

Planning & Zoning Minutes

May 15, 2008

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CITY OF
REXBURG
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Commissioners Attending:

Winston Dyer – Chairman
Ted Hill Charles Andersen
Mary Haley Thaine Robinson
Dan Hanna

City Staff and Others:

Gary Leikness – Planning Administrator
Elaine McFerrin - Secretary

Chairman Dyer opened the meeting at 7:02 pm. He welcomed those in attendance.

Roll Call of Planning and Zoning Commissioners:

Mary Haley, Charles Andersen, Dan Hanna, Winston Dyer, Thaine Robinson, Ted Hill

Randall Porter, David Stein, and Mary Ann Mounts were excused.

Minutes:

1. Planning and Zoning meeting – May 1, 2008

Dan Hanna motioned to approve the Planning & Zoning minutes for May 1, 2008. **Thaine Robinson** seconded the motion.

Winston Dyer, Mary Haley, and Charles Andersen abstained for not having been present. None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Development Code Amendment – Road Standards and Storage Units

Chairman Dyer explained the procedure for a public hearing and the subject being heard tonight – a proposed amendment to the City's Development Code. Tonight those proposed amendments concerned parking regulations, and where storage units can be allowed/not allowed. **Chairman Dyer** stated that the P & Z Commissioners would make a recommendation to the City Council on the proposed amendment, and the City Council would then make the official decision.

Gary Leikness described the proposed amendment to the Development Code 926 and projected the document on the overhead screen. The amendment concerns 2 issues, both of which are City initiated by direction from the P&Z Commission:

Issue 1 - Parking Regulations – what is being proposed is to increase the depth of the parking stalls from 18 to 20 feet. The length of a compact car stall would be changed from 15 feet to 16 feet. Two-way aisles are currently at least 22 feet in width; what is being proposed would increase that to 24 feet, for ample room to park, maneuver, and back out. These changes would be for all zones.

Issue 2 – Storage Units –The proposal is to limit storage units to Industrial zones only. They currently are allowed in commercial zones; those already existing would be grandfathered in.. Mr. Leikness pointed out on the overhead screen where storage units in the future would be allowed- the Light Industrial zone or Heavy Industrial zone. He also provided the Commission with his written memo of suggestions of what the Commission might consider in their decision.

Chairman Dyer asked if there were any clarifying questions from the public, as no questions can be taken during the public testimony portion of the hearing.

Trevor Einerson, 1105 Coyote Willow Way, Rexburg, asked how much of the industrial zones on the overhead map shown is still usable space.

Chairman Dyer pointed out currently undeveloped land on the projected screen. He estimated that 30% to 40 % of this land was available for future development.

Joe Allen, 602 Cook Ave., Rexburg, asked who initiated this proposed change.

Chairman Dyer said the Planning and Zoning Commission initiated this change, because of the Comprehensive Plan and what the Commission is trying to accomplish with commercial and business growth in certain areas of the City. He explained that the storage units currently existing in commercial business zones would be allowed to stay as they are “grandfathered” in as long as the use remained storage units. The change would encourage the business districts to have more business or commercial oriented, more conducive to their location, whereas storage units may be placed elsewhere.

Joe Allen asked why there was a change being proposed now after all the time that storage units have existed in commercial zones. He feels they are not a blight and that they do not look bad.

Chairman Dyer suggested he might save that comment for the public input portion of the hearing.

Thaine Robinson said the Commission has struggled with design standards for storage units. They do not fit a commercial zone. The Commission also struggles with storage units being located on the main corridors as people approach Rexburg.

Gary Leikness said he will address some of these concerns in the public input portion of the hearing.

Chairman Dyer said the Commission does not believe that storage units are conducive to land use and development in the more central areas of Rexburg. That is what they are now exploring, to see what the public has to say.

Chairman Dyer opened the floor for public input.

In Favor: None

Neutral:

Trevor Einerson, 1105 Coyote Willow Way, stated he is neither for nor against the proposal. He agrees that the City should not have its business areas look like a storage complex. He hoped there would be Conditional Use Permits that could be done, or a smoother rezoning process to go through than what the City currently follows.

