

Planning & Zoning Minutes

March 15, 2007

12 North Center
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Rex Erickson – Council Member
Ted Hill Thaine Robinson
Mike Ricks David Stein
Mary Haley Randall Porter

City Staff and Others:

Gary Leikness – P&Z Administrator
Stephen Zollinger – City Attorney
Emily Abe – Secretary

Mike Ricks was selected to act as chair for this meeting.

Chairman Ricks opened the meeting at 7:03 pm.

Roll Call of Planning and Zoning Commissioners

Ted Hill, Mary Haley, Mike Ricks, David Stein, Thaine Robinson, Randall Porter

Winston Dyer, Charles Andersen, Mary Ann Mounts, and Dan Hanna were excused.

Minutes:

A. Planning and Zoning meeting – March 1, 2007

Mary Haley motioned to approve the minutes for March 1, 2007. **Ted Hill** seconded the motion. None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – Henry's Fork Plaza Church (Mark Paulsen)

Mark Paulsen, 910 Bannock, Idaho Falls. He said they have a small group that has been meeting, and they are looking for a place to call home for their church. They found this little store front in a business park and would like to meet there. They have about 20 people in their congregation.

Thaine Robinson asked how many people would be meeting there, how big the building is, and how many exits there are. Mark Paulsen said there will be about 20 people, the building is about 1600 square feet, and there is an additional exit in the back.

Thaine Robinson said it was his understanding that the church will meet on Sundays and one night a week, which should not impact the businesses in the area. Mark Paulsen said virtually nothing they do will be during business hours. They might have a business meeting on a Saturday every once in a while. They have access to 10 or 15 parking spots during that time. They have access to about 90 parking stalls after business hours.

Chairman Ricks opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Ricks closed the public input portion.

Gary Leikness pointed the property out on the map. The applicant would like to operate a church on this site, which is zoned Community Business Center (CBC). A church is a conditional use in this zone. Staff found the request reasonable based on the ordinances. The site is existing, and is served with roads and utilities. This is a complimentary use for the area, with hours different from the other peak hours in the development. He pointed out the proposed conditions of approval in the staff report.

Mary Haley asked if the building would be used for a business during the day. Gary Leikness said it will only be used for a church.

Randall Porter motioned to approve the Conditional Use Permit for the Henry's Fork Plaza Church with the conditions listed on page 4 of the staff report:

1. The proposed use shall not, in the future, increase the demand for on-site parking beyond that which is allowed and agreed upon by the owners of the Henry's Fork Plaza at that time.
2. Trash receptacles shall not be visible from the public right-of-way, or adjacent property.
3. Commercial lighting standards per the City's development code shall be adhered to.
4. Any proposed signage shall comply with all City sign standards and will require a separate permit.

Thaine Robinson seconded the motion.

None opposed. **Motion carried.**

7:15 pm – Variance – 55 W. 2nd N. – Head Start Building

Gary Leikness said the building on this property was recently constructed. The owner requested a final inspection from the City for occupancy. At that time, they were denied a final certificate of occupancy due to parking spaces being located in the required front yard. The site plan on file at the building department and the site plan the owners used to construct the site were different. The builders understood the site plan they were using had been approved by the city. It was discovered that during the original site plan review process, the applicant was required to address several issues regarding maneuvering areas for emergency vehicles. In attempt to resolve the issues, the property owner worked with the fire department. When they resolved the fire access issues, they got a nod from the fire department that their site plan was approved. This site plan was not given back to the building and planning departments. The failure happened when the fire department and the planning department failed to get the plans circulated. The building and planning department were working off different plans than the fire department was working with. What the fire department approved was not reviewed by the planning department, and the building permit was issued. Based on the limited options and after looking at the surrounding land uses, staff determined that a variance for the front yard exclusion of parking might be in order for this particular site. He pointed out that surrounding properties are currently parking in the setback as well. The ordinance allows us to grant variances, as long as certain criteria can be met. He reviewed the staff report and how the criteria for a variance have been met on this property.

The Commission discussed the surrounding properties.

David Stein asked if the city has reviewed and approved a landscaping plan. Gary Leikness said we have not. This could be a condition of approval.

Randall Porter asked how many parking spaces the site would be short of without the variance. Gary Leikness said they would be short 2 spaces.

