

Planning & Zoning Minutes

April 2, 2009

12 North Center
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Richie Webb
Nephi Allen Dan Hanna
Josh Garner

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – P&Z Administrator
Val Christensen – Building Official
Elaine McFerrin- Secretary

Chairman Dyer opened the meeting at 7:02 pm. He welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Josh Garner, Nephi Allen, Richie Webb, Winston Dyer, Thaine Robinson, Dan Hanna

Ted Hill, Charles Andersen, Gil Shirley, and Randall Porter were excused.

Minutes:

1. Planning and Zoning meeting - March 19, 2009

Dan Hanna motioned to approve the Planning & Zoning minutes for March 19, 2009. **Thaine Robinson** seconded the motion.

Josh Garner and **Richie Webb** abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – Paddington Court – 535 Mariah

Chairman Dyer briefly explained the procedure that is followed for public hearings.

Dave Badham, 125 N. 640 W., North Salt Lake City, UT, Badham Construction, representing the contractor and the owner of Paddington Court, presented the proposal. He is a member of the Planning & Zoning Commission where he lives. He stated his sister Holly and her husband are here with him and that his sister is also very familiar with this project. He explained that a project on this parcel was approved and permitted several years ago, in conjunction with the building of their Cougar Court Apartments next door; this was prior to 24 – plexes needing a conditional use permit and needing sprinklers. The City asked them to look at sprinkling. They told the City they would consider looking at the project to redesign or implement fire sprinklers. That project was put on hold for redesign, and now tonight they are presenting the redesign. Mr. Badham pointed out the site on the overhead screen. A foundation is in the ground from the earlier project, for a 24-plex.

Val Christensen stated that the City deemed that the earlier project had not been worked on for a period of time. Permit fees were returned, which the applicant requested. This earlier permit is considered null and void.

Dave Badham said work progressed on that project; inspections took place per the IBC code. They were doing their work. It did not expire; they backed off at the City's request. So, today they are here with their conditional use permit request for the 24-plex. They have incorporated the 24-plex into their new project. They have eliminated units and lowered the density with the series of 8-plexes (six of them) and the 24-plex (it will be sprinkled). The 8-plexes are not required to have a conditional use permit or to be sprinkled. Mr. Badham reiterated that at the time of the earlier project, a 24-plex was not a conditional use.

Richie Webb asked for clarification of why they held off moving forward with the earlier development. Was it just the sprinkler issue or were other issues involved?

Holly Badham-Vankomen, Badham Construction, said they held off so that Paddington Court and the City of Rexburg would not go to court. The building code provides that as long as they did not cease construction during a 180-day period of time, they were in compliance with the code. They were primarily involved in building Cougar Court and were periodically working on Paddington Court. They never ceased work for 180 days. The project would have been expanded over about 2 years. She can understand why the City may have been uncomfortable with this, but they were in compliance with the code. They agreed they would come back and be in compliance with the fire code when they took up construction again. She does not think it was foreseen that the 24-plex would become a conditional use.

Dave Badham clarified for **Chairman Dyer** that these were 2 separate projects with 2 separate permits. He was involved as the contractor and owner. The property to the north has been developed. There is no additional property to be developed after Paddington Court.

Chairman Dyer referred to a staff review comment by Public Works stating there was no room on the site plan for snow storage, and there was minimal green space. He asked Mr. Badham to address this issue.

Dave Badham said they now have less density. They have 34% landscaping. They have more parking than is required. He pointed out the areas of snow storage on the site plan. There are just fewer than 170 parking spaces.

Gary Leikness stated he completed a parking analysis, and there is more than enough parking

Dave Badham stated they are prepared to deal with snow storage on site and off, if needed.

Holly Badham-Vankomen added they have done so for the last 3 years with the Cougar Court property.

Dan Hanna wondered if there was a way for their site plan to grant access to the landlocked property to the east.

Dave Badham did not think so. He stated the only thing they are here for tonight is to get approval for a conditional use permit for the 24-plex. The rest of the site is in compliance with the zone.

Chairman Dyer stated the Commission needs to be sure of a number of things before a 24-plex is approved. They have to make sure it fits in the site and that there is circulation and parking. There should also be continuity and coordination with the neighborhood. He asked the length of the 24-plex. The GIS measure showed 151.94 feet.

Chairman Dyer asked Gary Leikness for any information to help the Commissioners understand the proposal.

