

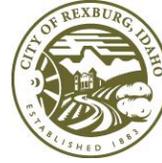
# Planning & Zoning Minutes

April 3, 2008

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**REXBURG**  
America's Family Community

## Commissioners Attending:

Winston Dyer – Chairman  
Charles Andersen  
Mary Haley     Thaine Robinson  
Dan Hanna     Mike Ricks  
David Stein     Randall Porter

## City Staff and Others:

Rex Erickson – City Council Liaison  
Gary Leikness – Planning Administrator  
Stephen Zollinger – City Attorney  
Elaine McFerrin - Secretary

**Chairman Dyer** was going to be late. **David Stein** acted as chairman and opened the meeting at 6:35pm.

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

Mary Haley, Charles Anderson, Mike Ricks, David Stein, Thaine Robinson, Randall Porter.

**Mary Ann Mounts** and **Ted Hill** were excused.

## Minutes:

1. Planning and Zoning meeting – March 6, 2008

**Mike Ricks** motioned to approve the Planning & Zoning minutes for March 6, 2008. **Mary Haley** seconded the motion.

**Randall Porter** abstained for not having been present.  
None opposed. **Motion carried.**

## Agenda Items Carried Over from March 20<sup>th</sup> P&Z Meeting:

1. Final Plat – Willow Brook Estates, Division 4

Kirby Forbush, 3800 W. 1000 N. Rexburg. He is the developer of this plat. He explained that the Preliminary Plat for Willow Brook Estates was presented to the City in 2001 for divisions 2, 3, 4, and 5. They have built the subdivision a phase at a time over the last four years. Tonight they are here to finish the last phase. He explained the location and pointed to the plat on the overhead screen. In looking at the lots, there is some discrepancy in lot size that the City pointed out to him. Their sizes are not shown correctly; the lots need to be a least a half acre. He said they will be the proper size. They are here tonight to get final approval on the plat, along with any changes that are recommended.

**Dan Hanna** arrived at 6:38pm.

**Dan Hanna** commented about setbacks and hoped any problems would be addressed.

**Mike Ricks** was concerned with lot size.

Kirby Forbush said the lots would be of the proper size. He pointed out the 30 foot easement on Weeping Willow Circle, which provides the City with a right-of-way for the sewer line that is there.

**Dan Hanna** asked if the lot size is inclusive of that right-of-way. Kirby Forbush answered that it was .

**Mary Haley** asked about a stub road. Mr.Forbush said it was located at the north end of the development.

**Thaine Robinson** mentioned the ditch running north and south on the far right of the subdivision. Mr. Forbush said that in their adjustments to this final plat, that ditch would probably be removed.

Gary Leikness said the lot sizes do need to be corrected to the proper size. He said that the City Engineer had suggested that there are unresolved issues with the subdivision as a whole, he would suggest making a condition that any unresolved issues pertaining to City Engineering be taken care of before the signing of the final plat.

**Dan Hanna** motioned to recommend to City Council approval of the Willow Brook Estates Division 4 Final Plat, subject to lot size corrections and all other staff review concerns. **Charles Andersen** seconded the motion.

**Those in favor:**  
Charles Andersen  
Mike Ricks  
David Stein  
Randall Porter  
Thaine Robinson  
Dan Hanna

**Those opposed:**  
Mary Haley

**Motion carried.**

## 2. Preliminary Plat – Hartland Condominiums

David Waters, 565 Pioneer Rd. #14, Rexburg, representing the applicant, Blue Ox Development, spoke, regarding its request for this preliminary plat that is an apartment to condominium conversion. The apartments consist of 66 units split between 5 four-plexes and 1 six-plex. He pointed out the proposed condominium development on the overhead screen, clarifying it from the Sainsbury Rock Creek Hollow property that falls between Blue Ox's 2 parcels. Their intentions are, upon final plat approval, to sell each unit individually.

**Chairman Stein** asked for questions or comments.

Trevor Einerson, 1105 Coyote Willow Way, Rexburg, spoke, stating he was neither for nor against the development. He is a developer who does similar types of development. His concerns are with the parking of this proposed development; he feels it does not currently meet the requirements. He was told that the requirements call for two parking stalls per apartment, condominium, or townhome, plus visitor and handicapped parking. This proposed preliminary plat falls short of this number, and there is no visitor parking. As a developer, he is concerned that a new development or an existing development that is being platted for a new use, maintain proper standards, including parking and any other necessary requirements that are part of the platting process.

David Waters said Blue Ox Development is aware of these concerns being part of the Ordinance. They feel their situation is different, as the development is already built; there is only so much that can be done. He said there is not a use change as much as there is an ownership change – to the individual. He does feel that Trevor Einerson's concerns are accurate. He stated that because the development already exists, he hoped there might be a chance to avoid the extra parking space that is called for.

