

# Planning & Zoning Minutes

June 3, 2010



CITY OF  
**REXBURG**  
America's Family Community

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## Commissioners Attending:

Winston Dyer – Chairman  
Ted Hill                      Thaine Robinson  
Jedd Walker                Nephi Allen  
Gil Shirley                 Richie Webb  
Dan Hanna

## City Staff and Others:

Val Christensen – Community Development Director  
Jake Rasmussen – I.T. Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:02 pm.

## **Roll Call of Planning and Zoning Commissioners:**

Nephi Allen, Jedd Walker, Richie Webb, Gil Shirley, Winston Dyer, Thaine Robinson, Ted Hill

**Scott Ferguson** was excused.

## **Minutes:**

1. Planning and Zoning meeting - May 20, 2010

**Thaine Robinson** motioned to approve the Planning & Zoning minutes of May 20, 2010. **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

**Dan Hanna** arrived at 7:04 pm.

**Public Hearings:** None

## **Non controversial Items Added to the Agenda:**

1. Jason Kotter – Trent Birch project  
Jason Kotter, 420 E. State St, Suite #130, Eagle, Idaho, on behalf of Trent Birch. He last spoke before the P&Z Commission at their May 6<sup>th</sup> meeting regarding off-site parking for the Trent Birch project on West 4<sup>th</sup> South. Tonight, he appreciates the opportunity to come before them again. After their last presentation, they left knowing there was a problem regarding offsite parking for the project and thinking they probably would not do a project here in Rexburg. However, a few days later, there was an opportunity to help the parking issue. They have spoken with Val Christensen and wanted to show the Commission their site plan, a working document which can be adjusted; it was viewed on the overhead screen. Parking spaces on the project site have not changed. Going just across South 4<sup>th</sup> West, Jared Sommer owns one parcel here; another parcel is owned by someone else. Mr. Sommer's property could accommodate parking for a number of students. They would be able to meet the parking requirement of .6 stalls per student (278 stalls for 462 students).

Mr. Kotter said there are, however, some challenges that they would like the Commission's input on in the hope of moving forward. In order to have parking spaces fit at the specified location, they would need a variance for the parking lot for a 10-foot setback rather than the code standard of a 20-foot setback. Secondly, with regard to the entrance to this site, they are proposing a joint use agreement in order to access their parking lot. There also is the issue of parking being 200 feet from the main entrance of their facility. The issues of snow storage and landscaping for screening are also of concern. The sidewalk is currently installed to almost the canal - it sits at the height of the curb. They are bringing these issues to the Commission for input and discussion to see if they are headed in the right direction for their project.

**Chairman Dyer** said obtaining a variance is a rare occurrence.

**Thaine Robinson** said if a variance were to be given, what could they give back regarding landscaping?

Mr. Kotter said their goal would be to densely screen the parking lot property.

**Chairman Dyer** asked the distance between the property line and the back of the curb.

Val Christensen estimated that the distance is about 30 feet. He clarified that this would be a 10-foot setback for a parking lot and not a building. It may necessitate an ordinance change due to its being for a parking lot. If the property were zoned commercial, as it had been before Mr. Sommer's rezone (done about a year ago), a 10-foot setback would be allowed.

It was stated that the canal is in the City right-of-way.

**Dan Hanna** thought it would be appropriate for the canal to be landscaped, counting it toward the landscaping requirement. He also thought the canal could be used for snow storage.

Val Christensen said there would have to be permission from the canal company.

Mr. Kotter said there is not enough room for landscaping and snow storage unless they can utilize the canal.

Jared Sommer (in the audience and in answer to **Chairman Dyer**), said his project does not need more parking. This proposed parking lot would be done in lieu of his building another structure in that location.

**Chairman Dyer** asked if he was on board with this proposal.

Mr. Sommer said he is.

**Ted Hill** read from the Development Code (Section 5.5 item 3) regarding parking and right of way – “No parking areas shall be designed to require the use of the public right-of way to travel from one portion of the lot to another.”

Val Christensen clarified that this section refers to occurrences of an aisle being put in the public right-of-way between 2 parking lots.

It was noted that this Development Code language would need to be clarified in the future.

Jared Sommer said the bridge for his project is in but is not yet drivable. The width is 36 feet and would accommodate pedestrians.

**Jedd Walker** thought that this proposal is a great idea, but he is concerned about a shared entrance. Will people park on the street in lieu of entering the parking lot if it is not easily accessible?

