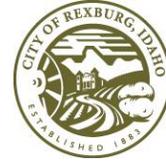


Planning & Zoning Minutes

July 2, 2015



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Thaine Robinson – Chairman
Chuck Porter Mark Rudd
Jedd Walker Steve Oakey
Bruce Sutherland Melanie Davenport
Rory Kunz

City Staff and Others:

Natalie Powell – Compliance Officer
Timothy Helferstay – Community Development Intern
Elaine McFerrin - P&Z Coordinator

Chairman Thaine Robinson opened the meeting at 7:00 pm.

City Council Liaison Brad Wolfe and Community Development Director Val Christensen were excused.

Roll Call of Planning and Zoning Commissioners:

Attending: Steve Oakey, Mark Rudd, Chuck Porter, Rory Kunz, Thaine Robinson, Jedd Walker, Bruce Sutherland, and Melanie Davenport

Cory Sorensen, Tisha Flora, and Gil Shirley were excused.

Minutes:

1. Planning and Zoning meeting – June 18, 2015

Steve Oakey motioned to approve the Planning & Zoning minutes of June 18, 2015. **Rory Kunz** seconded the motion.

Chuck Porter, Bruce Sutherland, Melanie Davenport, and Thaine Robinson abstained for having not been present.

None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Conditional Use Permit (CUP) –for a Hotel – at approximately 1300 South 12th West

Chairman Robinson explained the procedure that is followed for public hearing. The applicant will present the proposal. Staff may give clarifying input. Everyone will be able to ask clarifying questions about the proposal before testimony begins. Public hearing testimony will then be taken. Anyone may speak in favor of, neutral to, or opposed to the proposal. The applicant has the right of rebuttal if anyone speaks in opposition. There cannot be any interaction during testimony. The staff report will then be given, and the Commission will deliberate in order to make a decision.

Chairman Robinson asked if any of the Commissioners needed to declare a perceived conflict of interest or conflict of interest with this proposal.

Rory Kunz declared a perceived conflict of interest. He is good friends with many property owners in the subject area and knows most of the owners quite well. He does not have any financial obligation to the proposal.

The Commission had no objection to Commissioner Kunz staying on the dais to participate in the hearing.

Jeremiah Bigelow, 1535 East 34 North, Ririe, the applicant. He and his brother and father own this property. He briefly gave the background leading to this request. They first came forward a couple of years ago requesting a CUP for a hotel for property just off of West Main (approximately 75 Pioneer Road adjacent to City soccer field). This P&Z board recommended approval but the City Council denied the request. The Bigelows were approached by the City and did a land swap for this current subject property which they bought from the City of Rexburg through the farmer who owns land here. The City of Rexburg now owns the property next to the soccer field. The land swap was initiated through the City's legal counsel. The property owner of the farm land knew what use the Bigelows intended for the subject property.

The size of the property is two and a half acres. They are requesting a CUP in order to build a hotel on the specified property, with 60 to 70 rooms. The site plan was viewed. There would be plenty of room for parking. A concern from the earlier proposal was having room for semi-trailer trucks. This current location has plenty of room for semis. There would also be enough room for a future restaurant or other commercial business.

They have opened a Motel 6 in Idaho Falls across from the Outback Steakhouse, which is doing well. They have not signed any contract with Motel 6 for the subject location. However, they are really happy with the franchise, and their goal would probably be to sign a franchise agreement with Motel 6 for this property. These motels have nice buildings and have changed a lot over the years. They are more modern looking and budget minded. Many people come to stay because of memories from earlier stays during childhood. The motel has been a great asset to their family. His father also owns a motel in Rigby. Coming to Rexburg makes sense for them.

As to City reviews, Mr. Bigelow is fine with moving the building to the north so the exit closest to the intersection of 2000 South and 12th West is not so close to the intersection.

As they go through the building process, they would meet or exceed the architectural design criteria requirements of the City.

Chairman Robinson read the Public Works staff review comments: "Right of way will need to be dedicated to City of Rexburg for 12th West and 2000 South; entrance at southeast corner too close to intersection; 12th West and 2000 South will need to be widened and sidewalk installed."

It was clarified that the applicant regarding their portion of the property would have to widen the street, and put in sidewalks and curb and gutter. This would be for the full length of the property. The Chair recommended that these 3 points should be addressed as conditions if the Commission recommends approval of the CUP proposal.

It was clarified that the zoning of the subject property is Community Business Center, which fits under its Comprehensive Plan land use designation of Commercial.