Gary Leikness clarified that the zoning of this proposal is High Density Residential One (HDR1). He stated that the question before the Commission is does the use of a 24-plex multi-family dwelling fit in this area? If so than approve it, if not then deny the request, or if there are any conditions that will help it fit in, then approve the request with conditions. As a land use this project does not appear to “stick out” Amongst other land uses in the surrounding area. Any issues could be taken care of through site plan review, and design standards. The Commission might include a condition that the City Engineer will evaluate snow storage.

Richie Webb asked about access on the east- would it be reasonable if this light industrial area were rezoned.

Gary Leikness stated that from a land use perspective, access to the east (Light Industrial) would be awkward in that heavy trucks might be driving through an apartment complex parking lot.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Holly Badham-Vankomen, Badham Construction, 125 N. 640 W. North Salt Lake City, Utah. She is also the managing member of the adjacent property. She feels Paddington Court is even more appealing than some existing projects. Students are staying in the area for a longer period of time. Some are having families. The courtyards with fences on the site plan were planned so that families with young children would be shielded from the parking lot. It is a nice blend of units for the area to have not quite as high a density. She feels the development will be an asset for Rexburg

Neutral:

Mike Ricks, 901 South 5th West. His concern is that once these developments are platted or built, they are often sold. His concern as a citizen would be for the applicant to show on the site plan the exact snow storage for each building, including the 24-plex, so it is stated in case of future sale of the property. If phases are done, each phase should show snow storage.

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion.

He asked Gary Leikness for any information that might help the Commissioners to evaluate the proposal.

Gary Leikness referred to the Planning staff review notes. Ten feet of the required rear yard should remain as landscaping. The side yard to the north should have a buffer to screen parking from the adjacent residential land uses. A master site plan should be submitted for review at the time of application for a building permit, to know how the development is going to progress.

Chairman Dyer said the question before the Commission is, will a conditional use permit be granted for a 24-plex or not? If so, what conditions should be stated?

The Commissioners discussed the proposal.

Thaine Robinson felt the location was good for such a development. It is away from the “eyes to the street.” He is concerned about snow storage areas.

Chairman Dyer said the layout of the buildings on the site plan was very nice.

Dan Hanna motioned to recommend approval to City Council to grant a conditional use permit for a 24-plex, for Paddington Court, at 535 Mariah, including the conditions that the City Engineer review the north property line regarding connectivity, that the landscaping on the east be addressed, that a master site plan showing phasing will be submitted, that the plan for the parking lot and its landscaping will be reviewed by staff, that snow storage and fencing comply with City requirements, and that all other staff review concerns are addressed. **Josh Garner** seconded the motion.

Dan Hanna amended his motion to include that the layout of the buildings be substantially the same as that which was presented with the application at tonight’s hearing, and that the applicant designate snow storage areas on a site plan for review by staff. **Josh Garner** seconded the amended motion.

None opposed. **Motion carried.**

7:20 pm – Rezone – Jared Sommer – 431 and approximately 445 West 4th South -
Community Business Center (CBC) to High Density
Residential 1 (HDR1)

Jared Sommer, 3614 N. 3000 W., presented the proposal. He recently came before them and City Council with his Comprehensive Plan Map Amendment application, which was approved. The only condition was for him to proceed very soon for a rezone, which he is now acting on as his next step. He wanted to clarify the question of how deep the Community Business Center Zone would be: 165 feet is the correct footage, with the Comprehensive Plan Map change for just the rear half of the parcel, to High Density Residential 1. The front of the parcel remains Community Business Center. The property depth is 330 feet. He pointed out the north property line and the south property line on the map projected on the overhead screen. Mr. Sommer has met with City staff to address all of their concerns, putting forth intensive efforts to comply with City requirements. He pointed that at the very center of the property is an 8-inch sewer line that would require a 10 foot easement on either side of it. His proposal makes sense, because nothing could be built over the top of this sewer line.

Dan Hanna wondered if it would be in the applicant's best interest to include the north part of the parcel in the rezone.

Jared Sommer said it has never been his intent to do anything residential to the front part of the parcel. He does have an idea about a possible viable favorable business that would fit on the front part of the parcel that remains Community Business Center. He did make some dramatic ingress/egress changes for the fire department.

Chairman Dyer asked how soon development would begin if the rezone request were granted.

Jared Sommer stated he has already had meetings with banking personnel.

Chairman Dyer asked Gary Leikness for anything to help the Commissioners understand the proposal.

