

# Planning & Zoning Minutes

May 3, 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:

Winston Dyer – Chairman  
Ted Hill           Thaine Robinson  
Mike Ricks       Randall Porter  
Mary Haley       Josh Garner  
David Stein

## 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 7:07 pm.

**Chairman Dyer** introduced **Joshua Garner**, a new Planning & Zoning Commissioner.

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

Randall Porter, Thaine Robinson, Winston Dyer, Josh Garner, Mary Haley, Mike Ricks, Ted Hill

**Charles Andersen, Mary Ann Mounts, and Dan Hanna** were excused. **David Stein** will be arriving later.

## Minutes:

A. Planning and Zoning meeting – April 5, 2007

**Mike Ricks** motioned to approve the minutes for April 5, 2007. **Mary Haley** seconded the motion.

None opposed. **Motion carried.**

## Public Hearings:

7:05 pm – Conditional Use Permit – Walgreen's Bottled Propane

Nola Jensen; 3226 N 5000 E Sugar City, Idaho. She represents the Rexburg Walgreens. We have been seeking a conditional use permit to sell bottled propane. The sale of propane is a standard service that customers have come to recognize and associate with Walgreens. Walgreens works to create a uniform store as much as possible across the country. As customers come to visit Rexburg, they will be able to know what is available at the downtown Walgreens. Although we work for uniformity as a company, we also pride ourselves on being a community merchant. We are supplied by Blue Rhino out of Salt Lake City for the bottled propane. Walgreens is one of their biggest accounts. As a result, they provide us with new, sharp looking propane bottle cages. The cage is 6 feet tall, 44 inches wide, and 28 inches deep. The sidewalk that we are proposing to place it on is 84 inches (7 feet). Blue Rhino services the cage once a month. Blue Rhino takes pride in their cages and keeps them clean and just like new. They will replace them if they begin to weather. We previously provided you with a picture of the cage. We desire to put the cage facing Main Street, 44 feet west of the entrance along the walls' edge. To help preserve the

store front, as an alternative, we are willing to place it facing 2<sup>nd</sup> East, 44 feet south of the entrance along the wall's edge. The reason for going 44 feet is for safety. 44 feet is where the sidewalk is at the highest point from the pavement, providing the protection needed to meet code and assurance and safety for all involved. We looked at the possibility of putting the propane cage on the west side of the building, facing the county building. However, with the drive-thru traffic, it is not a safe option. We also looked at placing it in the back of the store. This is also an unsafe place for our employees and customers walking to the back of the store, as we do not have sidewalks all the way around. This could also create a higher risk for theft. Blue Rhino has assured us they followed the Idaho State Fire Marshal code. A copy of the related pages has previously been submitted to the city. Walgreens is known as a convenient corner drug store in America. We offer a wide variety of products and services to our customers. Propane is one of those services, also available in Idaho Falls and in the newly opened Ammon store. We pride ourselves on the beauty of our store. Last year we were awarded the beautification award from the Chamber of Commerce. We are pleased with the design standards that Rexburg has placed. Over the years, Rexburg and especially the downtown, has improved and looks great. Knowing how hard Rexburg is working to beautify the city, and how much we strive to add the beauty of the community, we are very selective on what we do. This is part of the reason that we use Blue Rhino, to get those sharp looking cages. We are confident that this is a service that will benefit our many customers, locally, and those visiting our city. We want our store to stand out as a great looking building, adding to the community, along with providing customers with many products and services. We want to thank the City of Rexburg for allowing us to come into this great place to conduct business and to bring more business into this community. In conclusion, we are asking for your approval to allow Walgreens, a merchant of Rexburg, a conditional use permit to sell bottled propane.

**Chairman Dyer** asked if the sidewalk was 84 inches wide at each possible location. Nola Jensen said this is correct. **Chairman Dyer** said it would leave a little less than 5 feet of sidewalk, which would be okay.

**Thaine Robinson** asked if they intend to put it in front of a window. Nola Jensen said they would put it in front of the pillar between two windows.