Opposed:

Joe Allen, 602 Cook Ave., said he is fine with the parking part of the proposal, but he feels that storage units are okay the way it has been. He addressed some of the issues from Gary Leikness' memo. He said the design standards for storage units may be an issue, rather than proposing to take them out of commercial zones. Mr. Allen feels that 24 hour access to the storage units would be similar to an all-night gas station and would not create more noise. He wondered if there was a problem with certain existing storage units. He said if it is not broke why fix it, because the Conditional Use Permit controls use right now. He said most of the storage units are now in a commercial zone, so someone must have thought that was a good idea.

Written Input:

A letter was received from Ole Dunn. **Chairman Dyer** read the letter aloud, in its entirety. Mr. Dunn feels the change of storage units from commercial to industrial zones would seriously affect his future as he approaches retirement and that of Rexburg's development. The only alternative, if this amendment is adopted, would be to ask for a rezone. Mr. Dunn does not feel eliminating storage units from commercial zones would be positive for Rexburg.

Chairman Dyer then closed the public input portion of the hearing and asked Gary Leikness for his staff evaluation.

Gary Leikness addressed the Commission, referring to his written memo which he had distributed to the Commissioners. He said that commercial zones are designed for commercial trade (daily use, come and go) and not for storage. It is difficult to address design standards of these storage units, because the nature of storage units requires long expanses of roof lines and walls. There is potential of nuisance if there is no onsite management, or if there is 24 hour access with key codes to the storage units, which could potentially disturb neighbors.. The City has opportunities for storage units in industrial zones where the design standards are different; they are generally more consistent with a non-trade type use. Mr. Leikness stated that storage units could operate within city limits in industrial zones. Regarding availability of industrial land and whether or not industrial land is being used for storage units already: There is currently a storage unit being proposed in the Airport Industrial Park. Storage units could be brought back into commercial zones at a future time. More property in the city may be re-zoned to Light Industrial or Heavy Industrial, which would allow more opportunity for the building of storage units.

The Commissioners discussed the issues, focusing first on the parking part of the proposed Development Code amendment.

Chairman Dyer noted for the record that there was no public input whatsoever on the parking issue part of this proposed amendment.

Thaine Robinson said he looks at the parking issue as a common-sense and safety issue. **Dan Hanna** and **Mary Haley** concurred.

Thaine Robinson motioned to recommend to City Council accepting the parking changes segment of this amendment to Development Code 926. **Dan Hanna** seconded the motion. None opposed. **Motion carried.**

The Commissioners then focused on the second part of the proposed amendment to Development Code 926 – limiting storage units to the industrial zones.

The Commissioners discussed the proposed change.

Charles Andersen stated that some commercial areas can have storage units where they are not really noticeable. He is hesitant to say total across-the-board not allowed, regarding storage units in commercial zones.

Dan Hanna asked Gary Leikness to point out on the overhead screen the storage units on N.2nd E. near Clair and Dee's, where the storage units are not noticeable, which he said illustrates **Mr. Andersen's** point that there are some commercial areas in the City where storage units can be off the public right-of-way and still be infill and very unnoticeable. **Mr. Hanna** said he also has difficulty in saying no to storage units in all commercial zones.

Ted Hill said there was a good example of property with a storage unit behind it, the drive-in eatery on 2nd West.

The Commissioners continued to discuss the proposal.

Chairman Dyer said he was hearing the Commissioners express a concern that perhaps storage units would be more satisfactory in a commercial zone if it not on "eyes to the street." He pointed out that the Commission always struggles with Conditional Use Permits.

Charles Andersen said perhaps the ordinance could use language that would make them more presentable in the community but perhaps not at the street front of a lot. **Thaine Robinson** agreed.

Dan Hanna said a Conditional Use Permit would allow them to deal with storage unit design and accessibility. He said units do not have to be a huge storage development, but would be using whatever amount of property is available.

Gary Leikness said the Commission could recommend that they would further explore this part the proposed development code amendment regarding storage units being restricted to industrial zones.

Charles Andersen motioned to recommend to City Council to take no action at this time on the storage unit segment of this Development Code amendment pending further staff review and discussion. **Dan Hanna** seconded the motion. None opposed. **Motion carried.**

New Business:

Chairman Dyer declared a conflict of interest on both plats on the agenda under New Business **Thaine Robinson** acted as chairman.

Chairman Robinson moved forward on the agenda.

1. Final Plat – Lincoln Park Townhomes

Trevor Einerson, 1105 Coyote Willow Way, the developer of this plat gave a PowerPoint presentation, which focused on staff review comments regarding plat development. He addressed the question of why there was joint road use, as brought up by Public Works. He said they proposed to their neighbors to improve both properties adjacent to Lincoln Park Townhomes, to make the whole area more aesthetically pleasing, and to share easements and improve the roads.

