart Lane - Jon Gregory

Jon Gregory, 204 West 225 North, Blackfoot, the applicant, presented the proposal. Several months ago, he applied for and was granted a Comprehensive Plan map land use designation change to Neighborhood Commercial/Mixed Use for two of the subject parcels on Handcart Lane. The additional two subject parcels (to the west) in tonight's request were already designated as Neighborhood Commercial/Mixed Use. Mr. Gregory waited until the City of Rexburg had adopted their Mixed Use Zones. He is now requesting a zone change to Mixed Use 2 (MU2). The subject four parcels were pointed out on the overhead screen map.

**Jedd Walker** said that Mr. Gregory's application stated the intended use is to build apartments/condominiums. The Mixed Use 2 zone does not allow 100 per cent residential without a conditional use permit. He asked if Mr. Gregory would be applying for a conditional use permit. Jon Gregory said that is his intent. The development would then be done in phases.

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

Val Christensen clarified that the original Comprehensive Plan done with the planning consultants already had Neighborhood Commercial/Mixed Use as a land designation near the dairy business on Handcart Lane. Mr. Gregory requested a Comprehensive Plan Map land use designation change to Neighborhood Commercial/Mixed Use (from Business Park) for the two parcels to the east so that the subject area was consistent. All four subject parcels now have a Neighborhood Commercial/Mixed Use land use designation. Mr. Gregory now wishes to change the zoning from Community Business Center to Mixed Use 2.

**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 and asked for the staff evaluation and recommendations.

Val Christensen said this rezone request meets the City's Comprehensive Plan intent, as the Comprehensive Plan Map land use designation for the subject properties is Neighborhood Commercial/Mixed Use. As far as capacity for the infrastructure – streets, sewer, water, etc. of the area, all are adequate per the City Engineer. Mr. Gregory has agreed to help the City by giving up a right-of-way (for later use during redevelopment) to provide access (between 595 and 625 Handcart Lane – 68-foot standard street width) to properties to the east; the only access now for these parcels is across railroad tracks.

**Dan Hanna** wondered if it would facilitate development of the parcels to the east if the access point were at the north of 595 Handcart.

**Chairman Dyer** asked Mr. Gregory to please give a simple yes or no answer to this question: is there a possibility or merit in putting in an access to the north?

Jon Gregory said no.

Mr. Christensen said the Stonebrook Apartments were just completed to the west of the subject properties. Townhomes are also in the area, as are a beauty school and a construction business. Mr. Gregory was anticipating that the project would still have a commercial percentage because of the dairy that exists on one of the lots that is being developed and would be part of the overall plan. Staff feels the Mixed Use zone is a good fit. There is a good flow from residential to commercial.

**Richie Webb** asked for clarification on the existing commercial business (G's Dairy) being counted in the commercial percentage.

Val Christensen said that G's Dairy is on a parcel that is included in this rezone proposal; Jon Gregory is the owner. Mr. Christensen would recommend that the Commission look at this possibility of commercial percentage when the conditional use permit proposal comes before them.

**Jedd Walker** asked for clarification of Mixed Use 1(MU1) – more residential, from Mixed Use 2 (MU2) - more commercial style.

Val Christensen said MU1 was meant to be near residential areas. MU2 was really designed for blocks around the University campus, with high density residential and commercial next to each other. Both would blend into commercial, but MU1’s purpose would take lower density residential into commercial, and MU2’s purpose would take a higher density residential into commercial.

**Chairman Dyer** said when the zone language was put together, they also had looked at horizontal mixed use as opposed to vertical.

Val Christensen said the Downtown Commercial requires commercial on 1<sup>st</sup> floor with 2<sup>nd</sup> floor residential. The Mixed Use zones do not require this specification; it was felt that it could be a separate building here and a separate building there as a mix, but all in the same zone – as Mr. Gregory is suggesting.

**Chairman Dyer** said the Commissioners have seen this subject area earlier during the Comprehensive Plan Map change request. At that time, there was good discussion on the concept and philosophy of this use at that location. Tonight’s question is does this request fit appropriately from a zoning context?

Several Commissioners expressed they felt that the zone change request was a good fit.

**Mary Ann Mounts** motioned to recommend approval to City Council of a rezone (Pioneer Village) from Community Business Center (CBC) to Mixed Use 2 (MU2) for the property located at 591 Pioneer Road, approximately 594 Handcart Lane, and 595 and 625 Handcart Lane. **Scott Ferguson** seconded the motion.

None opposed. **Motion carried.**

Jon Gregory wished to clarify, regarding the access that was mentioned, that he will contribute, the City will contribute, and the property owners who will benefit from the planned access will be asked to contribute, to helping the access road occur. He could get compensated for about two-thirds. He did not want the Commission to be misled that he was giving the ground for free.

**Chairman Dyer** said they appreciate Jon Gregory’s forward sense of planning to know that such an access would be an important thing to have in that area, and his willingness to consider that issue.

