

Planning & Zoning Minutes

April 17, 2008

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CITY OF
REXBURG
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Commissioners Attending:

Ted Hill Thaine Robinson
Mary Haley Mary Ann Mounts
Dan Hanna Charles Andersen
Mike Ricks

City Staff and Others:

Gary Leikness – Planning Administrator
Elaine McFerrin - Secretary

Chairman Winston Dyer was going to be late. **Thaine Robinson** acted as chair and opened the meeting at 7: 02 pm.

Roll Call of Planning and Zoning Commissioners:

Mary Haley, Charles Andersen, Dan Hanna, Thaine Robinson, MaryAnn Mounts, Ted Hill, Mike Ricks

David Stein and **Randall Porter** were excused.

Minutes:

1. Planning and Zoning meeting – April 3, 2008

Mike Ricks motioned to approve the Planning & Zoning minutes for April 3, 2008. **Charles Andersen** seconded the motion.

Ted Hill and **Mary Ann Mounts** abstained for not having been present.
None opposed. **Motion carried.**

Public Hearings: None

New Business:

1. Final Plat – Riverwoods Townhomes Division 3

Mike Arneson, of HBH Consulting Engineers, 1970 E. 17th Suite 203, spoke, representing Jenks Bros. Construction, for the Final Plat of Riverwoods Townhomes Division 3. He said they came before the Commission and the City Council a few weeks ago with their preliminary plat. The plat

was approved. They addressed the staff comments on their preliminary plat before they submitted this final plat. They are here tonight to answer any questions that the Commission may have.

Chairman Robinson asked if there were any changes from the preliminary plat.

Mike Arneson said there were and that those changes were driven by comments from the staff. On the preliminary plat the trash receptacle was located further to the east than what is shown on the final plat. Because it is kind of a unique situation of the double frontage scenario where they have a street on the front and back, only on part of the proposed development, they needed to move the trash receptacle so that it was not located within the 20 foot setback. The receptacle was moved to the west. He referred to the overhead screen to point out this change. They also added a sidewalk connection from the street up into the parcel, per comment from engineering staff. They increased the width of the one-way exit from 14 to 20 feet, per comment from Emergency Services.

Chairman Robinson asked if the Commissioners had any questions or comments.

Mike Ricks felt the one-way exit that will be widened is a good plan, because people do not always observe signs, in this case a one-way sign. If two cars did confront each other, there would be width for them to pass.

Mary Haley asked what buffering would be around the trash receptacle.

Brandon Jenks, 3680 W Mountain View Dr., Rexburg - of Jenks Brothers, the applicant for Riverwoods Townhomes. He answered from the audience, stating that the trash receptacle would be encased in a privacy fence.

Mary Haley said they have been at the location a few years, and there is no buffering on their garbage.

Brandon Jenks said the trash receptacle location is not the permanent one – that will be coming in the next couple weeks.

Gary Leikness said this issue would be reviewed on the building permit and also for the final planning inspection.

Dan Hanna asked if the staff review comments on the size of the garages had been addressed.

Mike Arneson said the garages are all 24 by 20 feet. That size exceeds the minimum size required.

Chairman Robinson asked Gary Leikness for his report.

Mr. Leikness said as the standard and for future reference, tonight the Commissioners would be approving that each unit in this development will have a 2- car garage, to ensure that the required number of parking spaces, along with guest parking, is met. He stated the Public Works Director was concerned about the turning radius for large trucks - fire trucks and trash trucks. Mr. Leikness pointed out the area where Public Works has asked for compact spaces only so that a big truck would have room to maneuver.

Chairman Robinson asked if all guest parking was on the street, because it is marked private on the plat.

Mr. Jenks said it was private for the subdivision, for the guests of the residents.

Dan Hanna asked about the one-way access and if it is required to be there as part of the site development.

Gary Leikness said he believed so, and that it was the easiest solution to the maneuvering area for large trucks.

Mike Ricks thought the garage spaces would be tight.

Brandon Jenks stated there is about a foot on each side, giving it barely under 20 feet in width.

Mary Haley asked how many dumpsters there would be.

Brandon Jenks said they would provide however many dumpsters are needed; they would be enclosed.

Dan Hanna said he understood that all the dumpsters would be in one location for both units, and Brandon Jenks said that was correct.

Mary Haley clarified a statement in the CC&Rs and the parking of recreational vehicles.

Brandon Jenks said that what is parked there now are construction vehicles and trailers.

Mary Ann Mounts said this discussion should not be part of their decision tonight, as the enforcement of the CC&Rs will be addressed later by the people it concerns.

Dan Hanna agreed.

The Commissioners continued to discuss the issue.

Mary Ann Mounts motioned to recommend for approval to City Council the Final Plat for Riverwoods Townhomes Division 3, with the condition to include that each unit will have a 2-car garage, and to accommodate the City Engineering department's concerns for a turnaround for fire department vehicles and large trucks, and including all other staff recommendations. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Non controversial Items Added to the Agenda:

1. Flood Trailers – status

Gary Leikness asked that the topic of flood trailers be continued at a future date after it is more thoroughly researched. Staff is finding more and more information on flood trailers that still exist

from the time of the flood. They originally had a temporary status. Staff is going to try to inventory as many trailers as possible. Mr. Leikness said the issue may go straight to the City Council because it may be more of a policy decision than a Planning and Zoning decision. He stated that someone wants to purchase one and does not want the fear of the trailer not being considered as real property. He will keep the Commission informed.