Chairman Robinson clarified that these are existing roads in the development. Trevor Einerson said that was correct.

Trevor Einerson pointed out the area and roads on the overhead screen. He stated the CC &Rs would address ownership of the outside area by the Homeowners Association. In regard to porches – each unit has their own porch area. Units will be numbered rather than lettered as GIS requested due to postal service needs. The ownership name on the plat has been corrected. In regard to Gary Leikness' Planning review, Trevor Einerson stated landscaping will be done well and showed which areas will be done and in what order – he pointed the planned progression out on the overhead screen. On the south side, to be aesthetically pleasing, this area may be fenced with a 2-rail vinyl fence. He stated he is worried about children and the closeness of the canal – they currently have a chain link fence. In addition, once porches were added, the setbacks were too close to 6th South. They will shift the buildings accordingly. Parking stalls will be 10' by 20'.

Trevor Einerson said they have more parking spaces than the minimum called for. He showed what the units will look like with an image on the overhead screen.

Chairman Robinson asked about the paving of 6th South.

Trevor Einerson said they will pave half of this road and are working with the City on the details regarding the approach to the bridge.

Chairman Robinson asked for Gary Leikness' staff report.

Gary Leikness said he appreciated Trevor Einerson's addressing the staff review comments in his presentation of the plat. He stated the setbacks were probably the biggest concern. He felt the other issues could be addressed at the building permit stage. Mr. Leikness commented on doing the landscaping in phases to keep clearer track of the proceeding development.

The Commissioners discussed the issue.

Mary Haley said she appreciated how Trevor Einerson has done landscaping on his past projects.

Dan Hanna motioned to recommend approval to City Council of the Final Plat for Lincoln Park Townhomes, to include compliance with all staff review comments, and to work out with City staff a phasing approach in regard to all landscaping details. **Charles Andersen** seconded the motion. None opposed. **Motion carried.**

2. Preliminary Plat – 7th South Church Subdivision

Charles Andersen disclosed that he is employed by BYU-I; the university is required to maintain the property of this preliminary plat.

Richard Smith, 950 Mill Hollow, Rexburg, representing the Corporation of the Presiding Bishop of the LDS Church, presented the plat on the overhead screen and gave some history of the property. The property will be split into 4 lots (The Temple, the stake center, the ball diamonds and playing fields of BYU-I, and 2 buildings of the Family housing unit). Mr. Smith pointed them out on the overhead screen. Two years ago, it was determined that all parcels operated by the university needed to be placed under one entity. It is necessary for them to comply with the City's subdivision ordinance; that is why they are here tonight, as a technical compliance with this ordinance; there are no plans for development other than what currently exists.

Mary Haley asked about lot #3 and why it is being kept separate from lot 1 and lot 2.

Mr. Smith said it is the practice of the Church to always keep Temple lots separate from everything else.

Mary Haley asked about lot 3 and the access to 2nd East.

Richard Smith said there are currently 2 access points from lot 3 onto 7th South, which was completed and widened by the Church, as agreed to with the City. They will have access to 2nd East. It is now a parking lot to serve the playing fields, but it could be a full width street. He asked that an access road through lot 4 not be placed as a condition of plat approval at this time, but at whatever time it may be developed.

Dan Hanna asked if lot 3 will be cleaned up, cultivated, and maintained. Mr. Smith said it would be maintained by the University.

Referring to the staff review, Richard Smith and Winston Dyer stated the 2nd East right-of-way was deeded to the City when 2nd East was widened up to Poleline Road. It is not shown on this plat because it no longer belongs to them. The same thing applies to 7th South.

Regarding easements, Richard Smith said they will be shown on the plat. There is an easement along the west and the south side that they will be including on the final plat. All other utility easements are in the City right-of-way.

Winston Dyer stated that the right-of-way width at the southeast corner of the sight is 43 feet.

Mr. Smith said he will bring all deed copies regarding street dedications to John Millar, the Public Works Director, if needed.

Winston Dyer said the language on the plat would be modified to reflect that there are no dedications to be made.

Richard Smith felt this preliminary plat was a fairly straightforward, simple request, and he asked that it be recommended for approval, so they can move toward the final plat.

Chairman Robinson asked for Gary Leikness' input.

