

# Planning & Zoning Minutes

February 7, 2013



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

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

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## Commissioners Attending:

Winston Dyer – Chairman  
Scott Ferguson  
Thaine Robinson  
Richie Webb  
Jedd Walker  
Dan Hanna  
Cory Sorensen

## City Staff and Others:

Bruce Sutherland – City Council Liaison  
Val Christensen- Community Development Director  
Natalie Powell – Compliance Officer  
Darrik Farmer – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:03 pm.

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

Cory Sorensen, Dan Hanna, Winston Dyer, Thaine Robinson, Scott Ferguson, Jedd Walker, and Richie Webb

Chuck Porter, Gil Shirley, Mark Rudd, and Mary Ann Mounts were excused.

## Minutes:

1. Planning and Zoning meeting - January 3, 2013

**Dan Hanna** motioned to approve the Planning & Zoning minutes of January 3, 2013. **Jedd Walker** seconded the motion.

Richie Webb and Scott Ferguson abstained for having not been present.  
None opposed. **Motion carried.**

Chairman Dyer stated for the record that the Conditional Use Permit request for a hotel at approximately 75 Pioneer Road remains tabled, per request of the applicant. The applicant does not have the requested information for the Commission as yet.

**Public Hearings:** None

**Unfinished/Old Business:** None

**New Business:** None

## Compliance:

**Natalie Powell** stated the former Sonic Sign is being remedied. Owners of the Sonic business have contracted with Sign Pro to have blanks installed on the sign.

The banner near West Park which Commissioner Mary Ann Mounts brought up at a previous P&Z meeting is being addressed. Natalie Powell could not reach the owner but has spoken to the manager who said BYU-I was requiring her to have the banner that says “Approved Housing”. Natalie Powell spoke to Jon Phister at the University and explained the City’s Sign Ordinance. The banner is currently down; the words “Approved Housing” are being added to their existing sign.

Natalie Powell asked the Commissioners for any compliance concerns.

**Chairman Dyer** said he is seeing banner signs everywhere. Natalie Powell said she is completing a drive-around tomorrow to address this issue and to give out temporary permit applications.

**Cory Sorensen** referred to a letter he received from the City saying he is pushing snow into the park, but he is not doing so. He is clearing the street snow away from the driveway to keep the sidewalk clear.

**Chairman Dyer** said there are areas in the City where the sidewalks are not being cleared, which is forcing people to walk out into busy streets. Natalie Powell said the City is trying to stay on top of this issue.

The Chair said regarding the canal bridge over Main Street, by the Main Street Station Apartments, no one is maintaining the sidewalks. It is technically the City's, so no property owner is maintaining it. He suggested seeing if a service organization such as a ward or Scouts would help to clear and maintain about 20 feet of sidewalk.

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

1. Discussion – Sheds

**Natalie Powell** presented the issue of sheds.

She is seeking guidance on how to proceed. There are concerns with pre-existing sheds and new sheds.

A shed under 200 square feet does not need to have a permit. This requirement matches the Idaho Building Code and is stated in the City's Development Code.

Some existing sheds are being added to; the materials being used are sometimes not attractive.

**Scott Ferguson** asked if there was a height limitation on a 200 square foot shed.

**Val Christensen** said the Building Code states a one-story height but does not go into detail.

Natalie Powell stated there have been complaints about sheds and the fact that some areas stay messy for a long period of time, with sheds not being completed in a timely manner.

**Thaine Robinson** thought some Home Owners Associations may help to control this issue.

**Dan Hanna** said newer subdivisions have CC&Rs (Covenants, Conditions, & Restrictions) that address the issue.

**Natalie Powell** will look into the CC&Rs for some of the subdivisions.

**Chairman Dyer** said a shed in a backyard is a kind of property right. Above a certain point the issue transfers into a permit-type process for review on a case by case basis. We do not want to over-regulate. Up to a certain point, people should be allowed to do something that is reasonable and practical.

**Val Christensen** said height could be clarified with a maximum height.

The other issue is material that the shed is being constructed with.