Thaine Robinson asked if they have enough green space on the site. Gary Leikness said they do, since the landscaping in the back counts also. The owners will have the advantage of storing their snow on the right-of-way, between their parking lot and the sidewalk.

Gary Leikness reviewed the proposed conditions of approval.

Chairman Ricks opened the public input portion.

In favor:

Russell Spain; Executive Director of Eastern Idaho Community Action Partnership, owner the Head Start building. What has already been explained to the Commission is what they understand actually took place during the design and construction of the building. They wholeheartedly support the issuance of this variance with the proposed conditions. Their intention is to get the facility landscaped as soon as possible, so they can install playground equipment. They would like to get the landscaping done much before June 1. They will also be screening the garbage dumpster by June 1. He asked the Commission to grant the variance.

Neutral: None

Opposed: None

Written Input: None

Chairman Ricks closed the public input portion.

Ted Hill asked if the lighting has been addressed. He asked how they are going to deal with the steep wall from the apartment complexes to the parking lot of this project. He wonders if there should be a retaining wall there.

David Stein said the landscape being approved by the city would help this situation. The parking should be screened from the right of way.

Mary Haley asked if it is allowed for people to use the right of way for snow storage. Stephen Zollinger said it is not addressed in our code, and this is not a unique situation. Many people put their snow on the right of way. We do not regulate it, as long as the snow does not interfere with the use of the right of way.

David Stein motioned to grant the variance for 55 West 2nd North with the following conditions:

1. Should the site be redeveloped in the future, i.e. the building is removed and the site reconfigured, this variance shall not apply and all City standards in place at that time shall be observed.
2. Proposed landscaping shall be completed by June 1, 2007. This shall include landscaping the front, side, and rear yards.
3. Trash receptacles shall be screened. Installation shall be complete by June 1, 2007.
4. All other outstanding issues with regards to site development shall be completed prior to the issuing of a final Certificate of Occupancy.

5. A landscape plan be submitted and approved by the City that addresses the retaining wall and the screening of the parking.

Ted Hill seconded the motion.

Randall Porter suggested a condition that the lighting standards be adhered to.

David Stein amended his motion to include that the lighting standards shall be adhered to. **Ted Hill** seconded.

None opposed. **Motion carried.**

7:30 pm – Annexation/Rezone – 701 S. 12th W. (Blair Heinz)

Gary Leikness said the property was previously heard for a Comprehensive Plan Map amendment. He pointed the area out on the map. Blair Heinz applied for a building permit through the county and was informed that the zoning was inappropriate for the type of building he wanted. We are trying to pave the way for him to be able to build this building. He has been patient. This area is an island in the City, which we are trying to incorporate. The Comprehensive Plan Map has been amended to allow Commercial in the Southwest corner acre. The request tonight is for annexation of the entire area, and a zone change for the Southwest corner acre to Community Business Center (CBC). The other properties are to remain zoned Rural Residential 1 (RR1). He pointed out the proposed conditions of approval in the staff report.

Chairman Ricks opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Ricks closed the public input portion.

Mary Haley asked if Mr. Heinz has turned in a proposal for what the building is going to look like. Gary Leikness said he has applied for a building permit through the County, and we do not have the authority to enforce our design standards in the impact area. Blair Heinz has worked with the Design Review Committee to incorporate some standards that will help beautify the building and landscaping.

Thaine Robinson said Mr. Heinz has done a remarkable job making the building look a whole lot better than he could have.

Thaine Robinson motioned to recommend to City Council to annex the proposed 45 acres, leaving the zone on the Northern 3 parcels Rural Residential 1 (RR1), and changing the zone on the Southwest corner parcel to Community Business Center (CBC), with the condition that a formal annexation agreement be developed between the City of Rexburg and the property owners regarding the dedication of necessary right-of-way for both S 12th West and W 7th South. The right-of-way widths shall be determined by the City Engineer. **David Stein** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business:

A. Sign Height Requirements along Interstate Interchanges - deliberation

Ted Hill said he called three (3) different sign companies today and talked to one of the owners about this issue. This owner's recommendation was that no sign should be over 35 feet high. He said a good sign representing a single business should be along a major route, be 35 feet high, and measure 84 square feet. He said he would like to see the ordinance allow a little bigger signs for the properties within 300 to 400 feet of these main roads, particularly near the exit points from the road.

