

Planning & Zoning Minutes

April 16, 2009



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Dan Hanna
Gil Shirley Ted Hill
Randall Porter Charles Andersen
Richie Webb

City Staff and Others:

Gary Leikness – P&Z Administrator
Stephen Zollinger – City Attorney
Natalie Powell – Compliance Officer
Elaine McFerrin - Secretary

Chairman Dyer opened the meeting at 7:04 pm.

Roll Call of Planning and Zoning Commissioners:

Dan Hanna, Gil Shirley, Thaine Robinson, Winston Dyer, Randall Porter, Ted Hill, Charles Andersen

Nephi Allen and **Mary Ann Mounts** were excused.

Minutes:

1. Planning and Zoning meeting - April 2, 2009

Correction:

Page 6 – under **Thaine Robinson's** comment, modify to read ... “ **Thaine Robinson** 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. ”

Dan Hanna motioned to approve the Planning & Zoning minutes for April 2, 2009, as amended. **Thaine Robinson** seconded the motion.

Ted Hill, Charles Andersen, Gil Shirley and **Randall Porter** abstained for not having been present.

None opposed. **Motion carried.**

Richie Webb arrived at 7:15 pm.

Public Hearings: None

Unfinished/Old Business: None

New Business: None

Compliance:

Natalie Powell, the City's Compliance Officer, briefly went over the non-compliant issue of the lighting at the hospice property. The approved plan for the hospice stated that lights on the property needed to be shielded so that the lighting was less invasive to the surrounding properties. As that had not been done, the owners were notified, and they complied with the City's standards to shield the lights. Upon suggestion from the P&Z Commission, Mrs. Powell wrote a thank you letter to the hospice property owner, Robert Collette, which **Chairman Dyer** also signed. She received a positive response from them saying they were happy to be a part of this community.

Chairman Dyer complimented Natalie Powell on the great job she did in handling this compliance issue gracefully – it is a model for how things ought to be done.

Natalie Powell asked the Commissioners if they had any compliance concerns that needed to be addressed.

Chairman Dyer asked the status of Denning Well Drilling.

Mrs. Powell thought they would be getting a building permit this spring to proceed with building on the property. They had been told that if they did not build on the property, then the existing sign would be considered an advertisement sign, which is not allowed. She will follow up with the owner regarding signage and future development.

Chairman Dyer said he has seen lighting on homes and apartments that shine directly into one's eyes rather than downward. He will make up a list of addresses for Natalie Powell.

Stephen Zollinger took a complaint regarding trailers and cars parked on the front lawn on North 1st East.

Charles Andersen spoke of a neighbor's concern regarding a home being used as possible dormitory housing.

Stephen Zollinger said the property is being used as a treatment facility and is an allowed use.

There was concern about inoperable vehicles being visible from the right-of-way in the area behind the beauty college near Highway 20. Stephen Zollinger mentioned that there may be an ordinance that prohibits inoperable vehicles from being visible from a public right-of-way, which Highway 20 would be considered.

There was discussion regarding several places where people are parking in the right-of-way. Locations of such parking included North 2nd East near the railroad tracks, and the strip mall on 2nd North.

Gil Shirley asked about a large construction dumpster on the street in front of a home that is being built, that has been in the right-of-way for some length of time.

Stephen Zollinger stated there is a 12- month permit to place a construction dumpster in the public right-of- way while a project is under construction.

Gil Shirley asked Natalie Powell to check on how long the dumpster had been at that location.

There was discussion regarding trash that sometimes blows off residential construction sites on to other properties. **Dan Hanna** mentioned the area of 7th North off of North 2nd East.

Natalie Powell said one of the City's police officers had community service people picking up trash in several areas, including 7th North and Sky Meadows.

Dan Hanna suggested that putting up a small barrier such as a mesh fence might help control trash that is blown about by wind.

Discussion continued.

The Commissioners thanked Natalie Powell for all the hard work she has done in handling the City's compliance issues.

Non controversial Items Added to the Agenda:

1. Mixed Use Zones discussion –

Gary Leikness showed a PowerPoint presentation on the overhead screen addressing a draft of Mixed- Use One (MU-1) and Mixed Use Two (MU-2) Zones that would be an addition to the City's Development Code 926. These zones could help to create vibrant urban environments that bring compatible land uses together. The zones would seek to create pedestrian friendly environments, higher density developments, and a variety of uses that enable people to live, work, play, and shop in one area that ultimately would become a destination, with a sense of place.

Chairman Dyer stated that the Comprehensive Plan Vision 2020 and the Comprehensive Plan map have Mixed Use designations, but the Development Code had never provided mixed-use zones. He clarified that is what is being addressed tonight.