The **Chairman** said the Commission very much appreciates the cooperation they receive from Jon Gregory. His developments are beautiful; they are an asset to the community. When he comes in to meet with the Design Review Committee, he is always open and receptive to the community’s concerns and is willing to accommodate those concerns. It is a win-win for everyone.

Jon Gregory thanked the Commission. He enjoys working with them.

**Unfinished/Old Business:** None

**New Business:** None

### **Compliance:**

The Commission noted a few compliance issues:

Raspberry Gardens (West 2<sup>nd</sup> South near railroad tracks) - sign status – it appears to be a nice sign but it is very large. Is it permanent?

World Gym property - regarding a painted advertisement on the front of their building.

Chicken Teriyaki sign - being held up with ladder. The business is moving.

These concerns will be given to the City's Compliance Officer Natalie Powell.

**Chairman Dyer** stated that Natalie Powell is looking into the following concerns:

Subway sign - in same location for 5 years.

Sign for Painting - by canal on 2<sup>nd</sup> North.

North of McDonald's – cars for sale

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

1. Report on Design Review meeting of August 25<sup>th</sup> - for Pioneer Pointe Condominiums:

The subject property, located near World Gym, was shown on the overhead screen. Jon Gregory was the developer for the project. **Chairman Dyer** said that the reason for the meeting was that the planned buildings were too long at 44 1/2 feet – the code states there must be a jog a minimum of every 40 feet. The fronts and backs of the buildings were alright; different varied architectural materials are to be used. The ends/sides were plain and needed to be addressed.

The Design Review Committee decided that the extra side building length would be permitted, in return for the developer providing vertical siding to break up the length, gabled roof on the sides with shingle presentation, and shutters of different colors on the windows – these will be provided on each building. Jon Gregory was very cooperative.

2. Planning and Zoning Commission protocol:

**Chairman Dyer** said there was a grim situation at the last P&Z meeting on August 19<sup>th</sup>. The rezone for property on the corner of South 2<sup>nd</sup> East and East 3<sup>rd</sup> South was scheduled for a public hearing and brought many people from the neighborhood, as this issue was a very controversial one. The meeting room was completely full. The rezone applicants had flown in from California that day to address the Commission. The meeting started late due to not having a quorum. It was a very difficult situation.

The secretary sends out an email and/ or calls the Commissioners several days before a meeting to understand who is coming to the meeting and who cannot come, so there is time to react, to advise people, and to make alternative plans if necessary. There were two more than a quorum that had committed to come to this meeting.

The **Chair** ran into a situation that night where it was necessary for him to be at an out of town meeting; he called **Thaine Robinson** to say he would be late to the P&Z meeting, but he would be there, and to start the meeting without him. As it turned out, there was not a quorum, and there was a very nervous crowd. The **Chairman** arrived 45 minutes late, and he made enough Commissioners present to make the quorum. They then proceeded to hold a 3 1/2 hour hearing; it was very controversial, with lots of emotion.

**Chairman Dyer** wanted to gently and lovingly remind the Commissioners of their commitment and obligation to be here if at all possible for the scheduled Thursday evening meetings. It would be very helpful to respond to the request asking whether they can be here or not. If they make a

commitment and their plans change, communication is needed. A lot of people depend on the P&Z Commission and their decisions. It is understood that sometimes things come up.

The Commissioners were provided with the necessary phone numbers for notification in case of a last minute change. Everyone's efforts to support the obligation and commitment they have made are appreciated.

**Chairman Dyer** noted that because there were so many people in attendance at the August 19<sup>th</sup> meeting who were concerned with the scheduled rezone hearing, the audience was given the opportunity to ask questions about the proposal before public testimony began. The public's expressed concerns were part of the discussion and the decision-making for this rezone proposal.

The Commissioners briefly discussed the August 19<sup>th</sup> rezone hearing.

At a University meeting that was held last week, it was projected that by 2014 there would be up to 17,500 students attending the college.

### 3. Development Code amendments discussion

Val Christensen went over some recommended amendments for the Development Code 1026:

- 1) Allow 10-foot front yard setback for parking lots in High Density Residential 1.
- 2) Allow 10-foot front yard setback for parking lots in High Density Residential 2.
- 3) Add *Household Goods Warehousing and Storage* as a conditional use in Mixed Use 2 (MU2); such a use would always come before the Commission through a Conditional Use Permit request.
- 4) Allow Pedestrian Emphasis Zone (PEZ) requirements to be in Medium Density Residential and Mixed Use Zones (in addition to the stated High Density Residential).
- 5) Accessory buildings larger than *two hundred (200) square feet* shall meet all building requirements. If the accessory building is smaller than 200 square feet, a building permit would not be necessary.

There was consensus of the Commission for these changes to go to City Council for adoption into the Development Code.

**Mary Ann Mounts** motioned to recommend to City Council the five discussed amendments for Development Code 1026. **Scott Ferguson** seconded the motion.

None opposed. **Motion carried.**

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

The meeting was adjourned at 8:15 pm.