The Commissioners discussed the current sign ordinance regulations.

Thaine Robinson asked Ted Hill what sign height requirement he would like to see along the highway. **Ted Hill** said the gentleman he talked to said when a sign gets above 35 feet high, it gets above your eye level when you are driving down the road.

Mary Haley asked what the height of the overpasses is. Stephen Zollinger said they are 24 feet to the top of the rail.

The Commissioners discussed the proposed Applebee's sign height, and looked at the pictures of the area.

Mary Haley said she thinks the signs could go higher than the overpass.

Thaine Robinson said he would be in favor of raising the sign height by in the interchanges. He would also be in favor of a restriction of the higher they are, the smaller the signs have to be. He would like a height limit of 35 feet.

The Commissioners discussed the memo from staff with possible revisions to the sign ordinance. They discussed possible height requirements for certain perimeters around the highway interchanges.

David Stein said he is not sure what problem we are trying to solve. He said that unlike much of the country, we don't have many trees that block the clutter. At least 2 of our interchanges are curved, so you can see the 24 foot sign both ways. If they are trying to get attention, there are 10 billboards on the way to Rexburg they can advertise on. The blue signs by the interchanges tell people what food and other services are on each exit. He does not see how adding 10 feet of sign height is going to increase any business for the businesses along the interchange. It will only create more sign clutter. He asked if they can prove or portray that this is causing them to lose business.

Stephen Zollinger said the reason the City Council is asking the Commission to readdress the sign ordinance is that in the time that we have been enforcing it, we have been asked to readdress it more times than any other question. There is apparently some industry or business out there that keeps bringing the question back to us, and it is not the same person. Every business that comes to us wants to go to 35 feet. There must be some reason for this.

David Stein said we have to weigh the public good verses what industry wants. All things being equal, sign companies want bigger signs. They would like billboards. Why don't we put more billboards all over town because they are effective advertising tools? He personally does not see a benefit of making this change to the ordinance.

Thaine Robinson said he agrees with Mr. Stein. If we are trying to plan 5 or 10 years down the road, cars are creating navigation systems in them. You can find your way to any business all the way across the country. If technology will catch up in 5 to 10 years, you won't need these big signs out there, creating clutter.

Randall Porter said he agrees with what has just been said. He said he hates to see our decisions driven by money. He doesn't think we should twist ourselves into pretzels trying to accommodate special interests. This would change Rexburg into something we don't want. He thinks the reason the sign ordinance was put in place was to keep Rexburg's skyline from looking "cluttered." He read from the "Scenic America" web site that many communities are removing and reducing the number of signs and billboards. He said there have been some very good arguments put forth to tweak our sign ordinance to allow another 10 feet of height and allow them to be larger, but we should ask ourselves if we are taking a step in the wrong direction. We need to think of the future and ask ourselves if we want more billboards and larger/taller on-premise signs in our community, or if we want to strive for a less cluttered look.

Mary Haley said she would not only like to keep our ordinance the way it is, but to also change our ordinance to require underground power lines. This would facilitate smaller signs and less clutter. Some cities have sign height restrictions of 8 feet, and these are very pleasant cities to visit. She would like to see more trees in our city, and shorter signs.

Mike Ricks said he is opposed to increased sign heights, because our curved interchanges are open and visible.

Gary Leikness said the argument is that because of the speed people are going on the highway, the signs are not as recognizable as when you are driving more slowly through town. This argues that these areas have different characteristics and should be considered unique from other parts of the town.

The opposite argument would be that development in these areas may, in the short term, hurt our downtown core and 2nd East. We could be adding bonuses to an area that is already potentially going to hurt our core and 2nd East.

David Stein said if Rexburg were competing with other towns that are near us, that would be one thing. When you are heading north, our town is the last larger town until West Yellowstone. We are in a rural area, so we don't have to broadcast so loudly to "stop now." This would be giving advantage to businesses close to the highway, as opposed to those in the downtown area.

Council Member Rex Erickson said businesses rely on pulling people off the highway. He said he thinks the City Council will be in favor of changing the ordinance.