Gary Leikness stated this is an existing apartment complex that wants to convert to condominiums. Concerns, such as lack of a storage building, or lack of storage areas for boats, RVs, etc. may be addressed in the Covenants, Conditions, and Restrictions (CC&Rs). He recommended some conditions be included if this proposed Preliminary Plat is recommended for approval.

**Mary Haley** said the proposed plat is short 22 parking spaces.

**Thaine Robinson** said as presented the proposed development shows almost “boneyard” parking, just solid concrete. He feels there needs to be a breakup using landscaping.

Gary Leikness said the proposal is still for single-family use, but perhaps of a different income bracket. There may be potential ownership of boats and RVs, which should be addressed. He recommended 4 conditions required for approval, including landscaping, review of CC&Rs, curb/gutter /sidewalk installation along Pioneer, and internal pedestrian walkways that should be provided to connect the sidewalks along Pioneer. An inspection should be done prior to signing of the final plat.

**Mary Haley** asked, if they approve the plat with these conditions and these conditions later cannot be met, what would happen? Gary Leikness stated he could not sign the final plat to be recorded.

**Randall Porter** stated this project is an issue of fairness, because a brand new condominium project would have to hold to all requirements of the Ordinance.

The question of no building sprinklers being present in the units was brought up by **Randall Porter**.

David Waters said there are no building sprinklers, but there will be. He also said the renters have the choice of staying in the units; any installation and construction would be done gradually and with tact.

**Chairman Stein** asked about green space. David Waters said that at present there is not a lot of grass.

**Mary Haley** asked about this developer's parking in relation to the Sainsbury property nearby it.

David Waters clarified by pointing out Hartland Condominiums' property on the overhead screen. He compared it to the Sainsbury project's parking, saying that he lived there and that 2 parking spaces are provided when a unit is purchased. He hoped that the Commission would take this parking space amount into consideration in the decision for the Hartland plat before them tonight. He said they also felt that primarily college students would be purchasing the units and most likely would not have RVs or boats that would require storage area. Curb/ gutter on Pioneer is not installed. He asked the Commission to consider them not having to install the sidewalk because of cost involved.

**Mike Ricks** said this preliminary plat proposal is a new use; he feels strongly that the applicant must meet all standards of the ordinance, including installation of sprinklers prior to occupancy.

Stephen Zollinger said that in general **Mike Ricks** was correct in his belief that a sprinkler system is required.

**Mike Ricks** added that this proposed development also lacks the parking space requirements. He feels that the plat request should be denied.

**Randall Porter** asked Gary Leikness to clarify the sidewalk requirement. Gary Leikness said he had conferred with the City engineer and that sidewalks do need to go in. It now is an urban area with high density and with the potential for high foot traffic, which calls for these to be installed.

The Commissioners discussed the issue.

**Thaine Robinson** said he was not comfortable with the approving of this plat.

**Mary Haley** felt there were many things lacking in this proposed project.

**Mike Ricks** motioned to **deny** the Hartland Condominiums Preliminary Plat due to space issues, shortage of parking stalls (for condominiums the requirement is an additional 1 space for every 3 units- information in parentheses added for clarification), no required building sprinklers, and all other ordinance requirements it is lacking. **Mary Haley** seconded the motion.

Stephen Zollinger clarified that the Planning & Zoning Commission would be formally denying (rather than recommending for denial to City Council) this request, and the applicant could then appeal this decision or resubmit the application.

None opposed. **Dan Hanna** abstained.

**Motion carried.**

## **Public Hearings:**

7:05 – PRO Zone (Project Redevelopment Option) – Hemming Properties

**Chairman Stein** explained that the Project Redevelopment Option zone is a zone specific to that particular area of the city.

Richie Webb, 133 S. 2<sup>nd</sup> W, Rexburg, represented Hemming Properties. Tonight he wanted to share their perspective and their vision for this project and address any issues. He believes they have fulfilled all requirements, including holding a neighborhood meeting and publishing notices in the paper about their proposed development. He called on Reginald Richey, the project's architect, to walk the Commission through the project.

Reginald Richey, Lincoln, New Mexico, projected the Hemming PRO Zone on the screen for the Commission and reviewed the proposed project. He pointed out the area they plan to develop for the first phase of the project – surrounding 2<sup>nd</sup> South. There would be offices, retail, and women's housing. There will be angled parking on both sides of the street. There would be a similar situation on 1<sup>st</sup> South. A large underground garage (200 cars) with an enclosed ramp to enter it will serve mainly the conference and hotel patrons. The area around it would be highly landscaped, with a large green open space, with the 3 historic Hemming Properties being a main focus.