Regarding sheds, the Commission addressed:

*Size*

*Number of sheds*

Height  
Add-ons  
Materials

**Cory Sorensen** felt more regulations are not needed.

**Jedd Walker** said even if an addition is not 200 square feet, if someone adds on and then the complete shed structure exceeds 200 feet, the Building Code kicks in. Val Christensen agreed.

**Chairman Dyer** said regulations are to protect the quality and character of the neighborhood. Zoning ordinances are in place to be able to grant as much autonomy, private use, and peaceful enjoyment of property as possible while still maintaining community values.

There was consensus of the Commission that a size of 200 square feet or less is appropriate for a shed to be built without a building permit, as is currently stated in the Idaho Building Code and City Development Code.

The issue of a reasonable *height* for sheds and whether there should be a height limitation was discussed.

**Jedd Walker** felt the height issue self-regulates itself.

It was clarified that carports and garages are regulated by the Building Code.

There was Commission consensus that the “one-story” height as stated in the Building Code is satisfactory.

There was discussion on whether the *number of sheds* in a yard should be regulated.

**Scott Ferguson** felt one shed per yard is sufficient.

**Bruce Sutherland** felt it should be a percentage of the yard.

**Val Christensen** read from the Development Code 1026 that “...At least thirty percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphalt cement shall not cover more than forty percent of a front yard, fifty percent of a rear yard, and one hundred percent of one side yard.”

The **Chair** suggested that in the Development Code language there could be reference made to not violating the open area requirements of the zone.

That way no numbers of sheds are stipulated.

The issue of *add-ons* to the original shed was discussed.

**Chairman Dyer** stated there is a 200 square foot limitation. After that, if a citizen wants something bigger or wants to connect the sheds, the building permit process would be necessary.

There was Commission consensus that this was sufficient in addressing shed add-ons.

The Commission discussed *appearance and materials* used for building a shed.

It was suggested that shed appearance/materials could be similar to the house on a property.

**Cory Sorensen** wondered how any such requirements could be enforced.

If there are more restrictions it defeats the purpose of allowing a 200 square foot shed to just be put up.

**Chairman Dyer** clarified that this Commission has no autonomy and no authority in and of itself. The Commission represents the community.

**Natalie Powell** said the City has a nuisance ordinance that might help address issues such as a shed built of material that draws complaints from neighbors.

Does anything need to be done regarding shed appearance?

There was consensus that the 200 square foot shed is small enough where it will self-regulate itself.

**Richie Webb** stated with a Homeowners Association, if there is a grievance, there is a process to go through. Could there be a process at the city level when multiple neighbors are upset about something a neighbor has done?

**Natalie Powell** said there is a process in place. There is a complaint form on the City website that a citizen can fill out and submit to the City.

**Dan Hanna** said the process should include asking the persons with neighborhood complaints if they have talked to their neighbors.

**Richie Webb** said this process is at least a way for someone's concerns to be heard.

**Chairman Dyer** summarized that the Commission has addressed several concerns regarding sheds.

**Natalie Powell** thanked the Commission for giving her input and guidance on this issue.

## 2. Discussion – Building heights

**Chairman Dyer** stated that originally, most everything was built with wood, so buildings could only go so high; there was no fire equipment. Once there was a change in materials, there really is not any limitation regardless of fire equipment.

Building heights were being piecemealed in the Development Code Ordinance zone by zone. It is now being recognized that there is a kind of formula for some developers where a building may pencil out at 7 stories rather than at 5 stories. Now there are other considerations.

Additionally, some inconsistencies between various zones have been found in the Development Code. The Commission would like to help make it better and more workable for everyone, which is the purpose of tonight's discussion.

**Val Christensen** reviewed for discussion the "Development Code Summary Spreadsheet" which listed the various zones and uses, setbacks, lot size, density, lot coverage, and maximum building height.

A citizen had emailed him with a question on permissible lot coverage in regard to the tabled CUP request for a hotel. There was a conflict of wording in the Development Code regarding "surrounding" and "contiguous" and lot coverage.

Mr. Christensen intends to go through the Development Code, will identify inconsistencies, and will bring the issues to the Commission.

