

# Planning & Zoning Minutes

March 6, 2014



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  
Dan Hanna Thaine Robinson  
Jedd Walker Richie Webb  
Melanie Davenport

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Stephen Zollinger - City Attorney  
Natalie Powell – Code Enforcement  
Nick Cummock – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:08 pm.

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

Dan Hanna, Richie Webb, Winston Dyer, Thaine Robinson,  
Jedd Walker, Melanie Davenport

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

## **Minutes:**

1. Planning and Zoning meeting - February 20, 2014

**Thaine Robinson** motioned to approve the Planning & Zoning minutes of February 20, 2014.

**Dan Hanna** seconded the motion.

Richie Webb abstained for not having been present.

None opposed. **Motion carried.**

**Public Hearings:** None

## **Unfinished/Old Business:**

1. Development Code Changes - Discussion continued

**Val Christensen** said the discussion will begin with the Title 14 Manufactured/Mobile Homes ordinance. **Natalie Powell** will review the final changes that staff made after getting Commission input several weeks ago.

The document was projected on the overhead screen.

Val Christensen asked the Chairman to clarify for the citizens in attendance that this ordinance and the Development Code with recommended changes will ultimately go before the City Council for Public Hearing.

**Chairman Dyer** explained that the Commission is in the process of updating the City's Development Code Ordinance No. 1026. Some editorial revisions were found to be necessary, and other areas are in need of tweaking. There has been a consistent effort made through the years to try and capture everything under 1 cover. Earlier this year, a matter came before the Commissioners regarding a mobile home court in the impact area, in which this Commission was an advisory body

for the Madison County Commission. It was recognized at that time that the mobile home ordinance was in need of attention and was currently not in the Development Code. It is part of the City's Municipal Code and was last worked on in the late 1970's. The Commission found in the process of reviewing the ordinance that there were things that could be done to greatly simplify it. The staff has been helping in that endeavor. When the Commission is done with the recommended changes, the manufactured home document would be put into the Development Code.

**Natalie Powell** said Staff has made revisions to the Manufactured/Mobile Homes document to include the Commission input that was given at the January 6<sup>th</sup> P&Z meeting. With the recommended changes, this document is down to 14 pages.

Title 14, to be called Manufactured Homes, will be put into its own section in the Development Code, including the definitions that apply to it.

Staff has worked with the State on this ordinance, taking a lot of the State's recommendations. It is hoped that the document is now more politically correct and up-to-date.

**Chairman Dyer** suggested some wording at the beginning of the Manufactured Homes definitions section that would tell readers that these definitions are in addition to those found under Chapter 2 of the Development Code.

13.01.010 Description and purpose

**Dan Hanna** suggested changing the word *healthful* to *healthy* environment.

**Melanie Davenport** said under the definition of *Accessory Structure*, she is questioning the word *ornamental*.

There was discussion. It was decided to remove the word *ornamental*.

An audience member asked if the term 'accessory structure' includes a shed.

It does.

The word *trailer* in the document has been replaced with the term *manufactured / or mobile home*.

**Natalie Powell** said it was decided not to include the recreational vehicle part of Title 14 in this revised Manufactured Homes document. Recreational vehicles are addressed in other city ordinances.

**Val Christensen** said that recreational vehicle parks could be addressed separately if necessary.

**Chairman Dyer** said in other entities he has dealt with, recreational vehicle parks have come under commercial zoning as a commercial enterprise.

**Natalie Powell** said she has consulted with the City Engineer and the City's Electrical Inspector for their input on this document.

13.03.50 – Minimum Land Area

The minimum land area was changed to 4 acres per the Commission input (with no more than 8 mobile homes per gross acre).

Mrs. Powell stated that staff had a work meeting with all current mobile home park owners. The owners have discussed the document, and they have given input.

**Richie Webb** the city is requiring 2 spaces per unit (9' by 20'). He asked if there was discussion about compact car spaces within a mobile home park.

**Natalie Powell** said the owners felt that larger spaces are a necessity.

### 13.03.30 Development of Boundary Lines

Take out the word 'ornamental' in regard to fencing.

Keep 'evergreen planting'.

**Kelly McKamey** (in the audience) asked if this mobile home ordinance with changes would be imposed upon existing mobile home parks or if the existing parks are grandfathered in.

**Chairman Dyer** said anything that is existing would be considered 'as is'. This ordinance with changes would cover any new mobile home developments.

**Val Christensen** said when this document was first discussed with mobile home park owners, they felt that 8 mobile homes per gross acre was not enough density. The owners had suggested they could go as high as 13 homes per gross acre.

There was discussion of a possible Conditional Use Permit (CUP) in regard to higher density for a manufactured/mobile home park.

**Chairman Dyer** said there was Commission consensus to put some language into the document regarding a CUP to consider increased density.

### Sign Regulations:

**Natalie Powell** said signage for this kind of development refers to the Sign Ordinance, which is already in the Development Code.

