

Planning & Zoning Minutes

June 18, 2009



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Ted Hill
Dan Hanna Gil Shirley
Josh Garner

City Staff and Others:

Gary Leikness – P&Z Administrator
Natalie Powell – Compliance Officer
Elaine McFerrin- Secretary

Chairman Dyer opened the meeting at 7:00 pm. He welcomed staff, and interested applicants and citizens.

Roll Call of Planning and Zoning Commissioners:

Josh Garner, Winston Dyer, Thaine Robinson, Ted Hill, Nephi Allen

Dan Hanna and **Richie Webb** were excused.

Chairman Dyer noted that the City has accepted the resignation of P&Z Commissioner **Charles Andersen**, due to his new ecclesiastical calling. He will be recognized for his service at a future meeting.

Gil Shirley arrived at 7:03 pm.

Minutes:

1. Planning and Zoning meeting - May 21, 2009

Corrections:

- Page 1 – At the opening of the meeting clarify that Val Christensen attended as staff representative in Gary Leikness' absence.
- Page 2 – After Mrs. Nef's first statement, include that "Chairman Dyer asked Mrs. Nef if the Neighborhood Association had been consulted about the proposal and if so what their feelings were."
- Page 8 – Under Chairman Dyer's statement at the bottom of the page, clarify the sentence to read "...the door has been opened to consider this zone change request because of what the land use map *now* says."
- Page 12 – Under Hidden Valley Trails extension request, clarify that "Chairman Dyer recused himself due to a *direct conflict of interest*."

Thaine Robinson motioned to approve the Planning & Zoning minutes of May 21, 2009 as amended. **Ted Hill** seconded the motion.

Josh Garner and **Nephi Allen** abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings: None

Unfinished/Old Business: None

New Business:

1. Russel Wilson, Director of Operations for Madison School District – Requesting extension for Conditional Use Permit #07 00312 Madison Middle School Modular Classrooms

Russel Wilson, 3208 Hartert Drive, Idaho Falls, representing the school district, presented the request for an extension of Conditional Use Permit #07 00312, for the modular classrooms (2 of them) located on the east side of the Middle School. This Conditional Use Permit was issued on August 24, 2007, with a condition of permitting the classroom for 2 years, or August 2009. If the unit was still necessary at that time, the school district would have to come before the City to request an extension, which it is doing this evening. Since the issuance of the CUP, Madison Middle School's student enrollment has increased. The new high school is currently being constructed. It is scheduled to open in the fall of 2010. Students at the existing high school will then move to the new one, and the existing high school will complete its remodeling to become the new Junior High School. Students at the existing junior high will move there, including the 7th grade (336 students at this time) that is currently at the Middle School. This change will decrease the number of students at the Middle School. The modular classrooms would be eliminated at that time. Madison School District is requesting a two year extension of the existing Conditional Use Permit for the modular classroom, to allow the completion of construction, remodeling, and the relocation of students.

Thaine Robinson asked how many students are in the modular classrooms.

Russel Wilson said the modular classrooms accommodate 27 to 29 students per class.

Chairman Dyer asked if a 2 year completion date was the best that could be done.

Mr. Wilson said the remodeling would take some time. Some remodeling is going to be done this summer. Access to some of the existing high school's classrooms is by going through one classroom into another classroom to an exit. This problem will need to be corrected – the areas need to be torn out and gutted.

Chairman Dyer asked Gary Leikness if there had been any input from the public on this request.

Gary Leikness said that no input was received. This extension request is not a public hearing, so it was not advertised.

Josh Garner said a major issue for this conditional use permit in 2007 was the location of the modular classroom. He asked if the school district planned to move the modular classroom.

Mr. Wilson stated it would not be moved.

The Commissioners discussed the request.

Gary Leikness clarified that the Planning & Zoning Commission does not give final permission for most conditional use permits. Therefore, it would be appropriate for the Commission to make a recommendation to City Council on this request. The Council would make the final decision on this extension.

Chairman Dyer asked Russel Wilson if the use of the modular classroom is working. He has heard comments from both students and teachers that the modular classroom creates a feeling of being isolated.

Russel Wilson stated there were certain things that were not appropriate; for example, the classrooms did not have an intercom system. The system will be installed this summer if the extension request is granted. They also did not have fire alarms installed, so when there were fire drills the people in the modular classrooms were unaware of the drills. Mr. Wilson was not aware of these problems till just this spring. The modular classrooms are currently working for the purpose of helping with the very crowded situation in the school's main building.

Chairman Dyer asked about the status of a problem with the stairways.

Mr. Wilson said there was a re-inspection of the stairways just three weeks ago, and there were no issues.