He stated there are discrepancies regarding areas near campus and downtown in the Development Code. These areas are potentially where there could be the tallest buildings.

**Scott Ferguson** said building height increase could really impact the PEZ (Pedestrian Emphasis Zone) overlay.

Main Street is currently limited mostly to a 45 foot building height in the Central Business District.

The Chair stated the height of buildings was purposely kept at 45 feet to help preserve the historic look, character, and feel of Main Street.

Increasing the building height is the concern.

Do we set the foundation now? If we are going toward this change, Mr. Christensen felt it is important to plan ahead and be prepared.

The **Chairman** said perhaps it is time to allow Main Street to change with the changing character of the community.

**Jedd Walker** said the City has to be prepared to go denser to mitigate other problems. The community is growing. The University is growing

**Chairman Dyer** said it makes sense to increase density, in terms of infrastructure, cost, sprawl, transportation, etc.

**Cory Sorensen** said a 6 story building does not pencil for developers. Cost of construction is an issue.

**Richie Webb** suggested Rexburg could look at other cities or university towns, such as Logan, to see how they are handling this issue.

**Chairman Dyer** said two questions are being looked at:

– 1. Should there be a building height restriction and if so what should it be? 2. Main Street – how should it be addressed?

Maximum height:

**Richie Webb** said he likes stories rather than foot height because there is more flexibility.

He suggested moving up building height gradually as demand comes. The Commission needs to think about how the community would see a change. The Commission has to look at the impact of building height on the market and also protect the existing apartment community.

**Scott Ferguson** said let's make it possible for the market to work.

**Cory Sorensen** said sooner or later this community is going to reach the point where it is no longer the University that is driving everything.

Main Street:

**Jedd Walker** stated there should be a mechanism to identify and preserve what needs to be preserved. In Rexburg, we have not identified what we want to keep or if we want to keep certain structures.

**Scott Ferguson** suggested getting input from area civic clubs for feedback on Main Street buildings and in possibly changing downtown building height for the future. He feels the timing is ideal.

**Dan Hanna** said there is a city Beautification Committee that could give input on this issue.

**Scott Ferguson** motioned for the City's Ready Team staff to put together information regarding building height, permissible lot coverage, and other relevant issues. This information will be brought to the Commission for review over several meetings, to eventually be given to civic groups in the

form of a survey to see if it is time to address a different Main Street – change in height, historic significance, etc. **Richie Webb** seconded the motion.

**Chairman Dyer** clarified this would aid in getting more input to facilitate the Commission’s discussion on this issue.

None opposed. **Motion carried.**

**Val Christensen** stated he will go through the Rexburg Development Code and address any discrepancies in the document for presentation and discussion at future P&Z meetings.

The Commission thanked him for putting the informational spreadsheet together.

3. Dan Hanna addressed the Commission

He intends to come back with another request for a rezone of the same property he brought before the Commission a few months ago. He wanted the Commission’s opinion on this matter.

He said he is allowed to speak with the Commissioners tonight on this issue because nothing has been submitted or formally advertised yet regarding this rezone.

The Commission felt that speaking with the neighbors about the issue would be the first step for Mr. Hanna.

4. Next Joint P&Z meeting: May 30, 2013 - Rexburg P&Z will host

The Chairman said every 5<sup>th</sup> Thursday the 5 P&Z Commissions (Rexburg, Madison County, Sugar City, Teton, Newdale) meet to share information.

A Joint P&Z meeting was held on January 31<sup>st</sup> that was hosted by Sugar City.

The next Joint P&Z meeting is scheduled for May 30<sup>th</sup>. It is Rexburg’s turn to host.

The Commissioners are encouraged to attend. The Chair would like Rexburg to be well represented.

The Chair stated if the Commissioners attend the Joint P&Z meetings, the City will pay the standard per diem allowance.

**Report on Projects:** None

**Tabled Requests:**

1. Conditional Use Permit –for a Hotel – Approximately 75 Pioneer Road

**Building Permit Application Report:** None

**Heads Up:**

The meeting was adjourned at 10:20 pm.