Richie Webb distributed a handout to show some of the interior spaces of the project. The Hemming Properties representatives feel the approval of the project a phase at a time, as stated in the Community Development - Planning Staff Report, is fine. He addressed some of their concerns with Proposed Conditions of Approval in the Planning Staff Report. With the miscellaneous business services listed (p.5-6, number 7 in the report), they feel they would provide a good (20% of store frontage ) mix . On page 6, number 11, building heights is a concern. They are asking for some flexibility to design appropriately for the project. They would like to extend the residential limit of 30 feet to 40 feet. They would also like to extend the commercial buildings height from 45 feet to 52 feet. On page 6, number 12, under Permissible Lot Coverage, they would like to extend the building size limit from 20,000 square feet to 30,000 square feet. They do want to avoid the big box image, so each store would have a different front to break it up. Page 6-7, number 17- they are in parking space compliance. Addressing their final issue, page 7, number 19 — their intent is to have vehicles go into and out of the underground garage on 2<sup>nd</sup> West, with a right turn only when exiting; they feel that this would be more efficient for traffic flow, because at times the conference center may have up to 200 attendees for a meeting.

**Mike Ricks** asked the distance of the garage's entrance/exit from the cross street and was told it is about 125-130 feet.

Reg Richey said the garage is not a dungeon – it is a very nice garage; it will be well-lighted with wide lanes and will be basically column-free.

**Randall Porter** asked for clarification on how guests would enter the hotel grounds to register; Reg Richey pointed to the overhead screen to show the routes they could take.

Richie Webb wanted the Commission to understand that they have some changes to make as far as the language in their development proposal and will work diligently to do so in preparation for the City Council meeting.

**Randall Porter** asked for clarification of #7 (Page 5) of Gary Leikness' proposed conditions, regarding eliminating retail trade as a permitted use. As per his earlier discussion with Gary Leikness, Richie Webb stated that on the following page (Page 6 number 8B), retail trade is listed as a permitted use, to be used as part of a Mixed-use building.

**Chairman Stein** asked for Gary Leikness' input.

Gary Leikness briefly reviewed his staff report. The first part of the report deals with the criteria needed for a zone change, in this case a PRO Zone. Staff recommends the proposal be approved in a phased approach so that it progresses carefully, as this is a new zone for the City and may have unintended consequences. The first phase would show how the mixed use really works, and from there the development would be expanded strategically. The proposal is for a mixed use area intended to be where people can live, work, and play. Mr. Leikness stated that this rezone request is in conformance with the City's Comprehensive Plan. His recommendations and proposed conditions of approval were noted. He asked the Commission to consider the questions of health, safety, traffic flow, and the potential for nuisances of the development. He feels the Hemming representatives are striving to enhance the property and neighborhood in which the project is located. Mr. Leikness said he had written 73 "Proposed Conditions for Approval," some of which are substantive and many are non-substantive (i.e. for clarifications or to eliminate redundancy). In regard to building heights, he recommended that the way the current City building height limitations be observed by this development, and that a discussion and/or hearing regarding something as significant as building heights should involve more community members. All conditions of approval had been discussed with the applicant.

The Commissioners discussed the conditions and their concerns. Gary Leikness said he feels as a planner that the area is a prime spot for a mixed use project such as this one, which will likely create a vibrant part of the community. As a planner he is in support of this type of development.

**Chairman Stein** opened the portion of the meeting for public input.

**In Favor:**

Johnny Watson, 1152 Bond Ave, Rexburg – He is a city business person and long time member of this community. He commended the Hemmings and their team on their vision; he also complimented the City staff and the Commission's willingness to embrace such a possibility of growth for this city. He feels this development proposal is a great step in forwarding the process of the revitalization issue. Mr. Watson asked the Commission to seriously consider the building heights standards in this community; he has been told that the height standards are in relation to fire-fighting equipment and life safety. He requested that some dialog begin with the City on how the building heights standards can be expanded. He mentioned that his interest in building heights is partly because as designer of the new high school, they will need to increase building heights to accommodate the building. In his opinion, building heights for the PRO Zone could be increased. He concluded by stating that he is definitely in favor of this Hemming Project development.

Trever Einerson, 1105 Coyote Willow Way, Rexburg – He stated that he is completely in favor of the Hemming PRO Zone. He said it will be a beautiful addition to a beautiful city.

**Neutral:**

Diana Janson, 153 S. 1<sup>st</sup> W., Rexburg – She said that the public hearing notification letter is the first she has heard about the proposed development. She stated her only concern was the proposed narrowing of the street that goes from the BYU-Idaho campus to the park. She was worried about bicycle traffic on that street. She stated she was neutral on the project .

Reg Richey said their proposed 15 foot traffic lanes are wider than the normal 11 foot lane. The bicycle lanes would be incorporated into this street to be a part of the normal flow of the traffic. They are hoping that this will slow the traffic down. They have a definite desire to encourage bicycle traffic and pedestrian safety.

**Opposed:** None

**Written Input:** None

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

The Commissioners discussed their concerns.