David Stein motioned to recommend to City Council that we keep the current sign height limit of 24 feet, even near the highway, for the following reasons:

1. There is adequate signage along the highway already, with the blue state-sponsored advertising signs.
2. There are a dozen billboards potential businesses can use to attract business.
3. The rural western setting of our community allows for more open landscapes, so there is less potential clutter, such as trees.
4. We want to maintain an attractive vista to attract business into our community, and we feel that raising the sign height limit will detract from that.
5. Giving preferential treatment to businesses along the highway could potentially harm businesses that are not in that location.
6. The current major highway interchanges are curved, creating the ability to see the current 24 foot signs, both during the day and at night, as illustrated by the pictures shown to us.

Mary Haley seconded the motion.

Randall Porter said signs did not build Rexburg's business community. Rexburg is an attractive place for people to move to. When fast growing communities reach a high enough population, retailers come without regard to sign heights and widths. We are not trying to stop new business coming to Rexburg. We are trying to keep the City attractive. This brings people and business follows. He said that progressive communities across the country are recognizing that signs cluttering the skyline hurt communities more than they help.

Stephen Zollinger said we do not allow construction of billboards. We do allow off-site advertising up to 200 square feet.

Mary Haley said rather than decorating our interchanges with higher signs, perhaps the Council would be more interested in making our interchanges more beautiful to attract people to our community.

David Stein amended his motion to include that we believe our current sign ordinance is actually very pro-business in that there are many communities that actually have more restrictive sign ordinances that do not allow sign heights up to 24 feet. **Mary Haley** seconded.

In favor:

Mary Haley
Mike Ricks
David Stein
Thaine Robinson
Randall Porter

Opposed:

Ted Hill

Motion carried.

New Business:

A. Final Plat – Stonebridge, Division 4

Jerry Hastings, Representative for the applicant. He pointed the area out on the map. The issues from the Preliminary Plat have all been addressed. The streets are aligned with the grid system. There is an issue with the name of Willow Creek Way, so this name will be changed and approved by GIS. He pointed out the lots that are set up for twin homes, and they do meet the requirements for twin homes. All the concerns from the Preliminary Plat review have been addressed.

Gary Leikness said the street name Willow Creek Way will have to be changed. The City worked with Mr. Dyer to label the streets with the grid names where appropriate. He pointed out some lines on the plat that will need to be removed.

Thaine Robinson motioned to recommend to City Council to approve the Final Plat for Stonebridge, Division 4. **Randall Porter** seconded the motion.

None opposed. **Motion carried.**

B. Sno Shack – Vending Requirements

Gary Leikness said this is a question of interpretation concerning the vending regulations in Rexburg. We have portable vending machines that operate throughout town. The question is if that is a permitted use, and how the Commission would like staff to treat those. There is a proposed Sno Shack to go on the Walgreen's property.

The Commission discussed parking and restroom facilities in these areas. They discussed requirements for food safety and sanitation. Stephen Zollinger said snow cone facilities are not regulated by the health department, because of the manner in which they are prepared.

Gary Leikness said we do not allow these in the public right-of-way, so they have to get permission from the property owners where they are set up.

The Commission decided these would fit under the “seasonal food” designation, which is allowed in the CBC zone, but not the Central Business District zone. If this issue becomes a problem in the future, the Commission may need to readdress it.

C. Design Standards along Arterial Corridors

Gary Leikness said when the Valley View subdivision was discussed at the last City Council meeting, the issue of arterial design standards came up. They discussed the possible need for required sound barriers, enhanced landscaping, berms of a certain height, etc. The Council would like some arterial design standards developed, with the Commission’s input. He is researching this, and would like the Commissioners to research it also.

The Commissioners discussed possible design standards options.

Gary Leikness asked the Commissioners to email him ideas on the issue.

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects:

A. Planned Unit Development (PUD) Ordinance

Gary Leikness said he is still waiting for the Commissioners’ input on this ordinance. There are developers waiting to use this ordinance.

Tabled requests: None

Building Permit Application Report: None

Heads Up:

- A. Conditional Use Permit – 262 South 2nd East (Harmon Esplin)
- B. Rezone – MDR1 to CBC – 4th North Property
- C. Development Code Amendments – TAG1 and TAG2
- D. Joint Meeting – County, Sugar City, Rexburg – May 31, 2007
- E. P&Z Meeting Cancelled – April 19, 2007

Chairman Ricks adjourned the meeting at 9:43 pm.