Gary Leikness agreed and said the focus at this time is on creating the Mixed-Use 1 Zone, with Mixed-Use Zone 2 to follow. Various kinds of mixed uses were outlined on the PowerPoint Presentation: horizontal mixed-use, commercial mixed use with residential above commercial/vertical mixed use (such as on Rexburg's Main Street), neighborhood commercial mixed use, and mixed use walkable areas that offer better use of space. Urban residential/commercial would address the stacking of residential living, going upward. Mixed- Use Zone benefits include people friendly environments that serve as a public gathering space. The zone brings uses together and creates a sense of place.

Mixed Use developments must be well planned and must fit into the surrounding area. The concept does not necessarily lead to greater financial returns nor does it guarantee good development. A mixed-use development can fail just like any other development.

The Commissioners discussed various mixed-use developments they were aware of in other parts of the country.

Gary Leikness stated that Mixed-Use is another option, another tool. He showed an example photograph of mixed use “gone bad.” Careful planning is needed for mixed use. He reiterated that Rexburg’s Comprehensive Plan Vision 2020 envisions possible mixed use– in its designation of the Neighborhood Commercial/Mixed Use areas. Maps of mixed-use locations, as part of the Vision 2020 Comprehensive Plan, were shown on the overhead screen, including the newly designated neighborhood nodes. Churches, schools, residential, small markets, etc. could be together in a mixed-use zone. Children would be able to walk to their schools.

Tonight the Commission is focusing on the proposed ordinance for Mixed-Use 1(MU-1), which will have more of a residential/housing focus. It would be located on local streets and collectors, which would be part of the criteria. Densities will be higher. Sixteen units per acre would be the density for MU-1. Twenty units per acre would be allowed with a conditional use permit. This is consistent with the Medium Density Zones.

Dormitory housing would not be permitted; however, if the property is in the PEZ Area 1(one block around the BYU-I campus), HDR2 densities would be permitted as well as dormitory housing.

In regard to design standards, in an MU1 zone there would be minimum front yard setback, as well as a maximum building setback, which is new. It is appropriate to keep the buildings closer in a pedestrian -oriented area.

Discussion continued.

In the Development Code revision language, building heights will mostly likely be addressed by actual height rather than number of stories.

Gary Leikness explained that height limits in the proposed MU-1 and MU-2 zones could be 30 feet, or increased to 40 feet if the residential component exceeds 20 per cent of GFA (gross floor area). This is an attempt to incentivize mixed-use. However, the newly proposed increase of building heights in the HDR 1 and 2 zones to 55-feet (65-feet or more to roof peak) may defeat this. This issue should be explored further and should consider those building heights to be based on incentives. These proposed building heights are considerably higher than other residential zone, which may have impacts on adjacent properties, e.g. blocked views, lack of solar access.

Gary Leikness gave the Commissioners a chart of all building heights per zone. Height planes would be preserving a solar access, so there is a tiered setback rather than having a towering building next to a small building.

At this time, Mixed Use 2, which will be very similar to Mixed Use 1, has not been fully addressed. It will follow when Mixed-Use 1 has been more solidified.

The Mixed-Use Zone 1 would be a mixing of commercial, retail, and residential. – a new concept for Rexburg, even though the downtown district currently has such a mix.

Gary Leikness suggested focusing in on specific aspects of Mixed-Use Zone 1 during subsequent meetings, chunk by chunk, i.e. land uses, building heights, landscaping, setbacks, design standards, etc.

The Commissioners discussed the possible elimination of the PRO-Zone from the City's Development Code 926. The issue is before the City Council.

Gary Leikness suggested that Mixed- use Zones may be adequate to replace the PRO-Zone. PRO-Zone intentions are to provide flexibility and to engage the public, getting their input at required neighborhood meetings; however, this zone has too many unknowns. Developers have said they are unsure what to expect from this tool, because it introduces too much subjectivity on the part of the citizens and the elected officials. They just want to know what they can do. Other developers have said they like the PRO-Zone because it provides the chance to really sell their project.

The PRO-Zone creates a regulatory tool that may be too complex for the developer to create and too difficult to administer by the City. Mixed Use Zones would allow the developer the chance to adequately explore a flexible zone and work within it rather than creating a new zone. PRO-Zones take much time to consider all aspects, but are expected to make it through the approval process in an expeditious manner because the proposal is usually in anticipation of a pending development. The City's approval process may not always allow sufficient time for thorough review of this type of proposal, new zoning categories based on pending developments. The developer has to develop his own ordinance with a PRO-Zone. Each PRO-Zone is its own zone, which would add many pages to the Development Code. A Mixed-Use Zone is more palpable. The Hemming PRO- Zone added almost 30 pages to the Development Code. The result of a few PRO Zones added to the Development Code could result in a very large document.

There was further discussion.

Gary Leikness explained that, in addition to the burdensome process of creating the a PRO Zone, the developer must come before the P&Z Commission and City Council every time they want to change something from the approved proposal.