Jared Sommer, 3614 N. 3000 W., stated that City Council approved an entrance and exit onto 4<sup>th</sup> South. They have talked to the owners of Les Schwab (located on West 4<sup>th</sup> South just west of his

project), who are willing to allow them an easement (27 feet and 7 inches in width) to put up a breaker bar for the fire department. The area was pointed out on the overhead screen.

**Thaine Robinson** wondered about the possibility of a foot bridge between the corner and the entrance.

Jason Kotter said they have looked at the possibility of a foot bridge so it lines up with where someone can enter into the apartment complex.

Val Christensen said he had spoken with City Engineer John Millar, who indicated he would like something mid-parking lot exiting out, and he would like to see a foot bridge across the canal.

Jared Sommer said every time they create another exit, landscaping is cut out. He stated that this canal area has been unsightly since he was born. They now have a real capability of making a beautification of the canal area to be more attractive than it has ever been.

**Chairman Dyer** stated they are asking for a couple things that are outside the Development Code Ordinance: 1. the setback distance, and 2. the difference in allowable parking. He asked for discussion on these issues.

**Gil Shirley** said he was a little bit in favor of this proposal, which would improve the area.

Jared Sommer said that without this proposal, the house on the corner of West 4<sup>th</sup> South and South 4<sup>th</sup> West, owned by Nick Allison, could be there indefinitely. If this developer does buy that property, something will be fixed in that location that would not be fixed otherwise.

Jason Kotter said purchasing that property would allow them the necessary turning radius.

**Thaine Robinson** said he would not be opposed to the proposed parking lot and the requested setback if it was shielded really well with sizable landscaping.

Val Christensen said that the Pedestrian Emphasis Zone 2 (PEZ2) stops at South 4th West.

To serve the Trent Birch development, the proposed parking lot would follow the PEZ2 requirements.

**Dan Hanna** asked Jason Kotter if they were to be given permission to use the canal for snow storage and landscaping the canal, would they have to reduce any of their parking to be in total compliance?

Mr. Kotter said they would not. They would have everything required for parking in PEZ2.

Jared Sommer said his project's parking would also be in total compliance (2 parking spaces for every 2-bedroom, 1.5 parking spaces for every 1 bedroom).

**Dan Hanna** thought this proposal would be a great redevelopment opportunity for that area of the City.

Mr. Christensen asked Jason Kotter if they are at the point where they are there/ready with their project.

Mr. Kotter said yes. He stated that with what they have proposed tonight there would be no reduction in units.

Jared Sommer said the developers were buying some area from him and getting an easement for the other area where parking would be.

The possibility of having a few more parking stalls and how that would be accomplished was discussed.

Jared Sommer said it is a matter of a win-win situation - keeping happy tenants for his buildings and helping to make the subject project work without giving any more space than they have to give.

There was consensus from the Commission that the setback reduction request would likely be okay. However, there is the question of whether the developer can obtain permission from the canal company regarding its use for snow storage and landscaping. If the canal company did give its permission, is it a precedent the Commission wants to set for the community?

It was stated that the developers could look into the canal possibility, but it would seem easier to come into compliance by lessening the project by a unit or two, so such a discussion on parking/landscaping, etc. would not be necessary.

Jason Kotter clarified that they plan to have 3.6 parking stalls per unit, with six students in each unit.

**Gil Shirley** was excused from the meeting at 8:00 pm.

**Ted Hill** said they are asking the Commission to give some concessions tonight that they are not in the position to give at this point. They need to come with better information. The canal issue needs to be resolved as far as snow storage. They need to resolve decisions with Mr. Sommer as to how much area he can give, etc. Rather than the Commission trying to figure all of this out in this kind of a meeting, let them come with a firm proposal.

**Thaine Robinson** agreed with **Mr. Hill**.

**Chairman Dyer** said that the developers were seeking enough direction of the Commission's feelings to understand how to move toward preparing a firm proposal.

**Chairman Dyer** summarized tonight's discussion issues for this project:

1. Requesting to reduce setback to 10 feet along 4<sup>th</sup> South – there is some room for negotiation because of the extra space there and the fact that if the land had remained commercial, this would not have been an issue.
2. The parking spaces, which seem to be dependent on negotiations with their neighbor, and perhaps any kind of change to their proposed development. Getting the necessary number of parking spaces, without asking for an exception, would help this Commission and the City Council.