**Randall Porter** asked what color the cage would be. Nola Jensen said it would be white.

**Chairman Dyer** opened the public input portion.

**In favor:**

Nola Jensen; 3226 N 5000 E Sugar City, Idaho. She said she would like to see this take place.

Lisa Wellard; 351 Brent Way Shelly, Idaho. She is the Rexburg Walgreens store manager. This is a good idea. This is the third Walgreens she has worked at, and they have all sold bottled propane. This is very successful. The community really likes it, since it is easy and convenient. She is in favor of this proposal.

**Neutral:**

Rene Workman; 667 S 2<sup>nd</sup> E. She is neither for nor against this proposal. She thinks it would be a good idea, since it would give more competition to the other stores and competition of prices. Since she doesn't use propane, it is not a big issue for her.

**Opposed:** None

**Written Input:** None

**Chairman Dyer** closed the public input portion.

Gary Leikness pointed the Walgreens property out on the map. He showed the proposed location for the propane tank. He said the Commission will recommend a decision to City Council. He went through the standards that are applicable to conditional use permits. He said he would assume we would like to at least preserve the pedestrian atmosphere to Main Street, and staff could not understand the location of a propane cage there. This would not be in harmony with the historic district and the atmosphere of Main Street. The applicant has proposed alternate locations for the cage. The Commission can recommend the exact location of this propane cage.

**Mike Ricks** said this would distract from the look of the building. He thinks it should be away from the view of either street.

**Ted Hill** said he could go along with the cage being located on the 2<sup>nd</sup> East side of the building. He would prefer not to have it along Main Street. **Josh Garner** and **Thaine Robinson** agreed.

**Chairman Dyer** said after all the effort we went through to get that building presentable and being a part of the downtown, to reflecting the historic nature and the architectural schemes, to put that on the Main Street side would be counterproductive to hours and hours of deliberation and effort on that. He said perhaps something could be done to the cage to make it a little more harmonious and make it blend in a little more to the building.

**Mary Haley** said she would like to see the cage located at the end of the 2<sup>nd</sup> East side of the building, on the brick end, with some kind of a brick fencing off. This would help it blend in. This building is located in a very historical part of Rexburg.

**Chairman Dyer** asked the applicant if the cage could be painted to match the color of the building. Nola Jensen said she did not know.

**Randall Porter** asked if the cage could be built structurally to match the building. He asked if a brick structure could be built around the cage to conceal it.

**Josh Garner** said he is concerned that any brick structure built to conceal the tank would not leave enough room on the sidewalk for pedestrians to access it. He suggested that if they build this kind of a structure, the whole cage be located on the south side of the building.

**Ted Hill** said it would be a really tight fit if it were placed on the south side of the building. He would rather see it on the south end of the east side of the building.

**Thaine Robinson** said he thinks it would be fine if they painted the cage the same color of the brick.

**Randall Porter** said we should put it back on the applicant to propose something that would fit in better.

**Mary Haley** motioned to recommend to City Council that the sale of propane be approved, but that the cage be on the east side, as close to the south end as standards allow, and that the whole cage be hidden from view behind a façade of some sort that matches the brick of the building.

No one seconded. **Motion died.**

**Ted Hill** motioned to recommend to City Council that the sale of propane be approved at the Walgreens building on the 2<sup>nd</sup> East side of the building, near the south end of the store, and that the propane would be in the cage as proposed by the applicant. **Mike Ricks** seconded the motion.

**Chairman Dyer** said he is opposed to that motion, after all the effort we made to make that building an attractive corner stone to our downtown corridor. He feels we need to do something more than just put something that is way out of character and out of place.

**Mary Haley** and **Randall Porter** agreed.

**Those in favor:**

Ted Hill  
Mike Ricks

**Those opposed:**

Winston Dyer  
Thaine Robinson  
Randall Porter  
Mary Haley  
Josh Garner

**Motion failed.**

**Ted Hill** said every time an issue comes to the commission, we try to rebuild it. If you look at the dispenser at Broulins, after you've seen it the second time, it is just part of the building, and you don't notice it.

**Mike Ricks** said he is not really keen on the looks of the cage, but any time you enclose propane and the air doesn't flow through, it creates a worse problem.