Gary Leikness stated that the one question he has to ask when there is a rezone request is if the rezone is in compliance with the Comprehensive Plan - it is. The Comprehensive Plan Map designates the subject property as High Density Residential, as was requested by this applicant in his Comprehensive Plan Map Amendment application just a short time ago. All they are asking for is a zone change; in this case it is not project specific. A straightforward zone change may be appropriate in this case.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion and asked Gary Leikness if there was any information to add to help the Commission deliberate their decision. There was not.

The Commission discussed the proposal.

A possible time limit (condition) to the zone change request was discussed.

When the Comprehensive Plan Map Amendment application for this property was heard just recently, there was a narrow in-favor vote at the Planning & Zoning Commission stage. The City Council voted unanimously for the map change. If the City Council approved and are comfortable with the change and are willing to move it forward for a rezone, that is to be a consideration.

Dan Hanna clarified that they would be changing the zoning on the back part of the parcel at approximately 445 West 4th South to High Density Residential One, and that the front part of the parcel would remain Community Business Center.

Chairman Dyer stated that was correct, but there is the concern with what can be done in the future with the front part of the parcel.

Thaine Robinson said he does not have a problem with this rezone request. He thought that a sunset clause on the Sommer rezone might be needed that would be consistent with the sunset clause the City Council put on the original Sommer Comprehensive Plan Map Amendment application, in which the land use would revert back to the original commercial designation.

Richie Webb stated if the applicant cannot make the front of the parcel work, he might have to come back before them for a rezone.

Nephi Allen said he does not think a sunset clause would accomplish anything, although he understands its purpose.

Josh Garner stated he voted against the Comprehensive Map Amendment application for this property and still does not like the proposal.

The discussion continued.

Gary Leikness stated this application may not make it totally clear to the Commission what is to be rezoned. He said the motion could clarify that the rezone follow the 2 property descriptions, or should mirror what is shown on the Comprehensive Plan map designation as High Density Residential.

Richie Webb motioned to recommend approval to City Council for the rezone at 431 and approximately 445 West 4th South, from Community Business Center (CBC) to High Density Residential 1 (HDR1), clarifying that this rezone should reflect and follow the boundaries of the High Density Residential designation as shown on the Comprehensive Plan Map for the two specified parcels. **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business:

1. Preliminary Plat – Tamana Fields

Kurt Roland, Schiess & Associates, 859 S. Yellowstone Hwy, Suite 2503, representing the Fujimotos, the owners of the property. This plat is on the north side and the south side of University Blvd., near the Yellowstone Hwy. The total acreage of the project is 77.35 acres. They are proposing 82 building lots, including 6 lots in the residential area. Mr. Roland addressed the staff review comments. He stated they felt that roads flowed well, although Planning staff review comments called for changes. As to the comment regarding optimized use of internal roads, they will be worked on as the development progresses, and the developer will work with the City

engineering department. Public Works also said adequate access will need to be provided along South Yellowstone, which has been addressed in the site plan. There will be a landscape buffer along University Blvd. and at least 4 accesses that are 400 feet apart, as Public Works requested. All 4 accesses line up for traffic management purposes. In regard to the comment about trees lining the roads, roads will be well landscaped.

Chairman Dyer clarified that lining the streets with trees would help to delineate roads in the wintertime.

Kurt Roland stated they intend to use underground storm retention. Parking lots will be landscaped. As much green space as possible will be used for drainage and snow storage. There is plenty of parking planned for development. Big box parking will have more spaces than is required, and some of the parking spaces could be designated for snow storage.

Richie Webb asked the number of parking spaces that will be provided.

Mr. Roland stated he did not know the exact number

Richie Webb asked the square footage of all the buildings added together, which is how parking spaces would be calculated in combination with the use of the building.

Kurt Roland said when the plans were drawn up, the number of parking spaces was over what was needed. He pointed out on the projected overhead screen map the retail, restaurant, professional business, and big box areas. Someone may come in to buy 2 or 3 lots at a time. The west end of the property is planned for large retail.

Chairman Dyer clarified that the projected site plan is a “representation” of buildings that might go into this very big project.

Kurt Roland stated this plan is a concept. The Fujimoto family will sell the lots individually. They are not doing the development. This plan is what they hope will happen. He stated there will be landscaping, with good visual presentation to the street Mr. Roland addressed the comment about the lining up of Mikan Drive for traffic management purposes, explaining they determined it would line up at the Steiner property, which is where the road would go through.