A Planned Unit Development (PUD) is more for taking a large area of residential land and creating mainly different densities. The Mixed- Use Zone brings in commercial and residential to work compatibly together.

The PRO-Zone is often development-driven. The process is too open-ended.

If there had been a Mixed Use Zone at the time of the Hemming proposal, the applicants may have taken that opportunity.

A Mixed-Use Zone (as compared to the PRO Zone) would provide an ordinance that is considered and adopted at a pace that is not directed by development pressure. It provides flexibility in mixing residential and commercial. It would prevent developers from having to recreate ordinances. It provides a tool that staff would feel comfortable administering and developers could understand. A Mixed- Use Zone enables a quicker and more efficient review process (administrative review).

Chairman Dyer was concerned that the public retain their opportunity for input of their concerns as they had with the PRO-Zone. The Commissioners need to keep in mind that it is not going to be a "one size fits all" zoning process.

Gary Leikness felt the public involvement review process for the PRO-Zone was not as effective as it is intended to be.

Mixed- Use Zones would add flexibility, creating regulatory tools. The public would be given opportunity for involvement during a conditional use process.

The PRO-Zone could remain in the code as another option.

Gary Leikness reiterated he would focus on Mixed Use 1 at this time. The Commission could take parts of it to examine until it is complete, including setting the essential differences between MU-1 and MU-2; concentration on Mixed-Use Zone -2 would follow.

The Commissioners continued to discuss the Mixed-Use Zone 1. They decided it would be wise to break the document up into chunks, possibly taking on a few chunks at future meetings, until the zone draft is complete. They thought it simplifies the process.. The consensus of the Commission is that creation of such a zone is a positive step and an effective planning tool. The Mixed-Use Zone offers a smoother, timelier process for the developer and for staff.

Stephen Zollinger stated that the creation of Mixed-Use Zones is a step in the right direction. However, he feels there still may be a place for the PRO-Zone.

Discussion continued.

The P&Z Commissioners want to keep the PRO Zone alive as a possible option for developers, letting it remain as part of the Development Code.

Several example photos of successful mixed use were shown on the screen.

Gary Leikness was directed to inform the City Council of the P&Z Commissioners' request to keep the PRO Zone in the Development Code rather than remove it as is currently proposed in the 926 revisions before the Council.

Mr. Leikness will work on a revised draft of the MU-1 Zone and will bring a section or two of the document for the Commission to examine at their next meeting, including a list of allowed uses for the zone.

2. Sign Ordinance – Temporary Signs and Banners -

Chairman Dyer reintroduced the issue for the Commissioners. The City was having difficulties with temporary signs in town and wanted to clean them up and clarify usage. In deference to concern from the business community, a sign committee was formed for additional input. The P&Z Commission was not changing the whole Sign Ordinance 908 but were focusing on temporary signs and banners. The Commission wrote an introductory intent for the sign ordinance several months ago. Gary Leikness has been very proactive in bringing the Commission information on signage in other communities; he has put together visual programs to help the Commission see what kind of problems there can be with temporary signs. Tonight, the Commission will focus on temporary

signs and banners changes with the aim of bringing their revisions of Sign Ordinance 908 to a conclusion and recommending those changes to City Council for adoption.

The Commissioners discussed the revision language in the draft Ordinance 908 document provided to them. The revisions reflect the P&Z Commission's input plus input from the sign committee that was formed. The Commission also reviewed a sign issues list, which was put together at a P&Z work meeting some time ago.

Page 9 - The definition of a temporary sign – language to clarify: “Temporary signs are only intended for and therefore allowed in non-residential zones.” This will be revised to include as “residential,” mixed-use,, neighborhood commercial, PRO-Zone, and residential office.

Page 9 -The word “election” from section 4 needs to be removed; election signs will be allowed when there is going to be an election, to include them being allowed in residential zones.

Page 10 - The maximum sign size stated for free standing signs would be the maximum in all zones.

Page 12 - Language clarifies that banners on property, other than wall banners, must meet and are included as part of the freestanding sign area.

Page 13 – Wall banners up for 30 (changed from 60) days or less are considered temporary- all others are considered permanent and shall adhere to applicable sign standards.

Change the permitted banner usage to three times per calendar year instead of twice per calendar year, to further accommodate businesses, especially those that benefit from the trimester system at BYU-I.

All banners intended for use on frames shall be sized for the frame so that there are no gaps between the sign and frame and so that the banner does not overlap or cover the frame in any way.

The Commissioners continued to discuss the revisions.

The consensus of the Commission was to move the decided-upon revisions along to City Council.

Charles Andersen motioned to send the recommended revisions for Sign Ordinance 908, specifically addressing Temporary Signs and Banners, to City Council for adoption. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

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

An agenda will be sent to the P&Z Commissions about a week before the meeting.

The meeting was adjourned at 9:38 pm.