**Dan Hanna** stated he was concerned with # 11 of the proposed conditions, the issue of building height..

**Randall Porter** mentioned traffic flow on 2<sup>nd</sup> West, #19. He said he realizes that in the future there may be issues of getting in/out as Rexburg grows. As proposed, he said it appears there will be plenty of width there.

**Mike Ricks** said he thought that traffic flow will be safer than it currently is with private home residents pulling out in the street, because these homes will no longer be there. The traffic light will help. He also commented that the parking garage is a great idea and that he would support their request for increased building height for this particular PRO Zone.

**Winston Dyer** arrived at 8:37 pm.

The Commissioners continued to deliberate.

**Thaine Robinson** motioned to recommend to City Council the approval of the Hemming PRO Zone, Phase 1, for the Hemming Properties, including the Planning staff's proposed conditions of approval, with changes to:

#11 page 6, for building heights to increase - for residential buildings to not exceed 40 feet and building heights for commercial/mixed use buildings to not exceed 52 feet, and

#12b – for buildings/ structures not to exceed a 30,000 square-foot foot- print, and

that the parking issues and parking garage access will be determined by the City engineers. In addition, short term and long term parking standards need to be included and should be proposed, working with planning staff, to the Council. **Dan Hanna** seconded the motion. **Thaine Robinson**

amended his motion to include directing the Hemming Project developers to delineate Phase 1 of the PRO Zone, as understood by the Commission, for presentation to the City Council. **Dan Hanna** seconded.

None opposed. **Motion carried.**

Gary Leikness wished for clarification, for the record, asking the Commission if it was correct that they had approved only Phase 1 of the Hemming PRO Zone. **Chairman Stein** stated that was correct.

## **Proposed Conditions of Approval AS AMENDED TO INCLUDE P&Z'S RECOMENDATIONS**

### **Substantive**

1. The rezoning proposal should be limited to an area labeled as “phase 1” of a multi-phased approach. This phase 1 should be determined by the Commission working with the applicant. A phased approach would allow the developer to proceed with a limited area of development as well as allow the City to find out if there are any unintended consequences to this Hemming PRO zone category. The area for a phase 1 should be limited to the southwest area of the proposal, specifically to the areas of mixed-use development on both sides of W 2<sup>nd</sup> South, and the proposed Hotel/Lodge area.
2. As the developer and the City are prepared, the applicant can come forward with an additional to be rezoned to the Hemming PRO zone. The Hemming PRO Zone is allowed to be extended as long as it is determined that the zone is being utilized to create a cohesive development and neighborhood, not just to utilize the flexibility of setbacks and parking standards. Each additional boundary modification should be based on a specific proposal.
3. If the Hemming PRO zone is not moving forward with actual construction of buildings and uses that are substantially the same as proposed and intended during the rezone request, then the City shall initiate a reversion to the previous zoning (most recent prior to the PRO Zone designation). This time limit should include an 18 month period. The time shall begin at the adoption of the Hemming PRO zone or at each phase. Within the 18 month period a building permit shall be submitted that requests approval of a substantial building that is consistent with the intent of the Hemming PRO zone. No new phases should be considered until at least fifty (50) percent build out has occurred on previous phases.
4. For bicycle parking the proposed zone shall include short-term and long-term parking standards. Short term parking areas would be bike racks that area located in front of stores. Long-term parking would be for overnight parking that is sheltered from the elements.
5. The Purpose and Objectives section needs further development. Need to address the purpose of te zone as well as what will be accomplished through this unique zone.

6. “Multiple Family Dwelling” should be eliminated from permitted uses along 2<sup>nd</sup> west and 2<sup>nd</sup> South. The 2<sup>nd</sup> West street frontage is currently zoned commercial and may be the envisioned use along that street.
7. Eliminate the following permitted uses:
  - a. Membership lodging
  - b. Retail trade
  - c. Religious quarters
  - d. Residential hotels
  - e. Transient lodgings
  - f. Travel agencies
  - g. Paint, glass and wallpaper
  - h. Residential facility for elderly persons
  - i. Residential facility for persons with a disability
8. Add the following permitted uses:
  - a. Hotels (parking in rear or side yard, and non-auto oriented, i.e. motel-parking in front of unit)
  - b. Retail trade (as part of a mixed-use building, i.e. residential and/or office)
  - c. Office and professional services (uses must be located above first street level floor, or below. Must be part of a mixed-use building, i.e. residential and/or retail)
  - d. Disabled persons residential facility (as a part of a mixed-use building, i.e. non-residential uses)
  - e. Miscellaneous business services, i.e. real estate, insurance, etc. Buildings containing these uses may only occupy up to 20% of useable (roads, driveways, greenstrips, or parking areas not included) frontage along a public right-of-way per block and only on each side of the street.
  - f.
9. Eliminate the following conditional uses:
  - a. Spreading grounds
  - b. Apartments (maximum of six (6) persons per unit attached to commercial or other non-residential use as a mixed-use project set forth in Section 3.15.160, Rexburg City Code).
  - c. Communications
  - d. Motorcycles, motor scooters, parts, accessories, and supplies
  - e. Antiques and second hand merchandise
10. Add the following conditional uses:
  - a. Dormitory housing (maximum of six unrelated persons per unit physically attached to commercial or other non-residential uses as a mixed-use project)
  - b. Communications (subject to City of Rexburg Telecommunications Ordinance, and utilizes feasible “stealth” features to disguise the towers and antennas)
  - c. Motorcycles, motor scooters, parts, accessories, and supplies (as part of a mixed-use building, i.e. residential and/or office)