Gary Leikness clarified that his staff comment regarding roads referred to the east/west roads and how they line up. It did not refer to the north/south roads.

Dan Hanna pointed out the Planning staff comment that he felt summed up everything - “... this subdivision should be looked at as a concept...”.

Kurt Roland stated they would have to start the selling of lots by the South Yellowstone Hwy., because that is where the utility connections are presently located.

Chairman Dyer asked if this plat was the preliminary plat for the entire development, as opposed to a conceptual/ master plan.

Kurt Roland said this is the preliminary plat for the entire development, with phases planned for the final plat.

Chairman Dyer said this is a huge subdivision.

There was further questioning and discussion.

Kurt Roland stated that this proposal is a 20 to 30-year project .He stated the problem that the Fujimotos are having is that potential buyers want to see an approved master plan for the entire project before they commit.

Josh Garner asked how many phases were planned.

Kurt Roland said he did not know at this time, but phasing would have to start where the utilities are. Future developers want approval by the City before they will make any offers.

Chairman Dyer stated that a proposal of this complexity and size would be better presented broken into pieces to be better customized, rather than presenting one huge plat.

Mr. Fujimoto said that right now the problem is they do not know where accesses are, so they cannot tell potential buyers this information.

Chairman Dyer stated the Commission would be more comfortable with tonight’s presentation being for an overall master plan rather than a preliminary plat. He felt accepting it as a master plan would be a very good approach.

Gary Leikness said a preliminary plat has too many inherent land use rights once it is approved. The planning review comments stated that “...due to the complexity of this plat and the time involved for review, planning staff cannot verify that all site plan issues are resolved.” A concept plan and partitioning out in portions, is recommended.

Dan Hanna wanted to go on record as saying this is a good start. There is so much here; the Commission needs to look at the proposal in bite-size pieces. As a concept, it is great.

Mr. Fujimoto asked if a concept/ master plan would tell them where the accesses and the roads are.

Chairman Dyer stated a master plan basically states where the 4 approaches and the roads will be or would closely be. He stated that the Commissioners are struggling. A number of issues need to be discussed; this project is both very large and complex.

Kurt Roland wondered if a concept plan could be recommended for approval tonight.

Discussion continued. Changing the name of Mikan Drive was briefly discussed. The City grid will most likely cause the change of its name.

Gary Leikness suggested that the Commission nail down what part of the project is needed to be a preliminary platted at this time to help the applicant move along, but with the remainder of the subdivision presented considered as a concept, to be brought to them in phases.

Chairman Dyer clarified for Mr. Fujimoto the differences between a concept/master plan and a preliminary plat. The master plan and a conceptual plan are synonymous, basically the same thing –

it is a general view, the idea of what is being planned. The preliminary plat however nails down specifics, such as lots, street locations, etc. – it is definite and should be substantially in conformance with the concept/master plan. The preliminary plat is then followed by a final plat which would make things law, to be recorded. He said what has been presented tonight is an excellent master plan. The Development Code does not include requirements for a master plan. He asked Gary Leikness to clarify if tonight’s proposal can be for a master plan.

Gary Leikness said that for the record, a concept/master plan leaves it flexible for both the Commission and the applicant – it is not synonymous with a preliminary plat. It is not an entitlement, but it gives the applicant the right to tell potential buyers that the P&Z Commission has seen the master plan and are on board with it. The applicant would need to present the City with specifics when a preliminary plat is presented.

Chairman Dyer asked the Fujimotos how they felt time-wise about tonight’s presentation going toward approval for a master plan, to be followed eventually by the first phase of a preliminary plat.

Mrs. Fujimoto said combining the north side and the south side of the property in a preliminary plat would be helpful, because of potential buyers.

Preliminary plat possibilities were further discussed.

Chairman Dyer stated that the entire Commission is not comfortable with approving any preliminary plat tonight. They certainly support this development, but they need to take the time to examine it all, to see that everything works for the community as well as the applicant/developer. So, they are looking at only a master plan/concept plan approval for tonight.

Discussion continued. The zoning of the property is Regional Business Center on the south side of University Blvd. and General Business District to the north of University Blvd.. There was further discussion of the east side of the project; the large retail on the west side of the project is pretty well laid out. The City will work with the applicant on fees. They have already basically paid for the master plan and phase 1 of the preliminary plat. Any necessary adjustments will be made or carried over.

Chairman Dyer asked the meaning of the word “tamana”.

