

# Planning & Zoning Minutes

February 7, 2008

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CITY OF  
**REXBURG**  
America's Family Community

## Commissioners Attending:

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

## City Staff and Others:

Rex Erickson – City Council Liaison  
Gary Leikness – Planning Administrator

**Chairman Winston Dyer** was going to be late. **David Stein** temporarily acted as chair. He opened the meeting at 7:00 pm.

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

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

**Charles Andersen** and **Josh Garner** were excused.

## Minutes:

1. Planning and Zoning meeting – January 24, 2008

**Mary Haley** motioned to approve the Planning & Zoning minutes for January 24, 2008; **Randall Porter** seconded the motion.

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

## Public Hearings:

7:05 pm – Rezone – Blue Ox Development – 814 N. Yellowstone (MDR1 to CBC)

David Waters, 490 Pioneer Rd. #13102. He represents Blue Ox Development, whom he works for as a product manager. He said Blue Ox Development is applying for a rezone for a section of 814 N. Yellowstone which is now zoned Medium Density Residential 1 that would extend the Community Business Center zone to the rest of that parcel. A map was projected for the Commissioners to view the property. He said the reason for the rezone request is that they are surrounded on both sides by commercial businesses. They feel like their rezone request goes with the rest of the flow of that area in view of the new development that will be coming there. They feel the change would be usable and user friendly and that it does not cause disruption for anyone.

**Thaine Robinson** asked what the zoning was to the north and the south of the property. David Waters said the nursery and Leishman's Electric storage units are zoned as Community Business Center. He said Blue Ox Development feels if the remainder of their parcel also becomes Community Business Center, they will have more development options for the future.

**Dan Hanna** asked what type of commercial development they are anticipating on that parcel. David Waters said they intended to get access directly from Highway 33 to the parcel, so they can have a "highclass" strip mall with mechanic shops, or warehouse type businesses with the possibility of some frontage retail. They have an option on the property behind them.

**Mary Ann Mounts** said she did not think the Planning Commission is supposed to consider what is possibly to be developed as part of their decision on this rezone tonight, because the applicant is just asking for a rezone at this time. Gary Leikness said the Commission can know more details because they might condition the rezone, or if it is going to help with their decision. Generally, if the Commission needs further information on a zone, they can look at the Development Code for guidance.

**Ted Hill** asked about the property to the east. It is the Silver Springs plat. David Waters said that the property he is speaking of is known as the Bronze Business Park.

**Winston Dyer** arrived at 7:14pm, and the chair was given to him.

**Randall Porter** asked how many acres were involved. David Waters said there were 6.5 acres.

Gary Leikness said a change to a commercial zone would be consistent with the Comprehensive Plan Map.

The Planning and Zoning Commission members discussed the request.

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

**In favor:**

David Waters; 490 Pioneer Rd. #1310. The applicant said he wanted to re-emphasize that the rezone will be very usable and user friendly and would not disrupt any of the properties adjacent to it. He said it would be consistent with the intent of zoning for the future.

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Rebuttal:** N/A

**Chairman Dyer** closed the public input portion. He asked for staff review.

Gary Leikness again stated that the rezone request is consistent with the Comprehensive Plan.

As a point of conflict of interest, **Chairman Dyer** disclosed that Blue Ox Development is a partner to one of his clients on another development elsewhere in Rexburg. He stated he had no contractual relationship with Blue Ox Development and no interest in this particular property. He felt it was not an issue, but would step down if any of the Commissioners felt otherwise. The Commissioners did not ask him to step down.

**Mary Ann Mounts** said that in light of what Gary Leikness stated – that the proposed rezone goes along with the Comprehensive Plan and that the applicant is asking to rezone back to the property line, we should not belabor the point. She feels the request is good planning and should be passed. **Dan Hanna** agreed.

**Dan Hanna** stated his concern about connectivity and the grid. **Chairman Dyer** said that would be a very appropriate question at the time the land is going to be developed.

**Mary Ann Mounts** motioned to recommend for approval to the City Council the rezone (814 N. Yellowstone ) from Medium Density Residential 1 to Community Business Center for Blue Ox Development. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

7:15 pm – Rezone – Beartooth Development – approximately 120 W. 4<sup>th</sup> S. - Craigo’s Building (HDR1 to CBC)

Ryan Houtz stated the Craigo’s building is what the request for zone change concerns; he has leased the building for about 8 months. The building is vacant. They are requesting the zone be changed from High Density Residential 1 to Community Business Center. They are a satellite TV company, who want to base their operations there. It was leased to them under the presumption that the property was zoned Commercial; they did not know it was High Density Residential. They want to go about things the right way. The building is vacant. He said he is looking forward to the rezone approval, so that the business can proceed.

**Chairman Dyer** asked for clarification about what was actually being rezoned. It was pointed out on the projected map.

Ryan Houtz stated that the best use for the building would be to switch to a commercial zone.

**Mary Haley** asked if the business was already established in Rexburg.

Ryan Houtz said it was located at 50 College Ave.; before that, it was behind the old U.S.D.A. building for 4 years.