Compliance Officer Natalie Powell reiterated that there was a land swap that took place after the first CUP request was denied. The earlier CUP request was recommended for approval to the City Council by this body. However, the Federal Aviation Administration (FAA) issues regarding flight path was a concern of the City Council, who denied the request.

The current property location is right across the street from Edstrom Construction and the new Carpet Direct store. There is a church to the west with the Kartchner project to the north of Burton school. The project has blossomed. When the Kartchner project began, it was in the middle of nowhere. They were asked to put in curb and gutter, sidewalk, a landscape strip, and safe routes to the school, knowing that shortly in the future there would be the necessity for those items. The subject property may be in the middle of nowhere right now. However, Rexburg is growing. Within the next few years there is the great possibility that there will be many more businesses surrounding this as well as a possible housing subdivision to the west. The City needs to plan for this kind of growth.

The widening of the road and the curb, gutter and sidewalk are required for all new City projects.

Melanie Davenport asked if this request would impact the City road and bridge projects that are planned to be done.

Natalie Powell stated it does not affect them.

Chairman Robinson asked if the public had any questions to help them understand the proposal. There were no questions.

Chairman Robinson opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Robinson closed the public input portion of the hearing and asked for the staff report.

Natalie Powell gave the report for Community Development Director Val Christensen. He had asked that she mention that the land swap that took place was a very cooperative land swap; the City and the Bigelows worked well together on it to find a better fit. She reiterated the 3 points regarding right of way dedication, the entrance at the southeast corner being too close to the intersection, and that 12th West and 2000 South would need to be widened and the sidewalk (curb and gutter, 7-foot landscaping strip) would need to be installed. The applicant will submit a detailed site plan, showing drainage, landscaping, parking, etc., for staff review during the building permit process. The applicant would have to meet the design standards for the City of Rexburg. The Fire Department did not have any comment at this time and will review the site plan as part of the building permit process.

It was clarified that water and sewer are already in place in the subject area.

The road would need to be widened and curb and gutter added on both 12th West and 2000 South as the project moves forward for the property running along the development area.

The road would continue to be widened as other developments come to the area.

Chairman Robinson stated the issue before the Commission is, should a Conditional Use Permit for a hotel on the specified property be granted (recommended to City Council for approval)? Should there be any conditions?

Chuck Porter said there was much concern from the neighbors with the earlier CUP request. This current requested CUP with this location does not have that problem. There is really not anyone who would complain. There is a carpet business, an implement dealership, and there are storage units being built in the area. It would probably be an improvement to the area. He has observed that this applicant operates their Idaho Falls hotel that is by the highway, which was referred to at the time of the earlier CUP request, in a fashion that treats the neighborhood pretty well.

This current request is a pretty good fit, with the 3 conditions that were talked about tonight.

Chairman Robinson stated the subject property is in the Community Business Center (CBC) zone. If there were homes nearby, the room would be filled with concerned residents.

This is a good fit for the zone and the area. The compromise that the City and the owners did is admirable. It was smoothly done and is a good solution.

Steve Oakey asked for clarification on the large trucks that would come to the business and if there was adequate space. Would they be utility trucks or semi-trucks?

Jeremiah Bigelow stated they do have some semi-truck drivers who patronize their Idaho Falls motel, with trucks coming there perhaps one or two at a time. Truckers are probably among their best customers. Yes, there is adequate space at the subject property for trucks to park, and to come in and out. There will be paved asphalt.

It was clarified that a landscape plan would be part of the building review process.

Bruce Sutherland commented that if there are semis using the parking area, it is important to have a proper base for the asphalt. Otherwise, the regular form of asphalt would be problematic.

Steve Oakey motioned to recommend to City Council approval of a Conditional Use Permit for a hotel for the property at approximately 1300 South 12th West, to include the three conditions stated in the Public Works staff review:

1. Right of way will need to be dedicated to City of Rexburg for 12th West and 2000 South.
2. Entrance at southeast corner too close to intersection.
3. 12th West and 2000 South will need to be widened and sidewalk installed.

Jedd Walker seconded the motion.

None opposed. **Motion carried.**

The Standards Applicable to Conditional Use Permits, Section 6.12B from Development Code Ordinance No.1115 applies to all conditional use permits.

Chairman Robinson reiterated that this is a harmonious outcome. He praised the City and the applicant for working together. Jeremiah Bigelow stated that he appreciates the City.

Unfinished/Old Business: None

New Business:

1. Discussion – Trejo Professional Park – John Bagley – Potential land use change

It was clarified that the presenter is asking for the opinion of the Commission. A motion does not need to be made on the issue.

