

Planning & Zoning Minutes

April 5, 2007

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Ted Hill Thaine Robinson
Mike Ricks Mary Ann Mounts
Mary Haley Randall Porter
David Stein Dan Hanna

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – P&Z Administrator
Stephen Zollinger – City Attorney
Emily Abe – Secretary

Chairman Dyer opened the meeting at 7:04 pm.

Roll Call of Planning and Zoning Commissioners

Mary Haley, Mary Ann Mounts, Randall Porter, Winston Dyer, Thaine Robinson, David Stein, Dan Hanna, Mike Ricks, Ted Hill

Charles Andersen was excused.

Minutes:

A. Planning and Zoning meeting – March 15, 2007

Mike Ricks motioned to approve the minutes for March 15, 2007. **Mary Haley** seconded the motion.

Chairman Dyer, Mary Ann Mounts, and Dan Hanna abstained for having not been present. None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – 262 S. 2nd E. (Harmon Esplin)

Gary Leikness said this is an application for a duplex at 262 South 2nd East.

Chairman Dyer asked if this would be family housing. Harmon Esplin said it will. **Chairman Dyer** said this will not allow dormitory-style housing in the home. Harmon Esplin said he understands this.

Chairman Dyer asked about the driveways onto 2nd East. Harmon Esplin explained the layout of the driveways on the site plan. He would not be opposed to blocking access onto 2nd East. He would prefer to use the alley entrance.

Thaine Robinson asked if the alley was plowed in the winter. Harmon Esplin said a neighboring property owner keeps the alley free of snow.

Gary Leikness said the site benefits from the alley way being present. The property owners have a right to access the platted alley. This will disperse traffic off 2nd East.

The Commissioners reviewed the site plan.

Mary Ann Mounts asked if the proposed condition of approval requiring sidewalks along the public right of way would require sidewalks along the alley. Gary Leikness said the sidewalk would only be required along the street right-of-way.

Randall Porter asked if emergency vehicles could access the property if the accesses to 2nd East were taken out. Gary Leikness said they could still access the property from 2nd East.

Chairman Dyer opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion.

Gary Leikness reviewed the staff report with the Commissioners. This area is a transition area from the college to single family homes. It is appropriately zoned Low Density Residential 2 (LDR2), which allows two family units as a conditional use. This zone does not allow dormitory housing. He reviewed the proposed conditions of approval.

Chairman Dyer asked how many duplexes of this nature exist in this area. Gary Leikness pointed out the existing duplexes on the map. He said the proposed duplex would not be out of character with the existing neighborhood.

Chairman Dyer asked if the sidewalks are deteriorated, or in need of replacement. Gary Leikness said he has not assessed the sidewalks. This condition of approval could be perpetual, so the sidewalk will be kept up.

Chairman Dyer asked if there are two accesses to 2nd East presently. Harmon Esplin said there are two.

Ted Hill asked what is going to happen to the garage. Gary Leikness said it will be continued to be used as a garage.

Dan Hanna asked if the alley should be designated a one-way street. Gary Leikness said it is not a long enough alley to have to require this.

Mary Haley asked how many of the back yards are fenced along the alley. Harmon Esplin said all the properties to the West have fences, and about half of the properties on his side of the alley have fences.

Chairman Dyer said this is a good area for this use. The area is in transition, with its proximity to the college. He said he is not sure they need to address the sidewalks in the conditions of approval if the property already has one that is not in that bad of shape. He emphasized that this conditional use permit is for a rental as a family as defined in our code. He said it would be great to clean up the area and close down accesses to 2nd East. However, we do not want to create loop driveways in the setback area. He suggested eliminating one of the driveways.

Randall Porter said he does not believe they should be worried about increasing traffic on 2nd East. There are already 8600 cars a day on that street. Adding 14 to 16 more would not have much of an impact. He wouldn't mind if both driveways were left on the property.

Mary Haley said this is not too much of an impact. It is consistent with what is in the area. This is a good use for the property.

Mary Ann Mounts motioned to approve the Conditional Use Permit for two family dwelling units at 262 South 2nd East with the following conditions:

1. Both units shall have their own waste receptacles for trash service.
2. Trash receptacles shall not be visible from the public right-of-way, or adjacent property. Trash receptacles shall be placed inside the garage on days of no trash service for the site.
3. An approved building permit for a two-unit dwelling shall be issued by the City of Rexburg prior to the structure's use as a two-family dwelling unit.
4. The use shall be restricted to a two-family dwelling unit with the definition of "family" being defined by the City of Rexburg Development Code currently, or as modified in the future, or as any future changes to the underlying zoning may allow.
5. Lighting, existing and proposed shall adhere to the residential lighting standards set forth in the City's Development Code.
6. Existing vehicular drive and access on to 2nd East should be eliminated.

Mary Haley seconded the motion.

Mary Ann Mounts amended the motion to clarify that the access that goes clear through should be eliminated, but the driveway to the garage can stay in place.

None opposed. **Motion carried.**

7:15 pm – Rezone – MDR1 to CBC – 4th North

Gary Leikness pointed the property out on the map. The Comprehensive Plan Map was recently changed to designate this property as Commercial. This zone change is a clean up, to bring the zoning into conformance with the Comprehensive Plan Map. He reviewed the staff report.

Chairman Dyer asked if the property along the river has been zoned as Open Space. Stephen Zollinger said we cannot add this property into this proposal, since we are already holding a public hearing. If this is a problem, we should fix it in a subsequent zone change. The parcel along the river is owned by the City, so it will not be used as anything but open space.

David Stein asked if we should change the zone to a professional office zone, since the area is developing as mostly professional offices. **Chairman Dyer** said this is a zoning reversion that was supposed to happen and did not. An applicant had obtained a zone change from Medium Density Residential 1 (MDR1) to Community Business Center (CBC) that was conditional upon a certain development plan. When the proposed development fell through, the zoning was supposed to revert to MDR1. This did not happen at that time, so we are cleaning it up now.