**Thaine Robinson** said we should allow the applicant to submit to the City Council a way to make the tank aesthetically pleasing to the building.

**Thaine Robinson** motioned to recommend to City Council that we allow Walgreens to sell propane on the 2<sup>nd</sup> East side of the building, as close to the south end as possible. Also, that Walgreens presents a way to City Council to make the cage match the contour and be aesthetically pleasing to the building. **Mary Haley** seconded the motion.

**Those in favor:**

Winston Dyer  
Thaine Robinson  
Randall Porter  
Mary Haley  
Josh Garner

**Those opposed:**

Ted Hill  
Mike Ricks

**Motion carried.**

7:15 pm – Planned Unit Development (PUD) Ordinance

Gary Leikness presented the draft Planned Unit Development (PUD) Ordinance. He pointed out the changes from the last draft.

The Commissioners discussed the draft ordinance.

**Chairman Dyer** opened the meeting to questions from the public.

Kevin Snell asked if there has been demand from the public or developers for a change in the way land is developed. Gary Leikness said he meets with developers regularly, and he sees really good ideas that are not allowed under our current zoning ordinance. Someone may want to create a nice development with enclosed

porches within 5 feet of the sidewalk. If someone wants to create a new neighborhood with a new ambiance, they are limited by our current ordinance.

Kevin Snell asked if it is the developers pushing it more than the public. Gary Leikness said the public really doesn't have a motive to ask for something like this. We have public hearings so the public can oppose it if they would like. The average citizen is not that interested in it.

**Chairman Dyer** said the Commission has been interested in this for a long time. This will open up opportunities for us to get things that will be enhancements to the community, to be able to fit the developments better with their terrain and location by having the ability to do a little give and take and negotiating. He said he has also had inquiries from developers about some kind of middle-of-the-road approach. The Joe citizen doesn't really get involved in planning and development, and therefore may not have interest in an ordinance like this.

Troy Kartchner said it is about better planning. When they initially came in to annex land into the city, some of the citizens in the area were concerned about the community that was going to come in. They wanted something well-planned. Traditionally in most of the country, this is the way planning is going. This allows smarter plans, smarter designing, and better use of space that is more friendly to the citizens of the community. You can still make everything look like a PUD, even in conventional neighborhoods if there is some flexibility.

**Chairman Dyer** opened the public input portion.

**In favor:**

Troy Kartchner said he is in favor of PUDs in general. There are a lot of aspects of this that are favorable. He asked about the uses permitted, and whether it would be used as gross or net. He asked about common open space and the minimum of 10 percent of the gross. He is concerned that if we are not using gross for the units that will be allowed, we probably shouldn't use gross on the open space requirement. Roads take up such a huge portion of the community. He is in favor of the gross for units, because it will allow for more flexibility within the development. Very rarely will you get the gross amount of units that the property would allow when you have those open space requirements. Going with the gross for units versus the net would give more flexibility to the developer to design something that the city and the public would be happier with.

Trever Einerson said he is very much in favor of PUDs. With the sense and the feel he has got so far in Rexburg, it seems like PUDs will solve a lot of the issues the Commission faces every day. He has heard numerous times that rental yards are not kept up as well, and that junk on properties is a problem. The home owners' associations that come with PUDs are very attractive to home buyers. They get discounts on their insurances. It is great, because it attracts people. If you have a lot of snow-birds, and they want to have their yard taken care of as part of the homeowner's association, it is possible in PUDs. There are a lot of ways to make your community a better place with proper planning. That is exactly what this ordinance will do. It will give the opportunity to the community, the Planning Commission, and the developers to come to more common ground, rather than butting heads.

**Neutral:**

Kevin Snell said he has been to some extremely neat planned unit developments around the country. He is not opposed to this. The only things that make him concerned are the subjective things. Things that are a matter of opinion, which some people like and others don't. Who would determine whether these things are good or bad? When there are standards, we can use them. The other thing is that some people who don't want to do a planned unit development need to be able to do a regular development.