**Mary Haley** asked how many people would be in the old Craigo’s building at one time.

Ryan Houtz said 7 to 10 people would be employed or trained in the building and that there were adequate parking spots.

Gary Leikness stated that the business that was there previously was commercial; it was never residential. He said parking should not necessarily be an issue tonight, but it could be when there is a

development proposal. Tonight concerned just the zone change, not parking standards. He said that the recently approved change to this area on the Comprehensive Plan Map to commercial designation paves the way for this rezone request.

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

**In favor:**

Ryan Houtz said the old Craig's location would be more for recruiting and training, so he feels that the parking will not be a problem. He said he feels it is the best use for this property. They plan on cleaning it up so that it is a beautiful addition to the city.

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Rebuttal:** N/A

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

Gary Leikness stated that the applicants came in for a building permit many months ago and had leased a building under the impression that it was zoned commercial. They were informed that it was only grandfathered in to be a restaurant. They accomplished a change in the Comprehensive Plan, and now, with the owner's permission, the leasees are taking the step to ask for a rezone.

Regarding conflict of interest, **Chairman Dyer** declared that he is the applicant's ecclesiastical leader. He has no interest in this development proposal whatsoever. The Planning and Zoning Commission did not see any problem with his staying chairman for this rezone.

**Mary Ann Mounts** stated that since this rezone request goes along with what the Commission sent forward on the Comprehensive Plan, they should move right along and accept this request.

**Thaine Robinson** said he found it nice that the applicant is asking for permission rather than forgiveness. **Chairman Dyer** agreed, complimenting the applicant and saying it was refreshing.

**Dan Hanna** motioned to recommend for approval to the City Council the rezone (approximately 120 W. 4<sup>th</sup> S.) from High Density Residential 1 to Community Business Center for Beartooth Development. **Mary Ann Mounts** seconded the motion.

None opposed. **Motion carried.**

**Non controversial Items Added to the Agenda:**

**Chairman Dyer** called forward a student representative from BYU-Idaho to introduce himself to the Commission.

Bryce Olsen, Somerset Apts., said he is a member of the Student Representative Council (SRC) at BYU-I, specifically a member of the Community Committee. Their committee objectives are to work with the City and deal with any issues there are between the City and BYU-I students. He will be coming to the Planning and Zoning meetings for this purpose, reporting back to the Student Body President. He was welcomed by the Commission.

The Commission briefly discussed some of the possible concerns with him, which might include parking, jaywalking, aggressive drivers, and joggers. Bryce Olsen said he would report these concerns to his committee. Gary Leikness encouraged him to bring student ideas or solutions to the Planning Commission, which can make recommendations to the City Council. He stated there is a lot of creativity and ideas that the students could contribute.

**Mary Haley** asked about the Design Review meeting that was held earlier today regarding the new Madison High School. **Chairman Dyer** said the meeting went well and identified some concerns; it was briefly discussed by Commission members. **Chairman Dyer** said the Design Review Committee wants to do the best they can for the taxpayers and the community.

**Unfinished/Old Business:** None

**New Business:** None

**Compliance:** None

**Report on Projects:** None

**Tabled requests:**

1. Preliminary Plat – Silver Estates  
Issue remained tabled.
2. Sign Ordinance – Statement of Intent

**Thaine Robinson** motioned for the Sign Ordinance to be taken off the table and discussed. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

**David Stein** read an example of a Sign Ordinance’s Statement of Intent, from McHenry County, Illinois. **Thaine Robinson** suggested the Statement of Intent should precede the Sign Ordinance, rather than being put in a section in the body of the Sign Ordinance. Copies of the McHenry County Statement on Intent were given out. Gary Leikness gave the Commission the Boulder, Colorado Sign Ordinance’s Statement of Intent to examine. To change the verbiage of the Sign Ordinance will require a public hearing. The Commission discussed the Sign Ordinance and its Statement of Intent.

**Rex Erickson** expressed his concern for holding another public hearing for the Sign Ordinance.

**Randall Porter** expressed that he feels the Commission's ideas for the Sign Ordinance have been well thought out.

**Chairman Dyer** suggested that **Dan Hanna** take the comments in this discussion and write up a draft for the Sign Ordinance's Statement of Intent, which would be circulated to the Commissioners for their input. At the next Planning and Zoning meeting on February 21, 2008, the Statement of Intent and the Sign Ordinance would be an agenda item under **Old Business**. **Chairman Dyer** would then explore with the City Council just where they want to go with the Sign Ordinance.

**Building Permit Application Report:** None

**Heads Up:**

1. Work Meeting with Hemming Property Project 6 to 7pm, on Thursday, February 21<sup>st</sup>, before the regularly scheduled Planning and Zoning meeting, for them to report on how they have modified their plans and for input from the Commission.
2. Preliminary Plat – Riverwoods Townhomes Div. 3

**Chairman Dyer** adjourned the meeting at 9:30 pm.