

Planning & Zoning Minutes

March 20, 2014

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Mary Ann Mounts Thaine Robinson
Mark Rudd Dan Hanna
Melanie Davenport

City Staff and Others:

Brad Wolfe- City Council Liaison
Val Christensen- Community Development Director
Nick Cummock – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Winston Dyer opened the meeting at 7:01 pm. He welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Dan Hanna, Mary Ann Mounts, Winston Dyer, Thaine Robinson, Melanie Davenport

Gil Shirley, Cory Sorensen, Jedd Walker, Richie Webb, and Chuck Porter were excused.

Minutes:

1. Planning and Zoning meeting – March 6, 2014

Dan Hanna motioned to approve the Planning & Zoning minutes of March 6, 2014. **Thaine Robinson** seconded the motion.

Mark Rudd and Mary Ann Mounts abstained for not having been present.
None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Rezone – 529, 549, 559, 579, 589, and 609 South Millhollow Rd. – Low Density Residential 1 (LDR1) to Low Density Residential 2 (LDR2)

The Chair noted that applicant and property owner Richard Smith in an email communication dated yesterday, has requested that this Rezone application be Tabled until the next P&Z meeting on April 3rd, as he was unexpectedly called out of town and is unable to attend tonight's meeting.

Chairman Dyer opened the hearing for a Rezone for 529, 549, 559, 579, 589, and 609 South Millhollow Road, to change the zoning from Low Density Residential 1 to Low Density Residential 2. At the request of the applicant, this rezone would be tabled.

Mary Ann Mounts motioned to Table the Richard Smith Rezone application request until the April 3rd P&Z meeting. **Dan Hanna** seconded the motion.

None opposed. **Motion Carried.**

This Rezone application has been Tabled; the rezone proposal and public hearing will be addressed at the next P&Z meeting on April 3, 2014.

A citizen in attendance asked for clarification on the rezone request.

Chairman Dyer said a zone change to LDR2 would allow the opportunity for twin homes to be built. Twin homes are not an option in the current LDR1 zoning.

If the rezone request is approved, the applicant could then apply for a Conditional Use Permit (CUP) to allow twin homes in an LDR2 zone, which would be another public hearing.

Val Christensen clarified that the zone change request would go on to the City Council for a final decision. The CUP could be decided by the P&Z Commission.

Chairman Dyer said in an LDR2 zone the minimum lot size is slightly smaller than in an LDR1 zone.

Mary Ann Mounts clarified that 12,000 square feet is the minimum lot size for LDR1 and 8,000 square feet is the minimum lot size for LDR2.

Val Christensen said a twin home in the LDR2 zone would require 10,000 square feet.

Non-controversial Items Added to the Agenda:

1. Pedestrian Emphasis Zone Area 2 (PEZ2) concerns with Visitor Parking – Various Complex Owners

This issue was cancelled at the request of Ashley Boyd, of Northgate/Southgate, Innovative Real Estate Companies, representative for the group of complex owners. The group will contact the City when they are ready to discuss this issue.

Unfinished/Old Business:

1. Development Code Changes – Discussion continued

Subdivision Ordinance

The **Chairman** said he will email a few input comments to Val Christensen. He said the ordinance is still written in an independent ordinance form, like it is a stand-alone ordinance. He suggested that the language needs to be tailored to fit in as a chapter in the Development Code.

Development Code

Chapter 5 - Parking Regulation

Section 5.2 – Distance for private off street parking

A parking lot would be within 200 feet of the primary entrance of the business.

There could be the option to allow greater distance if someone wants to come forward to staff to request a CUP. Staff would review the issue.

Val Christensen said the 200 foot rule seems to have worked most of the time.

Melanie Davenport stated that the 200 foot distance for parking from the main entrance of a building is safe; otherwise, there could be a Pandora's box. She likes the option of a CUP.

Chairman Dyer noted for the record that this issue of parking lot distance has already been discussed by the Commission, and staff has followed the recommendation of the consensus that was identified during that discussion.

He suggested that after the reference to a CUP with regard to greater parking lot distance, it could be stated to see Section 6.12b – Standards Applicable to Conditional Use Permits.

Big box parking was discussed briefly. Big box parking space numbers are based on industry standards.

Assisted living (instead of the term “elderly”) parking, nursing homes, Village Community Gardens where the people are independent and likely have cars – more information is needed to determine parking requirements.

Val Christensen will do more research on these issues.

It was stated that the Development Code is a living document and is subject to change.

Dan Hanna said there is always that level of criticism for having policies and guidelines and codes that for some reason do not always fit.

Mary Ann Mounts asked how often staff receives complaints about the City requiring too much parking.

Val Christensen said the only complaints he has heard lately were with the PEZ zone’s 10 per cent visitor parking and with call centers. Call Center parking has been addressed based on input from various call centers and was discussed at the previous P&Z meeting.

Chairman Dyer clarified for the record that there are no national standards for parking. There are industry standards – what is traditionally done predominantly elsewhere.

The **Chair** said if there is a need to change these standards, it will happen as it has happened over the past several years. Someone or some group will come in to say they do not think this is working, or they may have a suggestion to be considered. That is what happened on the parking for the student housing.

We listened, we evaluated, we changed the ordinance, and we have a formula now that works. If there is a need, we will know about it.

Section 5.10 Parking Regulations for the University District

Phil Packer of BYU-Idaho was present in the audience. The **Chairman** asked if the parking regulations have been working for the University.