**Opposed:** None

**Written Input:**

Letter from Red Rock Development, in support of the PUD ordinance.

**Chairman Dyer** closed the public input portion.

**Chairman Dyer** asked the Stephen Zollinger how free the Commission is to recommend changes in line items of the ordinance. Stephen Zollinger said if they make a substantial change, they will have to have another public hearing. This hearing could be held at the City Council meeting.

**David Stein** arrived at 9:03 pm.

The Commissioners continued to discuss the ordinance.

**Ted Hill** asked if it is possible to have a work meeting with the Commissioners where we can go through the ordinance line by line. **Chairman Dyer** said it is possible. We could table the issue pending further discussion and deliberation. This would preserve the hearing we have had.

**Ted Hill** motioned to table the Planned Unit Development (PUD) ordinance for further review, whether this be done with the entire Planning & Zoning Commission, or if we appoint a review committee. **Josh Garner** seconded the motion.

**Ted Hill** amended his motion to include that the reason they are tabling the issue is because there is so much new material that needs to be reviewed further. **Josh Garner** seconded.

The Commissioners scheduled this item for further discussion on the May 17 meeting agenda.

**David Stein** abstained, since he arrived too late to participate in the discussion. None opposed. **Motion carried.**

**Chairman Dyer** declared a 5 minute break.

**Unfinished/Old Business:** None

**New Business:**

1. Preliminary Plat – The Meadows, Phases 3,4, and 5

The applicant asked that consideration of this plat be delayed.

2. Preliminary Plat – Summerfield Subdivision

Troy Kartchner reviewed the community as a whole. He pointed out the entrances. Every entrance to the community will have monuments. They also have landscaped buffers along all the entrances. He showed them renderings of the proposed entrances. All the streets will be tree-lined throughout the community. They meet all the requirements of the Low Density Residential 2 zone. Lot 2 is potentially planned as an LDS church building.

He pointed out the multiple pocket parks within the development and the club house. He then pointed out the areas they are asking for preliminary plat approval. He addressed the staff review comments.

**Chairman Dyer** asked how deep the retention ponds are. Troy Kartchner said they have not designed these yet, but they will meet the 100 year flood plain requirements. Each part of the community will have its own pocket park and retention area.

The Commissioners discussed the street widths in the community.

**Chairman Dyer** said when the area was annexed, there was a commitment that they would work with the neighbors around the area. He asked him to describe how this went. Troy Kartchner said they called the lady who was going to chair that effort, and they did not get calls back. They think they went forward with a development that she was anticipating.

The Commissioners discussed the water rights on the property.

The Commissioners discussed the staff review comments.

Gary Leikness said it should be clear that neither staff nor the Commission is approving light industrial or multifamily for any of these areas. This is a nice concept plan, but these areas are pending zone changes and Comprehensive Plan Map changes. We are approving the preliminary plat for phase 1, not the entire master plan. Any multi-family areas on the plat should not be marked as multi-family, since it currently a single-family zone. He said the retirement community shown the master plan would require a conditional use permit in the future. He reviewed the other staff comments.

**Chairman Dyer** said the two main concerns are the deficient lot sizes for the twin homes, and the sub-standard street widths. He said the Commission could send the plat forward with the condition that resolution of these concerns be shown on the final plat.

**David Stein** motioned to recommend to City Council to approve the preliminary plat for Summerfield Subdivision, Phase 1, subject to the recommendations of staff, and reconciliation of some of the issues brought up, including lot sizes, street widths, and a lighting plan. **Thaine Robinson** seconded the motion.

**David Stein** amended his motion to include that the submitted master plan does not necessarily connote a zone change. **Thaine Robinson** seconded.

**David Stein** amended his motion to allow the monument signs. **Thaine Robinson** seconded.

None opposed. **Motion carried.**

### 3. Preliminary Plat – Snell-Grove Townhomes

Kevin Snell presented the preliminary plat. He reviewed staff comments with the Commissioners.

And interested citizen asked what the developers would do to buffer the development from his neighboring property. He doesn't want their back windows looking into his back yard. The Commissioners discussed this issue. They suggested planting of trees along the property lines, with a fence.