Mrs. Fujimoto explained that “Tamana” is a city in Japan that the applicants’ parents came from. “Mikan” (as in Mikan Drive) is a small orange that is only grown in Japan, and that is what their family still raises agriculturally. They have tried to tie in the name of that drive to the loss of their farmland in this City.

Gary Leikness suggested that though the Commission is asking the applicant to come back with a preliminary plat in phases, that the Commission move the master plan/concept plan on to City Council for their review so that the City Council can examine it for any issues they may have with it before the Commission explores a preliminary plat proposal. This will help address the concern of the applicant about where their road access points will generally be approved.

Chairman Dyer said this project is the definition of south Rexburg. The applicants can continue to work on the preliminary plat without being held up time wise, while the master plan would move

forward to the City Council. A master plan basically tells what the land uses will be, and the preliminary plat will be much more specific.

Thaine Robinson motioned to recommend approval to City Council of the conceptual master plan for the Tamana Fields Subdivision at University Blvd. and Yellowstone Hwy, to Mikan Drive on the east, with the land uses designated. **Dan Hanna** seconded the motion.

Thaine Robinson amended his motion, recommending approval to City Council of the conceptual master plan for the *entire* subdivision plat. **Dan Hanna** seconded the amended motion.

None opposed. **Motion carried.**

The City will try to schedule the master plan for the Tamana Fields Subdivision for the next City Council meeting on April 15, 2009.

It was decided that representatives from the P&Z Commission would attend this April 15th City Council meeting to comment or to answer any questions the City Council might have about tonight's decision.

2. Preliminary Plat - Pioneer Pointe Condominiums

Kurt Roland, Schiess & Associates, representing Jon Gregory and Summit Development. This proposal is for building all condominiums, so that each can be sold individually. The project includes 4 acres on 7th South that are located behind World Gym. The land was formerly Mary Ann Beck's property. It is zoned Medium Density Residential One (MDR1). He explained that all parking and landscape requirements are met. He addressed a Public Works staff comment, stating the developer will be putting in an asphalt path and getting rid of a couple parking spaces, so that there is the accessibility for snow storage. Retention ponds (3 feet deep) will be used. They will be landscaped. He pointed out on the projected site plan where a park with playground equipment and a basketball court will be located. There will be lots of landscaping. There will be lots of green scape. Mr. Roland stated there will be 60 units (fifteen 4-plexes). Grass and berms will be used. Trees will be planted along 7th South. A vinyl fence will be put around the perimeter of the property as a buffer from neighboring properties. They have addressed all requirements for condominiums. The Stonebrook Apartments are to the north of this plat. The buildings of Pioneer Pointe Condominiums will be staggered.

A letter from Mary Ann Beck's attorney was submitted to City staff requesting that she be reimbursed by the developer of this property for her payments to install power, water, and sewer lines to it when her home was being built.

Chairman Dyer asked if Kurt Roland and Jon Gregory had received a copy of this letter.

Jon Gregory stated he has a copy of the letter, and he agrees to what the letter is asking of himself, the developer.

Chairman Dyer said the letter's request would be a condition of the development agreement with the City.

The Commissioners discussed the proposal

Gary Leikness recommended the motion include addressing of all staff department comments. He also stated that though a copy of the CC&Rs should have been submitted at this time, a copy of the project's CC&Rs would need to be submitted for review by the City Attorney prior to final plat approval. They do meet the parking requirements for condominiums, which requires additional spaces. They rearranged things to make open space more oriented toward the street The applicant has incorporated a lot of positive things in the site plan.

Chairman Dyer said this proposal has openness and good presentation to the street.

Richie Webb recused himself due to conflict of interest.

Dan Hanna motioned to recommend approval to City Council of the Pioneer Pointe Condominiums Preliminary Plat on West 7th South, to include that all staff review comments are addressed, to have the CC&Rs reviewed and acknowledged by the City Attorney, and that the developer incorporate in the site plan the staggering of the buildings of at least 3- foot jogs, and that landscaping and snow removal be further reviewed by City staff. **Josh Garner** seconded the motion. **Dan Hanna** amended his motion to add that the developer shall have a development agreement with the City that will include addressing of sharing of utility costs with MaryAnn Beck, the adjacent property owner. [Staff Note: The utility subject is in response to a letter submitted by MaryAnn Beck's attorney] **Josh Garner** seconded the amended motion.