Signage would be required to include the name of the complex as well as the address below it for emergency response.

She explained that there is an Addressing Committee regarding addresses that are assigned.

(The Design Review issue that was in the Idaho House was briefly mentioned, regarding decisions being made at local or state/or federal level. The Senate will be making a decision).

### 13.03.100 Structures, Alterations, and Additions.

Change '*lightweight stuff*' possibly to '*lightweight attachments.*'

### 13.05.020 Site Plans Required

Site plan requirements are consistent with the new draft Subdivision Ordinance.

Garbage collection, receptacles – these are looked at during site plan review.

Brief discussion on access widths, and private and public streets.

Water and wastewater have to connect to the City.

Take out Sections 13.09.080 (Communicable or Contagious Disease Procedure), 13.09.90 (Pet Restrictions), and 13.09.100 (Insect and Rodent Control) – could state that these subjects are covered in other ordinances. Refer to existing laws.

### 13.10 Inspections

Inspection of general layout and not the mobile homes themselves.

Brief discussion on mobile homes that are older versus newer.

### 13.12 Noncompliance

Wording is transferred from the ordinance, so that the information is consistent.

Change *Enforcing Officer* to *Compliance Officer*.

**Val Christensen** said this document will again be cleaned up and then emailed out to the Commission for their review. It would not be covered again during a meeting unless there is something specific that needs to be addressed. The document along with the other Development Code changes will eventually go to public hearing before the City Council.

**Chairman Dyer** thanked **Natalie Powell** for her efforts in getting the manufactured/mobile home park owners together and getting their input on the document.

**Natalie Powell** said the owners would attend the public hearing before City Council that would be held in the near future regarding this document along with other Development Code changes.

## Development Code

### Chapter 5 Parking Regulation:

Several housing complex owners have expressed to staff that 10 per cent visitor parking is too big a number for visitor parking in the PEZ (Pedestrian Emphasis Zone) overlay.

**Val Christensen** said this issue would be addressed at the next P&Z meeting (March 20<sup>th</sup>); complex owners have requested to be on the agenda to voice their concerns.

There was some discussion.

A graduating number, depending on complex size, may be an answer for this issue.

### Section 5.5 Aisles and Parking Areas:

Some developers have asked if aisle width can be reduced to 20 feet.

Leave as currently stated - 22 feet aisle width in parking structures; at least 24 feet for aisle width designed for two-way circulation.

Asphalt standards match Rexburg Engineering Standards.

Asphalt is not allowed for sidewalks crossing driveways.

Tandem parking language was added - *Tandem parking is allowed for residential use where the tandem spaces are assigned to the same dwelling unit.*

### Section 5.6 Location of Parking Areas

Leave in the sentence regarding setback encroachment.

## Section 5.8 Required Number of Parking Spaces

Change the wording from *Student Housing* to *Dormitory Housing*– it was suggested to do this throughout the document. Clarify the meaning of ‘dormitory’.

*Multi Family Dwellings for the elderly* – possibly change wording to *Assisted Living Centers*.

Required number of parking spaces currently states .7 per unit.

It was suggested to research assisted living properties to help determine required parking space numbers.

Nursing Homes – also research these developments to help determine required parking space numbers.

Public Assembly parking – clarify this section.

**Steve Oakey** (in the audience) commented that if there is any public input at this meeting, he would make the suggestion that we radically think about parking in general - rather than go from simplicity to complexity, that should be reversed to go from complexity to simplicity.

We are talking about apartment complexes as if they are something other than a business - they are a business. If we can scrap the parking regulation as it currently is and think about something a little bit more radical: when a developer comes in, they should demonstrate to the P&Z Commission and the City Council that they have adequate parking rather than having the demand for a certain number of parking spaces, a certain depth and width, and a certain circumference of turning radius. The developer also needs to demonstrate this to their customers.

Mr. Oakey stated that it has been alluded to that the market will drive traffic patterns inside a piece of private property; the business wants the traffic to flow easily. For example, at McDonald’s, there are parking places, but there are also areas where the business wants to accommodate driving traffic. Another example is the Ivey apartment complex. They already have an advantage because they now do not have the same parking requirements as a competitor a block away. That drives up the cost of the competitor and makes the 2 complexes have a non-competitive atmosphere.

Mr. Oakey felt what should be done instead of going through the document sentence by sentence trying to decide what business should have how much parking is that the developer needs to come in with a business plan. The developer needs to demonstrate that they can accommodate their customers. If they want to push visitors or students out to the street, he would suggest that the street would be striped in such a way that there is no parking on the street or limited parking on the street. If there are any violations due to cars parking on the street, the cars would be booted or towed, the cost of which would be incurred by the property owner.

Rather than constructing a parking plan from a parking code that is ever-increasing in complexity, it is up to the developer to come up with a parking traffic strategy and to demonstrate that this can be handled without encumbrance on the public common thoroughfare.

