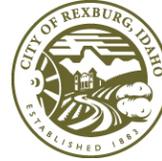


Planning & Zoning Minutes

June 26, 2008



CITY OF
REXBURG
America's Family Community

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Phone: 208.359.3020
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Commissioners Attending;

Winston Dyer – Chairman
Ted Hill Charles Andersen
Mike Ricks Thaine Robinson
Dan Hanna Randall Porter

City Staff and Others:

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

Chairman Dyer opened the meeting at 7:07 pm.

Roll Call of Planning and Zoning Commissioners:

Mike Ricks, Randall Porter, Ted Hill, Winston Dyer, Dan Hanna, Thaine Robinson, Charles Andersen

Mary Ann Mounts, David Stein, Josh Garner, and Richie Webb were excused.

Minutes:

1. Planning and Zoning meeting – June 19, 2008

Thaine Robinson motioned to approve the Planning & Zoning minutes for June 19, 2008. **Dan Hanna** seconded the motion.

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

Public Hearings:

7:00 pm – Conditional Use Permit – Springhill Suites – South Yellowstone Hwy

Aaron Swenson, 266 Jill Drive, engineer, of Forsgren Associates, representing Rexburg Lodging, presented the proposal. He distributed copies of the site plan and showed the project location on the overhead screen. It is a 5 acre parcel purchased from the Fujimotos; the developers are proposing a multi-phase project. The hotel is the first phase, with 3 additional buildings to be added some time in the future. The development will connect to city sewer and water. Storm drainage will be totally retained on the site. There will eventually be two entrances off of Yellowstone Hwy; in this first phase they are proposing one entrance on the north side; future access will be at the south end of the development. The hotel will have 4 floors and 98 rooms. Mr. Swenson stated the City is requiring potential access points for connectivity for future development. The developers have added access to the parking lot on the north side. He pointed out the proposed parking areas. There will be some temporary landscaping.

Chairman Dyer asked what is planned for the 3 additional buildings.

Ken Harris, 3520 North University, Provo, UT, architect for this project, stated the other 3 buildings to be added are a very nice sit-down restaurant in the north area, an office building; and a building of extended- stay suites. The hotel will be a full service hotel with a swimming pool and suites. He showed the Commission a rendering of the hotel.

Gary Leikness gave clarification of the proposal for the Commissioners. A conditional use permit allows a hotel in this Regional Business Center Zone (RBC). The Commission needs to determine if the proposed use is an allowable conditional use for the area. He stated the land use designation of “hotel” may become a permitted use in the development code in revised Development Code. If the Commission recommends approval to grant this Conditional Use Permit, the entire 5 acre parcel should be approved for the hotel use, so the applicants do not have to come back for another conditional use permit. Other issues will be addressed in the design review and the building permit application. Tonight the issue of land use is the focus. However, staff is also looking for an interpretation by the Commission as well. The issue that needs interpretation is that of the height requirements of the RBC Zone. Currently the standards states that buildings may be up to 55-feet, but are limited to 3 stories. In addition, the Commission, through a Conditional Use Permit may allow a building of up to 75-feet. The Development Code does not state that the 3-story requirement can be increased, only the height. Staff is asking that the Commission determine if the intent of the code was to allow 55-feet of building height regardless of number of stories. This would obviously impact this particular CUP as they are asking for a building that is about 53 feet in height with 4 stories.

Chairman Dyer opened the public input portion of the hearing

In Favor:

Shiro Fujimoto, 1162 South 5th West- He feels this hotel development would be a real asset for the city of Rexburg.

Neutral:

Charles Hedelius, 1075 South 100 West, Santanquin, UT- He owns the adjacent property to the south of the proposed development. He pointed out to the Commissioners a typographical error in the legal description of the proposed development – the word *the* in the second to the last line of the first paragraph of the legal description should be *thence*. Mr. Hedelius then wondered at the reason for the additional right-of-way for the highway and whether it was for future expansion. Will the creation of this proposed facility impact him through issues of eminent domain? He feels there is historical significance to farmland; his family has owned this property for several generations. Mr. Hedelius said he was glad to hear that the issue of storm drainage was addressed, and that it will be wholly retained on site. He is keeping his property agricultural. He would like the issue of how garbage will be handled to be addressed by the developers. He requested that the Commissioners consider having a barrier between his property and the proposed development. Mr. Hedelius is concerned about garbage during construction and later when the development is operating, blowing on to his property. In addition, this barrier would help to protect his land from accidental damage

from, for example, a careless hotel guest who tosses a lit cigarette. He would like some sort of indemnification, to be assignable to heirs, successors or assigns.