11. Section 3.30.100 *Building Heights* Should read, “Building heights for residential buildings shall not exceed 40-feet. Building heights for commercial and mixed-use buildings shall not exceed 52-feet.”
12. Section 3.30.120 *Permissible Lot Coverage* Should read,
  - a. No building or structure (parking lots included) shall not cover an area of more than seventy (70) percent of the lot or parcel of land upon which they are placed. If the lot or parcel has a recorded contractual agreement to participate in a park, open space area, plaza, or similar, that is located within seven-hundred (700) feet of the site, the lot coverage may be increased to one-hundred percent. The park, open space area, plaza, or similar area shall have a minimum area equal in size to the increase of lot coverage for each participating lot or parcel, cumulatively. Required setbacks are not related to lot coverage and therefore must still be observed.
  - b. Individual buildings and connected structures shall not exceed a 30,000 square-foot foot print, regardless of lot size.
13. A dwelling density section should be added that limits dwelling densities to 42 units per acre.
14. A Section should be added regarding required setbacks. It should be noted that corner lots are determined to have two front yards. Setbacks when adjacent or across the street from a residential zone should be similar to most restrictive zone, and only applicable to sides of the proposed building that are visible from residential zone.
15. A Section should be added regarding permitted projections into required setbacks.
16. Strike Sections 3.30.130 (A) through (F). Instead, begin section by stating, “Parking requirements of the development code shall be adhered to except as modified in this section.”
17. Under §3.30.130(G) *Required number of Spaces*, add “The counting of on-street parking spaces to fulfill parking requirements shall apply only to non-residential and lodging land uses. In addition, only those on-street parking spaces that are within 200-feet of the main entrance to the building for which they are to be counted shall be allowed, and shall not be located across any public street.
18. Add section regarding parking, loading, and access, similar to §3.17.130 of the CBC zone. This deals with parking being disallowed in required front yards, requiring certain surfacing, etc.
19. Structured parking and parking areas for over 25 vehicles proposed to have access on to S 2<sup>nd</sup> West, shall be reviewed by the City Engineer for feasibility and safety prior to approval of any development.
20. Add section regarding fencing
21. Add language to §3.30.150(C) *Landscaping*. Include the following:
  - a. Surface parking lots (single level)
    - i. Provide ten (10) percent landscaping/snow storage for total area of impervious surface, may be interior landscaping or perimeter.
      1. Provide one (1) tree per 500 square feet (2 inch caliper minimum).

2. Provide one (1) shrub per 50 square feet (3 gallon minimum).
      - ii. Ground cover shall primarily be live plant material (e.g. grasses versus rock)
    - b. Perimeter of all parking areas adjacent to public right-of-way.
      - i. Regardless of building setbacks, provide twenty (20) foot landscaped strips running parallel to right-of way.
        1. Provide one (1) tree per 20 lineal feet of road frontage (2 inch caliper minimum).
        2. Provide one (1) shrub per 5 lineal feet of road frontage (5 gallon minimum) and/or shall be sufficient in size to create desired screening within two years of planting.
      - ii. Ground cover shall primarily be live plant material (e.g. grasses versus rock)
    - c. Landscaped areas shall utilize an automatic, low volume, irrigation system to insure maturation and maintenance.
22. Add a §3.30.150(F)(2) *Walls and Fences* that reads, “No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard.
23. Add a §3.30.150(F)(3) *Walls and Fences* that reads the same as §3.17.160(2). This requires a decorative masonry wall or other material as agreed upon by adjacent property owner and Planning Commission.
24. Strike §3.150.150(G) *Transitional Development Standards*. This issue is resolved by an earlier amendment that requires property in the Hemming Zone to meet certain setbacks when adjacent or across the street from a residential zone.
25. Strike §3.30.160 *Residential Standards* as these proposed standards allow increased building heights, and modifications to driveway standards that have not been approved by the Public Works Department or Fire Department. In addition, the standards in §3.30.160 don’t appear to be necessary to accomplish the Hemming PRO zone, and therefore default development code standards should apply.
26. Modify §3.30.170(A) *Introduction* to suggest that the Hemming PRO zone will complement the historic downtown rather than including language that suggest that this site is part of the historic downtown.
27. Strike §3.30.170(C) *Development Review Committee and Design Review Board Procedures*. Replace with language that suggests that development proposals will be reviewed by the City’s established Design Review Committee (DRC) or designee.
28. Introduction to design standards, second paragraph (precedes §3.30.170(E)). The statement, “simple configuration and solid craftsmanship are favored over complexity and ostentation in building form and articulation of details,” appears to conflict with the City’s current design standards which promote articulation of buildings, in order to reduce large expanses of buildings, and to add visual interest. Specifically, the current design standards state, “Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances”