**Richie Webb** stated it goes back to the conversation earlier about possibly having a way, through a CUP, to address unique situations and to consider individual developments so that they might not

have to comply with the basic standard. It may be difficult to address it every single time with every single use, which could be a burdensome process. However, maybe there is a way to consider something unique through a CUP as an alternative.

**Val Christensen** said he appreciates Steve Oakey's comments.

As the staff person who does the reviews of plans that are submitted, he can say that the review process is more complex than is thought.

The City has experienced developers who would literally park cars on every inch of their property if it was allowed. There also are developers who want to build complexes without parking or businesses such as call centers without parking.

Right now, if we come up with numbers that are right for 99% of the time, then a developer submits plans, the plans are reviewed, and a project can move forward.

Should there be a CUP for special cases? We have that in the PEZ zone. This area was identified by the City to be able to become more pedestrian friendly, and the CUP is used as a tool.

If a CUP is used each time for every development plan regarding the parking, it would greatly slow down the process.

The majority of developments are reviewed, and the standard numbers work. Possibly make the CUP a secondary alternative; it would be difficult for each one to come through on a CUP.

**Dan Hanna** felt there is a need to have a minimum standard.

**Stephen Zollinger** said there is a function being served. It is not just an arbitrary number that is stated in the ordinance. It is a number that the industry established and the City had to creep up based on Rexburg's specific demographics. It has only been 2 years since Rexburg did their own study. Every apartment complex participated in a survey and was interviewed.

The City came up with one parking space per bed based on the actual numbers. The ten percent visitor parking was set because booting and towing continued to be a problem. The issue is looked at from a business standpoint, as Mr. Oakey pointed out. As a business, the development is expected to responsibly accommodate the customers.

Mr. Zollinger cautioned in attempting simplification of or attempting to rewrite the residential dormitory-style regulations. The City has 40 years of experience with how apartments are being used and how management is managing the parking. Set a standard but leave it open for the opportunity to change.

The Hemming PRO Zone (Project Redevelopment Option) is a great example of a developer-driven plan that is working really well. It continues to evolve. Hemming Properties comes in to the City on a regular basis to discuss any new plans.

There was discussion on possible CUP or development review, etc.

Stephen Zollinger suggested setting a standard that a developer would simply go through administratively, but leaving open the option for a developer to bring forward a unique situation.

At the end of Section 5.8 (parking spaces), add language such as "Special cases may be given the right to be heard."

Call Centers:

**Natalie Powell** reviewed the findings regarding call center parking.

She stated that she poled the existing call centers, as well as some like businesses, about their parking needs. The businesses emailed her their findings.

About 60 percent of the employees who are at work at one time, drive to their work location.

Several businesses participated, including Melaleuca (418 employees), Avantguard, and Progressions.

Employee numbers versus work station numbers were discussed.

A .6 parking ratio is the average of what appears to work regarding parking for call centers.

Language in the Development Code for Call Center parking could be *60 percent of work stations*.

**Val Christensen** said Call Centers are currently only listed as a permitted use in the Technology and Office Zone.

The City has been allowing call centers on a case by case basis in the downtown area.

**Dan Hanna** said with respect to location, any empty building that has adequate parking might be looked at for this type of business.

**Melanie Davenport** said if call centers are allowed in every strip mall that has any vacancies, we are limiting the opportunity for something else to come in that is more appropriate. The strip mall becomes less valuable as a shopping area.

**Richie Webb** said this is a market driven issue. If a landlord cannot find a tenant other than this type of business, it is a decision the landlord should be able to make. The use should not be restricted to certain zones.

**Val Christensen** said it may be more positive for the community if it is determined where such a business would make the most sense.

Better and more valuable investment would come if this is done properly.

The **Chair** suggested that the Commissioners email Val Christensen with their suggestions on where (what zones) call centers should be permitted.

Subdivision Ordinance

The Subdivision Ordinance draft document was handed out (and also emailed) to the Commissioners.

City Engineer John Millar has completed his work on the rewriting of the document.

**Val Christensen** stated that a 'short plat' has been added to the document. There are a lot of times that the plat process can be cumbersome. The short plat process will be helpful for some applicants under the right circumstances.

It was clarified that the Preliminary plat and Final plat procedures process remain a part of the Subdivision Ordinance.

It was clarified that the Subdivision Ordinance will be put into the Development Code.

The Commissioners will read over the document and give any suggestions to Val Christensen. This eventually will be going forward with other Development Code changes to the City Council for public hearing.

Val Christensen will bring the final edited draft version of the Development Code before the Commission another time before a recommendation is made by the Commission to the City Council.

**New Business:** None

**Compliance:** None

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

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

March 20<sup>th</sup>:

1. Rezone – 529, 549, 559, 579, 589, and 609 South Millhollow Rd. – LDR1 to LDR2
2. Pedestrian Emphasis Zone Area 2 (PEZ2) concerns with Visitor Parking – Various Complex Owners

Chairman Dyer adjourned the meeting at 10:00 pm.