None opposed. **Motion carried.**

Compliance: None

Non controversial Items Added to the Agenda:

1. Rachel Whoolery – request regarding Conditional Use Permit #08 00522

Rachel Whoolery, 2169 Ferris Lane, representing Saqqara properties, which owns the dormitory housing at 165 S. 1st E. (Conditional Use Permit #08 00522). They have spent the last several months since she was before the Commission regarding this Conditional Use Permit, conforming to all the requirements needed for dormitory housing, including legal easements for parking, remodeling the building inside and out, and electrical updating. They have demolished outbuildings, sheds, and an extra garage to prepare for the parking lot. They have removed trees and added parking. They have improved the property in many ways. She gave the Commissioners a handout that showed all four of the Saqqara(Whoolery) properties, and an aerial photo of the properties was shown on the overhead screen Mrs. Whoolery has put in parking near Amanda's Cottage (now called Aberdeen) and has added enough parking for all the residents. Since winter has now ended, they are ready to continue on with their parking plan. However, Mrs. Whoolery has been attending the past P&Z meetings where the PEZ (Pedestrian Emphasis Zone) parking zone was discussed. She really admires the creativity and progressive thinking that is going into trying to densify the perimeter around BYU-I. The properties fit within that zone. She is also interested in putting the

four properties Saqqara owns to better use. If Mrs. Whoolery puts in a \$67,000 parking lot by the June 1, 2009, deadline date for the conditional use permit requirements, she will be solidifying that they are keeping the 4 houses, and will have spent so much into them, that they will not have the flexibility to move on at any time soon. She said the City will probably have their parking reduction ordinance in place in the next few months.

Therefore, Rachel Whoolery is proposing that if the Commission will grant her 1 more year on her conditional use permit requirements deadline, she will look into the cost of actually putting a complex in, instead of the 4 homes. They also want to explore possible underground parking and building living space above it. Let her explore the chance of doing what the PEZ zone addresses; they are looking at tearing everything down and rebuilding.

Chairman Dyer said that is exactly the purpose of the PEZ requirements. It is good for the applicant/developer and for the City and for the University.

The Commissioners discussed Rachel Whoolery's request. This is what they would like to see.

Gary Leikness suggested extending the conditional use permit deadline date for installation of the required parking lot for one year to June 1 2010, in light of the PEZ zone potentially being adopted, and keeping the sunset clause, so that if another extension is needed, the applicant would have to come before them again.

Chairman Dyer thanked Rachel Whoolery for her creative thinking and being sensitive to the community.

Josh Garner motioned to extend the Rachel Whoolery (Saqqara Properties) Conditional Use Permit #08 00522, to a deadline of June 1, 2010, with the condition that the applicant will either complete the parking lot, or the applicant will make application to take advantage of the PEZ zone opportunity, by that date. **Dan Hanna** seconded the motion.

None opposed (unanimous for the record, per **Chairman Dyer**). **Motion carried.**

2. Development Code 926 – additional input?

The Commission discussed and clarified further changes to the Development Code 926 revisions.

Dan Hanna motioned that the Development Code 926 Clean-up move forward for adoption by City Council, for the April 15, 2009 Public Hearing, to include the modifications discussed at tonight's meeting. **Josh Garner** seconded the motion.

None opposed. **Motion carried.**

3. Mixed Use Zones discussion – to be addressed at the April 16th P&Z meeting

4. Sign Ordinance – Temporary Signs and Banners – to be addressed at the April 16th P&Z meeting

Report on Projects: None

Tabled Requests:

1. Final Plat – Trehusen Subdivision

A letter was sent to the applicant of this project, with a copy going to the project engineer. It stated that if the requested clarifying ownership information was not submitted for the April 2, 2009 P&Z meeting, and if the applicant or a representative were not present to give the information, then the final plat application would be considered null and void. A new application for final plat approval would need to be submitted.

Thaine Robinson motioned to pick the Trehusen Subdivision Final Plat up off the table. **Josh Garner** seconded the motion.

None opposed. **Motion carried.**

The Commissioners discussed this issue.

Thaine Robinson motioned to deny the final plat request for the Trehusen Subdivision, due to insufficient ownership information. **Josh Garner** seconded the motion.

None opposed. **Motion carried.**

Building Permit Application Report: None

Heads Up:

1. Joint P&Z meeting hosted by Rexburg – April 30 at 7:00 pm

The 5 Planning & Zoning commissions (Rexburg, Madison County, Sugar City, Newdale, Teton) will be contacted to give input for this meeting's agenda.

The meeting was adjourned at 11:45 pm.