- of buildings. The Hemming PRO zone introduction to design standards should incorporate this established intent.
29. Modify §3.30.170(E)(1)(a)(4) *Applicability*, to not exempt buildings that do not receive the public. All buildings should have design standards applied to them in the PRO zone or any other commercial or multi-family zone.
  30. Clarify what §3.30.170(E)(1)(b) *Hemming PRO Zone Block Development* intends to accomplish. It is not clear what regulations are being described, or what figures are being referred to.
  31. Clarify what §3.30.170(E)(1)(b)(2) *Provide useable pedestrian space* requires. Specifically, what amount of pedestrian space needs to be provided? A standard might be that for every one-hundred (100) feet of street frontage a useable pedestrian area of 100 square feet must be established. These areas should include benches, wider sidewalks, water features, or similar.
  32. Clarify what §3.30.170(E)(1)(b)(2) *Building Orientation Standard* means when it states that, “Each development provides street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in certain areas.” Is there a required quantity of these features to be provided by each development?
  33. Modify §3.30.170(E)(1)(c)(2) *Building Orientation Standard* to explain how corner lot buildings shall have “main” entrances on both street that are fronted. They should not be allowed to have main entrances on the sides of buildings, rather they should be encouraged to have a beveled corner entrances. This will frame the streets together and also allow for clear vision areas to be observed.
  34. Clear vision areas in the Hemming PRO zone should be reduced to 15-feet, but should be approved by the City Engineer prior to adoption. This reduction should only be allowed for main building structures, not accessory structures, or landscaping, which should both still maintain the 30-foot clear vision area currently adopted.
  35. Strike §3.30.170(E)(1)(c) *Variances*. Modifications are negotiated through the DRC. Significant deviations should follow the variance procedure currently adopted.
  36. Modify §3.30.170(E)(2)(a) *Maximum building height* to only allow a 35-foot building for residential building and a 45-foot building for commercial or mixed-use buildings. Also a minimum building height should be established at 18-feet.
  37. Modify §3.30.170(E)(2)(a) *Maximum building height* to not include roof equipment as an exemption. Roof top equipment should be included in building heights and should be screened by parapets or similar.
  38. Modify §3.30.170(E)(3)(b)(1) *Detailed Storefront Design* to eliminate the wording, “...unless an approved landscape buffer is applied.” Corner buildings need to embrace both streets on which they are located through storefront design.
  39. Section 3.30.170(E)(3)(b)(1)(b) *Detailed Storefront Design* requires, “regularly spaced and similar shaped windows.” The intent may be to prevent long expanses of buildings that do not have windows, but the language may also promote repeating patterns over long expanses of walls that go against currently adopted design standards.
  40. 3.30.170(E)(3)(b)(1)(c) *Detailed Storefront Design* requires large windows. Large display windows are exactly what pedestrian areas need, but windows should not

extend from grade to ceiling height. These types of windows are more consistent with strip commercial development rather than pedestrian downtowns, and should therefore be avoided especially if this development intends to complement the existing historic downtown to the northeast. A horizontal requirement for window area should be 60 (sixty) percent as a minimum (or greater!).

41. Figure 3-2 suggests a design that deviates from historic buildings in the downtown area. The figure appears to promote a different theme. A different figure should be used if the intent is to create building that extend the downtown and complement it. The figure should show more details regarding how to reduce the massive scale of the large buildings rather than drawing attention to specific architectural features of a particular architectural style.
42. Clarify, does §3.30.170(E)(3)(b)(2)(c)(1) *Design of Large Scale Buildings* intend to incorporate all other design standards in the Hemming PRO zone as well as these for large scale buildings?
43. Modify §3.30.170(E)(3)(b)(2)(c)(1) *Design of Large Scale Buildings* to provide clear standards that quantify intent.
44. Modify §3.30.170(E)(4)(b) *Guidelines and Standards* to make standard based on street frontage, number of stories, square footage of building, or other. The proposed language only states that, “each development” shall provide these pedestrian amenities. Each development should contribute, but larger developments need to provide proportionately more.
45. Modify §3.30.170(E)(5)(a) *Residential Uses*. Last sentence should add, “...unless substantial reconstruction occurs and/or expansion.” It should continue, “Substantial reconstruction shall mean that valuation of proposed improvement exceeds fifty (50%) of assessed value for the previous calendar year. Standards shall only apply to areas of expansion unless the gross floor area of the proposed expansion exceeds fifty (50) percent of the existing structure’s gross floor area.
46. Section 3.30.170(E)(5)(a)(1) *Residential Uses* may be written to allow residential uses to dominate the Hemming PRO Zone. The PRO zone should disallow stand alone residential uses from fronting any street within a half block from S 2<sup>nd</sup> West. These areas, generally, were zoned and designated on the Comprehensive Plan map as commercial. The intent of these area being commercial should be preserved in the Hemming PRO zone.
47. Modify §3.30.170(E)(5)(a)(3) *Residential Uses* allow a maximum dwelling density of 42 units per acre. Dwelling densities should be spelled out rather than making them limited by other standards. This allows residents an opportunity to understand potential impacts of development.
48. Modify §3.30.170(E)(5)(b) *Bed and Breakfast Inns and Vacation Rentals*. Language should be included which requires owner occupancy and a maximum of twenty-five (25) percent of home to used for B&B. In addition, B&Bs and vacation rental dwellings should be required to register with a local management group or as a minimum have a local contact available at all times. These land uses should be listed as conditional uses as they often have impacts that need great scrutiny by the Commission.