Chairman Dyer opened the public input portion.

In favor:

Johnny Watson; 1152 Bond Avenue. He owns the land, and approves of the zone change.

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion.

Ted Hill declared a conflict of interest and excused himself from the table.

Mary Haley asked if zoning this area commercial in will affect the “professional office” feeling of the area.

Stephen Zollinger said that since this is a reversion of an earlier conditional zone change, the zone must revert to its original zone, Community Business Center (CBC).

Mary Ann Mounts motioned to recommend to City Council to change the zone on the proposed properties from Medium Density Residential 1 (MDR1) to Community Business Center (CBC). **Dan Hanna** seconded the motion.

Chairman Dyer abstained, since he was employed by the previous developer.

None opposed. **Motion carried.**

7:30 pm – Development Code Revision – TAG1 and TAG2

Gary Leikness said this is a revision in the Development Code for Transitional Agriculture 1 and Transitional Agriculture 2. The Commission reviewed the ordinance revision at an earlier meeting. He recommended that the Commission recommend approval of these development code revisions to City Council.

Chairman Dyer opened the public input portion.

In favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion.

Mike Ricks asked if we should allow mobile homes in the TAG1 and TAG2 zones. **Gary Leikness** said mobile home courts are allowed in other zones in the City.

Thaine Robinson motioned to recommend to City Council to revise the Transitional Agriculture 1 and Transitional Agriculture 2 zones in the Development Code as proposed. **David Stein** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business:

A. University Parking Buffer

Gary Leikness presented the idea of a “Pedestrian Encouragement Zone” around the BYU-Idaho campus. The Commissioners discussed this issue.

Chairman Dyer asked if the City has already adopted an ordinance that apartments units near campus could get around the parking requirements by offering contracts that have no vehicles. Stephen Zollinger said this ordinance relieves existing units, but does not allow redevelopment of apartment complexes with fewer parking stalls. It requires all apartments, no matter what their parking ratio, to disclose on their parking situation on their contracts.

Gary Leikness asked if the Commission would like him to develop an ordinance or continue to explore the issue.

Mary Haley suggested a survey be taken of property owners near campus to get their input on the matter. The Commissioners agreed.

Gary Leikness said he would do some research and prepare a draft survey for the Commission to review.

Compliance: None

Non controversial Items Added to the Agenda:

Dennis Warr, 539 Maple Drive. I appreciate your time to allow me to briefly address you on a non-agenda item regarding Rexburg building heights. I have included a small packet of information regarding the current codes in each zone along with pictures of some buildings and their heights. My purpose in addressing you is to ask if, perhaps, the time might be right to look at the building height restrictions in pursuit of a possible change, not for the entire city, but specifically between the University and Downtown Rexburg.

In a snapshot, in Zones 3.7 through 3.10 (your residential zones) the current building height limit is 30 feet. In the NBD (business) zone (3.13) the limit is 35 feet and with a Conditional Use Permit, it is 45 feet. As Rexburg grows, indeed, as BYU Idaho grows, there will be a greater need for housing both students and general residents of Rexburg. Slowly, but surely, this need is being met. However, the area between the University and Downtown is occupied by numerous small homes, many of which are very old. Through the course of time, these older homes will be renovated and eventually torn down to provide for better alternatives.

The city has in place a great plan for this area and is doing its best to implement this plan within the city budget constraints and at the same time juggling the desires of the numerous property owners who may or may not wish to comply with the city vision. I share the city’s vision for this area, specifically College Avenue. I want it to be a beautiful location that will connect the City of Rexburg with the BYU Idaho Campus. At this time, there are tall buildings at the University and tall buildings in downtown Rexburg with perhaps many more that will be built in the future as Rexburg grows. In between are small buildings, mostly small homes. Yes, eventually, these homes will be replaced. Increasing the height of the structures along College Avenue would greatly provide the desired look and feel you’re looking for and at the same time, comply with the Rexburg vision.

For just a moment, I would like you to stand on Main Street looking down College Avenue at the newly renovated Spori Building on the BYU Idaho Campus. There are a few trees that block the view but the center of that view is wonderful. Now expand your view. On each side of the street are beautifully landscaped buildings, some retail, some apartment buildings. It is now a hub of activity. This is what it could be.

So, I’m asking for your consideration in this matter. Will you please make it an agenda item on your next meeting to discuss and vote on this proposal to change the building height restrictions in this area from 30 feet to 40 feet?

The Commissioners discussed this issue. The majority felt it is time to discuss and address this issue.

Mary Ann Mounts motioned to bring this up as an agenda item at a future meeting. **Randall Porter** seconded the motion.

None opposed. **Motion carried.**

Chairman Dyer said the City Council presented a commemorative plaque to Marjorie Laird, recognizing appreciation for Joe Laird's service to the City of Rexburg.

Chairman Dyer said the City Council also discussed the sign ordinance. They decided to schedule a public hearing on the issue, so they can gather input from business owners and the public. The Mayor invited the Commissioners to attend and speak as interested citizens.

Report on Projects: None

Tabled requests: None

Building Permit Application Report: None

Heads Up:

- A. Conditional Use Permit – Walgreen's Bottled Propane
- B. Planned Unit Development (PUD) Ordinance Public Hearing
- C. P&Z Meeting Cancelled – April 19, 2007
- D. Impact Area Meeting – April 26, 2007 – 7:00 pm at County Commissioner's Room (Courthouse)
- E. Joint Meeting: Madison County, Sugar City, Rexburg, Teton, New Dale – May 31, 2007

Chairman Dyer adjourned the meeting at 9:55 pm.