Chairman Dyer asked if there were any other safety issues that the Commission needs to be concerned with in terms of recommending additional conditions.

Mr. Wilson said the fire inspector advised the school district that they needed to have fire horns and pull stations. They would be added this summer.

Chairman Dyer asked Gary Leikness for his input on the request.

Gary Leikness stated that the 2- year time limitation of the modular classrooms is a condition of approval of the original conditional use permit granted in 2007. This Conditional Use Permit's expiration date is August 2009. He noted that the school district is making their extension request well before the deadline, which is a very positive step.

There was more discussion.

Thaine Robinson stated he dislikes the modular classrooms; they do not look good. He recognizes that the school district is in a hard place. The new high school was put off for a period of time, going through two different bond elections. For the betterment of the community, and for the kids in the community, he would support this request.

Chairman Dyer agreed. He would like the extension request conditioned to include the safety improvements.

Josh Garner motioned to recommend approval to City Council to grant a two (2) year extension until August 2011, of Conditional Use Permit #07 00312, for the Madison Middle School modular classrooms, to include the original conditions, and to include that all required safety improvements be done. **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

Chairman Dyer thanked Mr. Wilson for informing the Commission of the school district's plans – it is very much appreciated.

Thaine Robinson wondered how long the Adams School modular building will be in place. Staff will investigate this issue and inform the Commission.

Mr. Leikness asked for clarification of Josh Garner's motion; he is assuming that if the 2 year expiration date that has been recommended for this CUP comes up again, that the process of making a request to the City for another time extension would need to be repeated. **Mr. Garner** said that was correct.

Nephi Allen asked about the history of modular classrooms. The Commission discussed this subject.

Non controversial Items Added to the Agenda:

1. Jon Gregory: Hemming PRO Zone – Pickett's Bambino Restaurant

Gary Leikness stated Jon Gregory came in at the beginning of the meeting and requested on behalf of project manager Richie Webb that this issue be continued to a future meeting. Mr. Webb has not had the opportunity to review the proposal thoroughly.

2. Mixed Use Zones – discussion

Gary Leikness led the discussion. He distributed copies of the Mixed Use One (MU-1) zone draft document and began the presentation with a review of photos on the overhead screen showing mixed use. Mixed Use zones can be a useful tool in helping further development of the City. The City's new comprehensive plan map (showing Neighborhood Commercial/Mixed Use) and the comprehensive plan document support the idea of mixed use. Mr. Leikness said this discussion focuses on how to create a zoning district that allows mixed use. There is proposed a Mixed Use-One (MU-1) and a Mixed Use- Two (MU-2) zone.

Permitted uses and the intent section of MU-1 is the focus of tonight's discussion.

Examples of vertical mixed use, horizontal, and commercial .mixed use were shown, possibly using 0-setbacks.

The benefits of mixed use include that it promotes people friendly environments that serve as public gathering places. It also promotes a more lively healthy flow of people, and spaces designed for walking. Increased safety is a component as well; instead of commercial districts being abandoned in the evenings, residents would provide "eyes on the street" which could decrease criminal activity. A residential element is present in the mix of uses.

The draft zone document proposes the following:

MU- 1 - more of a focus on housing and located on local streets and some collectors, medium density, 16 units per acre, possibly 20 units per acre with a CUP , with a mixed use component – possibly in the area near campus. If a mixed use project is located in the PEZ Area 1 boundaries, the

mixed use zoning rules would apply, along with automatically having all the rights of HDR2 with regards to density and land uses.

MU-2 - more of a focus on commercial and located on collector streets and arterials, because of a demand for access, for the business services.

Mr. Leikness would like these 2 new zones to mirror each other as much as possible. Once MU-1 is worked out, MU-2 will follow for examination.

Dormitory would not be an allowed use in MU-1 and MU-2 anywhere outside of the PEZ boundaries. It is proposed this way so the mixed use corridor and the neighborhood nodes throughout Rexburg and outside of the PEZ boundaries are not swallowed up by dormitory housing.

High Density Residential 2 housing density is based on the number of bedrooms per unit.

MU-1 setbacks are to encourage a pedestrian atmosphere, so the minimum front yard is 25 feet; however, a principal building setback may be reduced to 15 feet if there is a boulevard strip – this would not be an option for accessory buildings and parking and maneuvering areas. The idea is to create streetscape not dominated by asphalt.

There would be a maximum setback of 25 feet for principal buildings.

Suggested building heights for the MU-1 zone are to 30- feet, or 40-feet if there a residential component that exceeds 20 per cent of the gross floor area and 10 per cent of gross floor area of office or eating facilities.

The closer in proximity to a purely residential zone the mixed-use zone is, the more the need to increase the setbacks or step back of the building heights.