John Bagley, 4813 South 3300 West. He and his brother own the subject property, 3 lots that are located on Grand Loop off of Trejo Street and near East Idaho Credit Union. The property is zoned as *Technology and Office*. Their idea is to possibly put an assisted living facility at this location. He has other properties, but this seemed like the best location. There are doctor and dentist offices nearby. There is a church nearby. It is a quiet neighborhood. This would be an assisted living facility, not a nursing home. The people who would be there can still get around independently. The property is not selling for technological use. The Bagleys were thinking of building a nice facility here and want the Commission's view.

Chuck Porter asked if the facility would be like Homestead Assisted Living or Fairwinds.

The idea was for a facility that is more like Morning Star Senior Living. They do know size or any other details yet. They first wanted to know if the idea is viable. It may be cheaper to build a 2-story rather than 1 story building, but this has not been looked at.

Chairman Robinson said he did not see a problem with the idea, but if the City did give up this Technology and Office zoning here, his concern was where else it is available.

Natalie Powell said north of town near Artco there is similar zoning.

John Bagley said there is some tech zoned property surrounding the subject 3 lots.

Bruce Sutherland clarified that the church to the west of the subject property is a student ward. Residents would have to go to another location. But, he does not have a problem with the presented idea.

Melanie Davenport wondered about flexibility – if this project could be assisted living or family housing according to the need. The applicants could contact the City and the University for statistics.

Steve Oakey said this idea sounds like a great project.

Chairman Robinson stated that there is a consensus of the Commission that the Commission is fine with this idea of an assisted living facility at the specified location. The Commission felt that John Bagley could move forward with this issue.

Compliance:

Chairman Robinson requested that **Compliance Officer Natalie Powell** inform the Commission of what compliance issues she has been working on.

Natalie Powell stated she is working on trying to beautify the City. Over the years that she has worked for the City, she has accumulated a list of vacant lots and troublesome properties or areas. She stays busy trying to get things done. In the last several weeks, there has been great success in trying to get everyone to spray their weeds and mow down vacant lots to ground level.

Bruce Sutherland said that he has noticed the improvement. He commented on a house across from the library which recently looked like a jungle.

Natalie Powell said the son of the owner (who does not live there) is taking care of cleaning up the property. He does not live in Rexburg and was unaware of the problem until she contacted him and sent him pictures. He has had the tenants move out and is working on mowing and cleaning the property and was very embarrassed about the situation.

She stated that she contacts property owners with an email or letter to make them aware of a situation. If there is no response after a certain amount of time, she tries to follow-up with a phone call to the owner. She also keeps a list of contractors. The City has not had to take drastic measures yet this summer, but the legal department assures that if a situation is not moving forward and an owner is refusing to take care of a the problem, City crews could mow a property and then the property owner would be billed, because the situation is a fire hazard.

As the Commissioners drive around the City, if they see something that may be an issue, please bring it to her attention.

Melanie Davenport asked about the Super 8 Motel and its landscaping.

Natalie Powell stated the owner has hired a landscaper just this past week. They are trying to update and improve the landscaping, which has been there for 20 years. He would like to plant flowers.

Chairman Robinson asked about the new Carpet Direct store and their required landscaping that was addressed at a Design Review Committee meeting.

Natalie Powell said the development is going through final inspections. They will not be able to get a Certificate of Occupancy until they put in the required landscape.

She is also working on a project of improving sidewalks in Rexburg. She has been helping the citizens regarding their understanding of an LID (Local Improvement District) and the LID payment plan for residents to help in replacing sidewalks.

Please let Mrs. Powell know if any damaged sidewalks are seen.

Chairman Robinson commented that on some streets such as part of West Main, the mailboxes are in the middle of the sidewalk. This makes it difficult for people to walk down the street.

Natalie Powell stated that it is a safety issue. She has contacted the Post Office. At this time, the Post Office would not be supportive of a possible ordinance that would have the mailboxes be put onto the houses. The Post Office has worked really well with the City on the issue of addressing. They worked with the City on the addressing of the former Kmart complex.

Mrs. Powell reported that she continues to work with property owners on the problem of stop signs that are obstructed by trees.

The Chairman thanked Natalie Powell for her hard work on compliance issues.

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

July 16, 2015 P&Z meeting:

1. Sweetwater Housing Planned Unit Development (PUD) – Approximately 902 Everett Place
- Preliminary Master Plan/Preliminary Plat

The meeting was adjourned at 8:02 pm.