**Mike Ricks** said the proposal looks good, but the road is long enough that it should be wider. This would be a disaster.

**Mary Haley** motioned to recommend to City Council to approve the preliminary plat for Snell-Grove Townhomes, subject to staff approval, with the condition that the development receives Idaho Transportation Department approval for access to Main Street. **David Stein** seconded the motion.

**Randall Porter** said he would like to see the applicant work with the neighbors to avoid people being able to look into the yards.

**Ted Hill** said as long as each party meets required setbacks, we cannot dictate the public relations part of it.

**Josh Garner** said where there are neighbors that are established there, it needs to be recommended that there is fencing or landscaping that would protect the interest of both parties.

**Mary Haley** pointed out that a landscape buffer is required in the staff review comments.

None opposed. **Motion carried.**

#### 4. Preliminary Plat – Hidden Valley Trails

**Chairman Dyer** declared a direct conflict of interest and excused himself from the table.

**David Stein** declared a perceived conflict of interest in that this plat is adjacent to the subdivision he lives in. The Commissioners did not have an issue with this.

**Mike Ricks** was selected to act as chair.

Winston Dyer; 310 North 2<sup>nd</sup> East, the authorized representative of Valeo Management. He presented the plat to the Commission. They have preliminarily platted the entire property, and will come back in phases for final plats. He reviewed the staff comments on the plat.

**Mike Ricks** asked if they will have access to the retention ponds, since they will require maintenance. Winston Dyer said since they have a sewer line down there, they will have an easement for a road for access to that area.

**David Stein** said he is concerned that the traffic from the subdivision will end up going down Star View Drive, and there is a nasty curve at the bottom. Winston Dyer said there are some terrain limitations, so at the moment there was only one collector. The Commissioners discussed the roads and traffic in the subdivision.

**Randall Porter** asked what kind of system the retention ponds have for drainage. Winston Dyer said they will have a certain sized pipeline in the bottom that will let the water out at a fixed flow rate. They will drain within a few hours. They will have to be cleaned out periodically. Each lot will also be required to retain its own storm water. This will minimize the amount of runoff that has to go through the system.

Gary Leikness said they worked out some of the issues in a pre-application conference. He reviewed the staff review comments with the Commissioners. Some of the streets will need to be adjusted to line up with the grid system. He said approval of this plat waives the requests for variances on the lots, since some have topographical issues. He said a requirement should be that the applicant show how the setbacks can be met on these lots.

**Ted Hill** asked how deep the lots are, and what kind of grade they have from the road to the back of the lots. Winston Dyer said they have enough for the 25 foot setbacks, and if the owners build walk-out basements, they will have to be carved out of rock.

**Mary Haley** motioned to recommend to City Council to approve the preliminary plat for Hidden Valley Trails subject to staff approval. **Randall Porter** seconded the motion.

None opposed. **Motion carried.**

**Winston Dyer** was restored as chair.

5. Final Plat – Aspen Village Apartments

**Josh Garner** declared a conflict of interest and excused himself from the table.

Brent Crowther; Forsgren Associates, representing Aspen Village Apartments. He presented the plat to the Commission. The Preliminary Plat came before the Commission a few years ago. They would like to make separate parcels for each building.

**Mary Haley** asked if the intent was to not have students in there any more. Brent said the reason they are here tonight is so he can retain his approval through the school.

The Commission discussed the staff review comments.

Gary Leikness said the CCRs need to be reviewed and approved by Stephen Zollinger prior signing the final plat.

**Mary Haley** motioned to recommend to City Council to approve the final plat for Aspen Village Apartments, subject to staff approval. **Mike Ricks** seconded the motion.

None opposed. **Motion carried.**

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled requests: None

Building Permit Application Report: None

Heads Up:

1. Joint Meeting: Madison County, Sugar City, Rexburg, Teton, Newdale – May 31, 2007
2. Rezone – CBC to LI – Airport Commercial Park
3. Rezone – TAG1 to CBC – Approximately 1076 South 12<sup>th</sup> West

**Chairman Dyer** adjourned the meeting at 12:35 am.