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing.

Gary Leikness referred to his staff review. He stated the project is appropriate for the location. A condition of approval should be that the project agrees to cooperate with providing access easements through the property to allow connectivity among other commercial lots in this same area. He stressed the importance of connectivity. Issues regarding the adjacent property, garbage, and screening during construction, as brought up by Mr. Hedelius, could also be addressed in the conditions.

The Commissioners discussed the proposal.

Dan Hanna asked who grants access off of South Yellowstone Highway. Gary Leikness said the City Engineer grants access.

Charles Andersen clarified that the property owner to the south who spoke does not have to give right- of- way unless the City approaches him. **Chairman Dyer** said that was correct.

Chairman Dyer suggested the Commissioners would discuss the issue of height first followed by discussion regarding granting the conditional use permit.

Chairman Dyer then brought up the question of the building height limitation of 55 feet. He thought the height limit had to do with safety (fire ladder) issues.

Chairman Dyer said the question tonight is shall the conditional use permit be issued for the purpose of constructing hotel units on this 5 acre parcel, and if so what conditions should be included? Separation of the project from surrounding property, and buffering, could be included in conditions. Any conditions need to have justification.

Gary Leikness read in brief (as requested by **Chairman Dyer**) from the Development Code, the Standards applicable to conditional use permits.

The discussion continued on what conditions to consider in the motion.

Chairman Dyer said the Commissioners should consider connectivity in the conditions. He suggested it be tied to the Development agreement. Building height could be addressed.

Discussion continued.

Dan Hanna motioned to recommend to City Council to grant the Conditional Use Permit for Springhill Suites, with the conditions that storm drainage be retained entirely on the 5 acre parcel,

that connectivity be addressed in the development agreement, that there be buffering to the south and east for the neighboring properties to be addressed in a landscape plan, that the height of the building may not exceed 55 feet, and that a dedication of right-of-way on the south border of the property, if necessary, be addressed in the development agreement. **Charles Andersen** seconded the motion.

None opposed. **Motion Carried.**

Non controversial Items Added to the Agenda:

Doug Stutz, 162 K Street, representing the Trails of Madison County Committee, would like the Commission's input on where the group might next put their emphasis in developing future bike lanes, bike paths, and other bikeways. The Commissioners were given copies of the latest "Rexburg Trails" map, which shows proposed bikeways. The Trail Committee's concern is if they wait until construction occurs on a project, it will be too late to get effective bikeways through the city. For example, there is need for adequate bike paths near the new high school that is being constructed.

The Commissioners discussed possible areas for good bike paths.

Chairman Dyer explained that the pathway committees for the City and for the County meet to plan these paths and then make a map, which they are viewing, to show to the Planning & Zoning Commission to be worked into the Comprehensive Plan. He said once a development such as the one that was proposed tonight is being planned, they should look at whether bike paths/lanes can be developed (enough room, sidewalk width, etc.). City engineering department input is needed.

Doug Stutz stated that if Poleline Road is going to eventually be developed, perhaps the Trails committee could establish some guidelines that might include that they prefer bike paths as opposed to bike lanes.

Discussion continued.

Gary Leikness said the "Rexburg Trails Map" could potentially be included in the appendix of the Comprehensive Plan.

Chairman Dyer said that would be very appropriate; including this map would enable the Planning and Zoning Commission to more easily address pedestrian/bike areas; the commissioners can refer to this map as development proposals are brought before them. They also need to make sure that when a development is proposed to the Commission, they need to take into consideration how these bike paths can be accommodated. The Engineering department would be able to determine if there is enough room for such paths in the development plans.

Chairman Dyer suggested Mr. Stutz meet with City Engineer John Millar as the next step for the Trails of Madison County Committee to take, for protection and preservation of bike corridors at the development stage.

Unfinished/Old Business: None

New Business: None

Compliance: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

1. July 3, 2008 – Cancelled P&Z meeting
2. July 17, 2008 – P&Z meeting –
 - Comprehensive Plan document adoption
 - Comprehensive Plan map adoption
 - Comprehensive Plan Map amendment applications
 - Madison High School Supplement – Conditional Use Permit
 - Madison High School - Variance

The Commission discussed the July 17th meeting agenda and determined that a Final Plat (Pinebrook Estates Div. 2) and a Planned Unit Development (Summerfield) would be on the August 7th agenda due to the fullness of the agenda for July 17th.

The Commission also discussed fault lines in relation to development.

Chairman Dyer adjourned the meeting at 9:15 pm.