Gary Leikness pointed out that the University Zone this property is located in is very open. There are no minimum lot size standards. So, this is a pretty straightforward request. He did recommend that should lot 3 be sold to a different party in the future, then lot 3 should give access to 7th South and 2nd West through lot 4. This access easement will discourage under utilization of the 13 acres of land within lot 3, and would prevent 13-acres of development having only one access, that onto 2nd East.

Dan Hanna motioned to recommend to approval to City Council of the Preliminary Plat for 7th South Church Subdivision, to include that all staff review conditions are addressed, and that access onto 7th South be provided through lot 4 for lot 3.

Richard Smith asked that access through lot 4 for lot 3 not be addressed in this motion. He felt it should be addressed if a building was proposed but not as a requirement of plat approval. He felt it is not necessary at this time.

Gary Leikness disagreed. In the future, Lot 3 can be sold to a different party, and it can be rezoned. If so, an agreement between the parties of adjacent lots regarding access would need to be worked out by the owners; the City cannot require it. However, in platting Mr. Leikness did state that you can require that access issues between properties be addressed and resolved in order to allow future integrated development, and he suggested that the Commission include in the motion that an access easement be required.

Dan Hanna repeated the motion on the table, to recommend approval to City Council of the Preliminary Plat or 7th South Church Subdivision, to include that all staff review conditions are addressed and that the access onto 7th South be provided through lot 4 for lot 3. **Mary Haley** seconded the motion.

The Commissioners discussed the motion.

Ted Hill suggested the motion include that the access would be in place if lot 3 is sold to someone other than the Church.

Dan Hanna amended the motion to include that the access easement condition be exercised only if lot 3 is sold to another entity outside the LDS Church. **There was no second to this motion. Motion died.**

The Commissioners further discussed the issue.
The original motion is the only one on the table.

Dan Hanna amended the **original** motion to include that access to 7th South will be provided through lot 4 for lot 3 only if and when this land is sold to a party other than the LDS Church.

Mary Haley seconded the motion.

None opposed. **Motion Carried.**

Winston Dyer resumed the Chair.

Unfinished/Old Business:

1. Sign Ordinance – Temporary Signs and Banners

Gary Leikness has been out of town, but he will work on the ordinance language to be adopted for temporary banners and signs and will bring it to the Commissioners for their input at the next meeting.

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests:

1. Preliminary Plat – Silver Estates

Thaine Robinson motioned to pick the Preliminary Plat for Silver Estates up off table. **Ted Hill** seconded the motion.

None opposed. **Motion carried.**

Chairman Dyer asked Gary Leikness if there has been any further activity regarding this plat, in the past six months.

Gary Leikness answered there has not been any activity regarding this plat. No revisions regarding tying into the grid have been received.

The Commissioners discussed the issue.

Dan Hanna suggested that Gary Leikness contact the developer.

Gary Leikness stated that contact has been done.

Chairman Dyer said he talked to the developer at the beginning of this year.

Ted Hill motioned to recommend disapproval of Silver Estates Preliminary Plat to City Council, but to allow the applicant 60 days to act on the plat in order for the applicant to have credit for application fees already paid, subject to staff approval (i.e. Stephen Zollinger, the City Attorney, and Richard Horner, the Chief Financial Officer of the City). **Dan Hanna** seconded the motion. None opposed. **Motion Carried.**

Building Permit Application Report: None

Chairman Dyer opened the floor to take questions from BYU-I Journalism students to ask some questions of the commission.

Chairman Dyer said Gary Leikness is a special resource to the Planning and Zoning Commission in his role as Planning and Zoning Administrator for the City of Rexburg. He said the Commission walks a fine line between protecting and preserving property rights, and concern for the greater good of the community.

The Commissioners then discussed coal yard that has problems with connectivity that **Dan Hanna** pointed out on the overhead screen. The property may be going on the market, so these concerns should be thought about as to the best use for this land.

Gary Leikness said connectivity should be addressed at the planning stage to avoid such problems in the future.

Heads Up:

1. Work meeting with Joint Planners – Wednesday May 21st – 5 to 7 pm, City Council Chambers
2. City initiated annexations
3. Comprehensive Plan Map Amendments

The Commissioners discussed what was happening with the Comprehensive Plan and the applications that have been received for Comprehensive Plan Map Amendments.

Gary Leikness said the City initiated annexations would possibly be presented in July.

Chairman Dyer adjourned the meeting at 10:05 pm.