In lieu of that discussion, Gary Leikness wished to bring up a non-agenda item.

He introduced Justin Kostial, 246 N. 3rd E., Rexburg, who has a Conditional Use Permit (CUP) for a daycare, which was approved in 2003 and on which some clarification is needed. Mr. Leikness said there may not be enough Commissioners present who are familiar with this property from those past 2003 meetings to discuss the subject tonight. Mr. Kostial would like a final certificate of occupancy, converting the home to a daycare. Mr. Leikness stated he will try to work the issue out by e-mailing information and past minutes to all of the Commissioners. He would like to make sure that the site plan is in harmony with what was approved at the time.

Mary Haley said she did not know that an entire house could be converted to a daycare center, in a residential area.

Gary Leikness said this could be done.

Mr. Kostial said they purchased that home specifically because it allowed a daycare as a conditional use. They did live in the basement when they first bought the property, until they bought another home to live in.

Mary Haley said she thought a day care center and a pre-school had different standards.

Mr. Leikness said the term is “nursery”. This daycare was approved for a conditional use; they are just clarifying that approval.

Mr. Kostial said they are providing a service to the community, and it is being provided by educated people. His wife and her employees have degrees. She works 60 to 70 hours a week. There have not been any complaints from surrounding neighbors.

Unfinished/Old Business:

1. Sign Ordinance – Temporary Signs and Banners

Gary Leikness gave the Commissioners a handout showing the different cities he researched regarding each city’s ordinances on temporary signs and banner signs. His handout looked at 3 types of signs: temporary, banner, and electronic. He said all of the ordinances are on line, if more information is needed. He said sometimes temporary signs and banners might fall under the same category. In Rexburg, banners might be canvas or paper; temporary signs could be looked at as temporary/portable. Mr. Leikness asked that the Commission look at the information he provided and give him feedback. He will then work on the ordinance language.

The Commissioners discussed the issue.

Chairman Robinson said the Commission has to be careful of what minimum standards are decided, as many applicants may not go beyond the minimum. He felt the Commission should put this issue to a vote within a month to get it resolved. The ordinance will then go to City Council.

Charles Andersen said that Provo’s “no temporary signs allowed” might simplify enforcement.

Gary Leikness said from a planner’s perspective the ordinance should try to decrease the gap between compatibility issues of different sign uses. He said the Commission must be specific with what is allowed. He stated it is easier to enforce what is allowed/ not allowed when stated in black and white in the ordinance, rather than gray. Regarding electronic signs, the Commission must be very clear about how these signs are regulated because this is a sign that is increasing in technology, and because of that, in usage.

Per the Commission’s request, Gary Leikness will make a draft of the language for temporary signs and banners, and the Commission will then make a decision.

The Commission began to discuss various subjects.

Chairman Robinson informed the Commission about the previous night’s work meeting with the planning consultants and the City Council, which concerned addressing involving 3 different grids. The Mayor appointed a committee to help come up with a solution – Madison County, the City of Rexburg, and Sugar City will be represented. **Chairman Robinson** said Gary Leikness made a good point about future growth being pieces of a puzzle that need to fit together. Emergency Services will continue to give their input, as life/safety issues are of great concern.

Ted Hill commented that Jefferson and Fremont counties’ addresses are much easier to find because they start on the Southwest corner of the county and progressively address north and east, so there are no souths and wests to deal with.

Mike Ricks said the address system needs to be a stable system, so that the residents are not put through any more addressing changes.

Chairman Robinson also told the Commission that the Open Space Forum that was held about a month ago was very informative.

Mike Ricks said the Valley RV sign that was mentioned at the last P & Z meeting as a possible out – of – compliance issue is in compliance.

Mary Haley said the 1200 West side of this same property has opened dumpsters in the right-of-way and open trailers in the setback. **Chairman Robinson** asked her to e-mail the secretary with this information.

Gary Leikness presented some home designs photos for the Founder’s Square subdivision that the developer was proposing. The colonial style theme for this PUD was what was planned, but the potential builders have asked if they may use the bungalow style /Craftsman homes pictured in the handout, in addition to the Colonial home style. He asked for the Commissioners’ input on this request.

The Commissioners discussed the issue. This current request is not what was approved by the Commission for this PUD.

Dan Hanna and **Ted Hill** thought this request might be a cost issue.

Gary Leikness said the themed approach that was presented and approved gave the developer points, i.e. greater density.

Ted Hill said if they want to change they need to come back in and re-present their project. The other Commissioners voiced agreement.

Gary Leikness will carry the Commissioners' feelings back to the developer.

Compliance: None

Report on Projects: None

Tabled Requests:

1. Preliminary Plat – Silver Estates

Building Permit Application Report: None

Heads Up:

1. Preliminary Plat – Pine Brook Estates Division 2

Chairman Robinson adjourned the meeting at 8:43 pm.

(**Winston Dyer** arrived just after the adjournment; he was not involved in any of the decision-making this evening).