49. Modify §3.30.170(E)(5)(d) *Accessory Uses and Structures*. Second to last sentence should continue with, "...provided they are incidental to, and do not substantially alter the character of the permitted principal permitted use.
50. Modify §3.30.170(E)(5)(e)(2)(b) *Drive up, drive-in, and drive-through facilities*, to a fifth standard that reads, "No outdoor PA system shall be located within 300 feet of a residential zone.
51. Modify §3.30.170(E)(5)(g)(2) *Light manufacture, Location*, to read, "the light manufacture use shall be fully enclosed within a building, and shall not be located within two-hundred (200) feet of a residential zone."

### **Non-substantive**

52. Lot lines shall be appropriately adjusted, or a Restrictive Lot Line Covenant (RLLC) shall be submitted as part of each development. Lot line modifications and/or RLLC must be approved by the City, prior to County recordation.
53. Change title of zone to, "3.30(1). Hemming (PRO A B R 1) Project Redevelopment Option Zone"
54. Strike, "Hemming Project, Location: see attached"
55. Strike §3.30.020(A) *Categories...*
56. Strike §3.30.020(B) *Permitted Principal Uses...*
57. Change §3.30.020(C) to §3.30.020(A)
58. Change §3.30.020(D) to §3.30.020(B)
59. Remove SIC code numbering system
60. Strike last sentence of §3.30.130(A) referencing the University Zone.
61. Rename §3.30.130(G) to read, "Required parking spaces."
62. Strike "Use Parking Spaces"
63. Strike all parking requirements except the requirement for "mixed use."
64. Modify sentence in §3.30.150(A) *Signs*, to read "All signs shall be approved by the Planning Commission or designee prior to the issuance of a sign permit." (italics added temporarily for emphasis)
65. Strike reference to Downtown Blueprint in §3.30.170(A) *Introduction*
66. Clean up figure 2-1 *Building Height Diagram*. Hard to read and some strike-through is occurring on words.
67. Modify §3.30.170(E)(3)(b)(1) *Detailed Storefront Design*. There is a reference to features a-e, when there are only features a-c.
68. Modify §3.30.170(E)(3)(b)(2)(c)(2) *Design of Large Scale Buildings* to eliminate the language that follows the standard. The DRC can negotiate with the applicant of a particular building if there are unusual circumstances involved.
69. Modify §3.30.170(E)(5)(c) *Public and Institutional Uses* to eliminate reference to the "Rexburg Downtown District." Should say, "Hemming PRO zone."
70. Modify §3.30.170(E)(5)(d)(1) *Primary use required*, to continue, "...on the same lot."
71. Modify §3.30.170(E)(5)(d)(2) *Setback Standards*, to read, "If an accessory structure requires a building permit, all setbacks required of the principal structure shall be observed as well. In addition, no accessory structures shall be allowed to encroach in to a front yard. Accessory structures

visible from public or private rights-of-way shall be consistent in materials as those used for the principal structure.

72. Modify §3.30.170(E)(5)(f) *Sidewalk Displays* to read, “A minimum clearance of six (6) feet of walkable surface shall be maintained.” Also, add “beds, appliances” to the list of large display items.

**Chairman Stein** declared a five minute break.

The meeting then resumed.