The Commission could continue exploring the composing of the MU-1 and MU-2 zones, with the draft documents eventually set so the Commission can make a recommendation to City Council for its adoption.

The Commissioners discussed the statement of intent of this draft ordinance.

Chairman Dyer said that the zoning ordinance language, including the statement of intent, needs to be very clear.

Gary Leikness said the Commission could also look at images of other mixed use communities and visually decide what is preferred.

Chairman Dyer wondered if greater density in the downtown area needed to be encouraged.

Regarding the Neighborhood Nodes designated on the Comprehensive Plan map, Gary Leikness said that commercial could possibly be in the center, surrounded by medium density and then transitioning out to low density.

Gary Leikness stated MU zones would be new step forward for the City and would allow more flexibility. The only place in the City where there is currently mixed use is in the downtown area.

MU-1 permitted uses listed in the draft document were discussed. The list focuses on uses that would be compatible with residential. The MU-2 permitted uses will focus more on commercial, possibly including most of the uses from the Community Business Center (CBC) zone.

Chairman Dyer thought a laundry facility added to the permitted uses would be a positive allowed use in a mixed-use area.

Gary Leikness said that a laundry facility is a good land use to include, however, because these uses have hours of operation that may not be compatible with surrounding residential land uses, the use should, as a minimum, be listed under “conditional uses.”

Discussion continued.

Chairman Dyer said the stated list could be a start for permitted and conditional uses and could be added to when needed. He suggested that photos as examples of what the City is looking for might be put in the document.

Thaine Robinson felt the stated purpose of the zone, with the addressed appropriate changes, was a good idea.

Building heights will be focused on in a future meeting.

Gary Leikness, directed by the Commission’s discussion tonight, will incorporate their input regarding zone intent and permitted uses into the draft document, to be discussed at the next meeting.

Compliance:

At this time, it was decided that compliance concerns would be addressed before the two remaining non-controversial items.

Compliance Officer Natalie Powell addressed the Commission and gave a follow up on the Hyde Park development’s dumpster issue. Developer Jon Gregory has been contacted; he will install enclosures for the dumpsters in a timely manner, which will be followed by staff. He may propose a compromise of the dumpster location, which will be reviewed by staff.

The re-do of the parking area of the property across from Arctic Circle is progressing, but progress has been slowed by the weather.

Window- tinting signs at 4th north and second east have been removed.

Natalie Powell said a topic of discussion has been the P&Z Commissioners and the lack thereof. She wondered about the nominations and how the process works.

Chairman Dyer has communicated with the Mayor, offering the resources of the Commission to pull together potential candidate names. It was indicated the situation is being worked on.

Thaine Robinson commented on the bus restaurant on 4th South.

Natalie Powell addressed **Thaine Robinson’s** comments regarding the bus restaurant.

Thaine Robinson also commented on a grass strip east of Harvard on 2nd South; there is a garden in the right of way. Natalie Powell said that is not a permitted use and will look into it.

Josh Garner asked about the status on lights near Mariah.

Mrs. Powell confirmed that Tony Jenks of Jenks Brothers Construction has ordered the lights. Public Works has reviewed and approved the stability and design of the lights.

Gary Leikness commented on an Arctic Circle site plan issue - something proposed on the site plan was not there when the project was inspected. Landscaping had been removed at the time of the playground expansion. They were told at their final inspection that the landscaping needed to be put back as the site plan indicated. The applicant worked with staff and now the shrubs have been put back, and the site looks much better.

Chairman Dyer said going back to the approved site plan and bringing it to the attention of the developer often solves the problem, but not in every case.

The Commission thanked Natalie Powell for her work in addressing compliance problems.

3. Van tour of the City –

The Commission thought such a tour was a good idea; they discussed when a tour might be scheduled and the locations they would visit.

It was thought that such a tour followed by dinner could be at about 5:30 or 6 pm on the night of a meeting that has a very light agenda.

Places to visit could possibly include Founders Square, Pioneer Road, an older subdivision such as Stonebridge, the business park near Artco, the Walker subdivision, the Coop project to see what no design standards/the addition of design standards have achieved, Henry's Fork Plaza, and Airport Road.

4. Discuss next meeting and the upcoming July 4th holiday-

It was decided that July 2nd may be a good date to do the van tour, with a starting time of 6:00 pm. Use of a van or small bus will be investigated.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

Gary Leikness stated that Comprehensive Plan Map Amendment applications are being accepted by the City through June. There may be several of them. In July, in-house staff review will be done, with public hearings before P&Z most likely set for the first August meeting, and public hearings before City Council to be at the second September meeting.

The meeting was adjourned at 9:00 pm.