Mr. Packer said the physical facilities people are applying these standards and trying to see that the University is keeping up. The University is just a little behind. He does not know of any wanted changes to the standards.

Chairman Dyer asked Mr. Packer to bring the issue to campus representatives and then get back to Val Christensen with any input.

Val Christensen asked if there was input from citizens in the audience on the parking issue.

Ying Yang of Rexburg addressed the requirement for sit-down restaurants (Section 5.8 - Services): 10 spaces per 1000 square feet gross floor area. He said the floor space is sometimes storage and not customers. It should be just the space for sitting people that is addressed. No businesses are exactly the same. Each is different, so Mr. Yang sees this issue as a guideline more than a standard. His concern would be if he has enough space for his customers.

Mr. Yang felt that business owners know what is best for their businesses.

He admires what the Commission is doing and realizes the Commissioners have a difficult task before them.

Chairman Dyer said if there are complaints about parking, it becomes the city’s problem. That is why the city tries to set some standards to try to minimize such complaints.

He asked if Mr. Yang felt the standard should be changed from gross floor area to service area for customers. Mr. Yang said yes.

A note was made in the edited document to look at the wording in this section.

Mary Ann Mounts was excused.

Steve Oakey of Rexburg said he agrees with much of what Mr. Yang has said, but he does not think the Commission has a difficult task. The difficulty is in groping for formulas that simply do not exist. We are going from very complex rules and formulas that will only increase in complexity, because it is dealing with very situational businesses.

He does not think there is anyone in this room who requires government to tell them how many cars to park in their garage.

A good business person does not need any entity to tell them how many cars their business is going to serve.

Mr. Oakey stated that this whole complicated formula could be scrapped. He has some ideas of how to develop a simplified parking code that would be much easier for developers to deal with on a situational basis. If you cannot organize a business that is going to accommodate your customers, then you deserve to fail. The government should not provide success or failure.

He is in favor of scrapping, in the extreme, the existing parking code, and having a simplified version with some hard and fast rules. Let people inside their own property decide how they are going to accommodate their customers. It is not up to this body to determine the needs of the future. It will be up to businesses.

Chairman Dyer asked Mr. Oakey to provide an outline of his ideas to Val Christensen.

Mr. Oakey said he would be glad to start out with some basic ideas.

Ying Yang said the code is not necessarily right.

The code should not take creativity away. He agrees with Mr. Oakey.

Mr. Yang feels there is more regulation here than anywhere else he has been. He has lived here for 5 years.

Val Christensen clarified that from the city's standpoint, if the city does not uphold the code, the city is put in a liability situation.

Mr. Yang said the regulation is taking the business owner's responsibility away, and that is why they may sue.

Thaine Robinson said he agrees with the simplification of ordinances if it is possible, but we have to protect the next business that may be coming to a piece of property. We have to plan ahead for other circumstances.

Val Christensen felt situational review could be done if necessary. His concern is that 90 per cent of the businesses that come in do the right thing; 10 per cent do not (public parking, streets, etc).

Chapter 6 – Administrative Procedures

Regarding sections that address the make-up and responsibilities of the P&Z Commission,

Chairman Dyer suggested referring to what the State Code (Title 67 State Government and State Affairs, Chapter 65 Local Land Use Planning) states, along with clarifications/changes that apply.

This would be a way to help simplify the Development Code.

It was stated that the State bill (no.480) regarding design standards did not get out of committee to go to the Senate; therefore, the bill was thrown out/it died. Building design standards are allowed in the state of Idaho the same as they were before. The bill was to get rid of design standards in commercial.

Val Christensen stated that staff has basically completed the review of the Development Code. The Mobile Home ordinance and the Subdivision ordinance will both go into the Development Code. For the most part, the document has been sized down. Redundancies and contradictions have been removed.

In the future, there would still be further work done to size down the Development Code. The entire Development Code Ordinance is on the City of Rexburg website, as is the edited version that shows the recommendations that have been made.

Mr. Christensen suggested the Commissioners look at the edited document on the website; if there are any errors, etc. please contact him.

Chairman Dyer said this is a great clean-up. It is recognized that regulations are sometimes troublesome to all of us. This has been a monumental effort. It is recognized that the Development Code has been criticized, but there is no argument as to the great things that have happened in Rexburg, Idaho, because we have had the Code as guidelines and standards. Rexburg has been largely able to keep the reins on what would otherwise have been chaotic and uncontrolled growth.

Staff would ask that the P&Z Commission at their next meeting potentially make a recommendation to City Council for the Development Code with its changes to be brought before the Council for Public Hearing.

New Business: None

Compliance: None

Report on Projects: None

Tabled Requests:

See above hearing that was Tabled earlier this evening : Rezone – 529, 549, 559, 579, 589, and 609 South Millhollow Rd. – Low Density Residential 1 (LDR1) to Low Density Residential 2 (LDR2) – to be addressed at April 3, 2014 P&Z meeting for public hearing

Building Permit Application Report: None

Heads Up:

April 3rd-

1. Recognition of Service for P&Z Commissioners Mary Ann Mounts and Winston Dyer, Chairman
2. Tabled Rezone - 529, 549, 559, 579, 589, and 609 South Millhollow Rd. – LDR1 to LDR2
3. Rezone- 830 South 5th West - LDR2 to MDR1
4. Development Code Changes – Discussion- Staff requests that the Commission make a recommendation to City Council to adopt the Development Code with changes.

Chairman Dyer adjourned the meeting at 8:45 pm.