**New Business:**

1. Preliminary Plat – Lincoln Park Townhomes

Trevor Einerson, 1105 Coyote Willow Way, Rexburg, representing Timberhawk Homes, spoke as the developer for the Lincoln Park Townhomes Preliminary Plat. The proposed plat is located at 6<sup>th</sup> South, between 4<sup>th</sup> and 5<sup>th</sup> West. There are 41 units on 2.57 acres. He stated he is proud to present this preliminary plat tonight. He stated he believes in infill projects, to revitalize the City. He showed and clarified the plat in a Powerpoint presentation. They have tried to create a number of access points for the plat. Mr. Einerson has talked in detail with each of the neighbors around the proposed development area, for their input in making the development nicer. They have knocked down an old building on the property that had been an eyesore in the area for years. The zoning is MDR1 (Medium Density Residential 1), with 16 units per acre. They are entry-level homes, priced in the low \$100,000s, to help give young families in Rexburg a chance to invest in their starter home. 82 parking spaces are required; they are providing 96 spaces, or 117%. They are providing 20' by 10' parking spaces. Storm drainage is not in place. The development will improve drainage for 3 neighboring property owners. The development will have 37% green space, with sidewalks at 11%, buildings 20% of the area, and parking/roads at 32%. He showed an example on the overhead screen of how the units will look. They will meet with the Design Review Committee to make sure design standards are met. They feel there is adequate room for snow removal. Mr. Einerson stated that he hopes they have proven they are reliable and trustworthy developers; he feels their project will enhance the neighborhood and that it will increase property values.

Winston Dyer the Dyer Group, 343 E.4<sup>th</sup> N. Suite 108, Rexburg – He is the engineer for this development. The proposed development is consistent with the zoning and the comprehensive plan. He pointed out the area on the overhead screen. It will have 3 entrances, which should resolve any traffic issues. There is water and sewer. They are working with the fire department and the City engineer on requirements. Tonight's proposal is a land use rather than a building issue; they will refine their site plan. He stated that the developer wants this to be a single project in one phase. No frontage will be on the canal. They will work with the Design Review Committee on design standards, including setbacks and building fronts.

Trevor Einerson stated that the canal may be fenced as a child safety precaution.

Winston Dyer said the City has indicated it would build a bridge across the canal in the future.

Gary Leikness stated that most of the items stated in his staff report will be taken care of as the plat develops. The Commission is not necessarily approving a site plan at this time; that approval will be done later as a building permit is sought. He said that the City's historic grid system was good planning. This plat's location is part of the original townsite. One hundred years ago, if you would've mentioned to someone that townhomes would be developed here and that a future road stub out to the east would be needed, people would've said this would never happen. But, here we are all those years later and we have the road platted and ready for a future bridge to continue to connect the community and its neighborhoods. This is why the grid system is so important to adhere to.

The Commissioners discussed the proposal.

**Thaine Robinson** motioned to recommend to City Council the approval of the Lincoln Park Townhomes Preliminary Plat, including all issues addressed in the staff review comments. **Dan Hanna** seconded the motion. None opposed. **Motion carried.**

Winston Dyer resumed the chair.

### **Unfinished/Old Business:**

1. Sign Ordinance – Temporary Signs and Banners

**Chairman Dyer** asked about the status of the Sign Ordinance discussion. Gary Leikness requested that he be given time to offer a quality analysis of the temporary sign and banner part of the Sign Ordinance. He will strive to have the information in advance of the next Planning and Zoning meeting, to be included in the Commissioner packets. The City Ordinance Officer also requested that lights, in regard to signs, be addressed, as there may be conflicts between the Lighting Ordinance and the Sign Ordinance. Gary Leikness said he would look at other cities' ordinances.

**Thaine Robinson** said he would like to see an example of a very restrictive sign ordinance, just for the purpose of comparison.

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

**Mike Ricks** requested that the Commission initiate an ordinance change to require bigger parking stalls and possibly wider drive aisle widths.

Gary Leikness recommended that standard parking spaces be a minimum 9-feet by 18-feet and that the two way drive aisle widths be increased to 24-feet. He said that this language, and other concerns the Commissioners want to address, could be included in the language of the Development Code Ordinance 926 that is currently being updated.

**Mike Ricks** motioned to look at amending Ordinance 926 to include the above stated concerns and others wherever they are located in the ordinance.

**Mary Haley** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** indicated to Gary Leikness that this would be carried into the “cleanup” of Ordinance 926. Gary Leikness said he would include the parking standards increase in the 926 clean-up that the planning consultants are working on.

**Chairman Dyer** mentioned an electronic reader board he noticed on Highway 20 south of town at the new RV center. He would like this issue looked into, as to whether it is a permissible sign in the Sign Ordinance.

**Thaine Robinson** said that on Trejo Street and Grand Loop, there is a 3-sided piece of property with townhomes that is allowing large recreational trailers to be parked in their parking lot. This situation also needs to be looked into by the City Ordinance Officer.

**Mary Haley** also stated that New Fongs needs to be landscaped. Their dumpster should be moved out of the public view. The Ordinance Officer will be notified of this situation.

**Compliance:** None

**Report on Projects:** None

**Tabled Requests:**

1. Preliminary Plat – Silver Estates

**Building Permit Application Report:** None

**Chairman Dyer** adjourned the meeting at 10:01 pm.