Jason Kotter said their presented layout meets all the requirements if a 10-foot setback on the front if okayed; this is a big issue for them, as it would give them a row of parking. It would make the project viable. They could look into the landscaping/snow storage issue with the canal company. They wanted to come before the Commission before they went in that direction.

3. Landscaping and snow storage – approaching the canal company - there is some uneasiness in regard to setting precedent of making this the neighbors' problems. If there is a way to achieve these two requirements without having to count on that, the Commission by consensus would be more comfortable.

4. A pedestrian bridge over the canal for more direct connection to the parking lot would likely be a requirement (Commission consensus).

5. Negotiations with Jared Sommer about any shared use and regarding preserving fire department circulation, etc.

6. Access on 4<sup>th</sup> South - it already was granted in City Council (Jared Sommer's application).

**Richie Webb** said there was also the issue of the off-site parking being within 200 feet of the project's main entrance.

**Chairman Dyer** said a pedestrian bridge would shorten the distance.

Val Christensen said the City Engineer felt there should be a mid-block crosswalk on South 4<sup>th</sup> West; that may be a solution.

Jason Kotter thanked the Commission for their help and their time.

**Chairman Dyer** welcomed several Boy Scouts and college students in the audience and gave a brief explanation of the discussion they had just observed. He stated that in America, everyone gets a chance to be heard. He also explained that next on the agenda was the Preferred Land Use map discussion, where the Commission will try to look to the future to see what types of development will take place in what areas of the City. They are trying to make the map more useful and functional for what the community wants.

There was a 5-minute break.

### **Unfinished/Old Business:**

#### 1. Preferred Land Use Map – Discussion

Val Christensen provided the Commissioners with copies of the Preferred Land Use map (also called the Comprehensive Plan Map) and the key sheet regarding the suggested changes the Commission had discussed at their last meeting. The map was shown on the overhead screen. He explained the numbered map key, pointing out areas that were possibly to be changed from Low Density Residential to Single Family Residential. He stated these are some ideas for them to contemplate.

**Chairman Dyer** explained to the audience that the Preferred Land Use map is the dream map – in what direction does the community want to see Rexburg go regarding land use? The zoning map is the law, with zones that are allowed within each Preferred Land Use designation. He explained that they have been doing a major cleanup of the map for the foreseeable future.

Val Christensen said the Preferred Land Use map lets them show how they think an area should go, even though a zoning by right may currently be there.

An area in the airport clear zone was discussed.

**Chairman Dyer** asked the audience if there were any questions.

An audience member commented regarding Academy Apartments near BYU-I. It is zoned Medium Density, but the Preferred Land Use map says Low Density Residential. He wondered about a change from this because there are already apartments. They would like to take out the existing rock house here and put in another structure more suitable for students. They would like to fix up the 4-plexes that already exist. There are five parcels.

This area was discussed. Neighborhood Commercial/Mixed Use would be workable.

The area of Cornell Avenue was discussed.

**Chairman Dyer** stated 2 issues of concern regarding this map:

- 1) Specific areas - Have all suggested recommended changes to specific areas of the map been addressed?
- 2) Outlying areas - Based on their general discussion of the map and the new land use name designations for the map, does the Single Family Residential designation look appropriate around the perimeter of the City)? Are there other areas they would like to see as designated Single Family Residential?

The Preferred Land Use Map changes would, when the Commission is ready to do so, eventually be sent with a recommendation to City Council for review and public hearing.

**Richie Webb** asked about Single Family Residential designations and how the suggested areas were selected.

Val Christensen explained that staff looked at how certain area Neighborhood Associations have come before Planning & Zoning and City Council in strong support of their neighborhoods and keeping them single family.

It was discussed to bring down Single Family Residential into Stonebridge.

Bring down Single Family Residential to north of the cemetery.

The area north of the Summerfield (South 12<sup>th</sup> West) development should be designated Single Family Residential.

The South 12<sup>th</sup> West area was discussed.

There could be a Moderate to High Density Residential designation corridor near the Meadows development.

The Commission felt that the “map number key” that was used tonight helped them focus on the suggested changes.

**Chairman Dyer** asked the Commissioners if they felt the Preferred Land Use map, with its suggested changes, was ready to send to City Council for public hearing.

**Thaine Robinson** said he would like to see a revised Preferred Land Use map one more time.

**Ted Hill** asked about a possible work meeting with the P&Z Commission and City Council to address the Preferred Land Use Map changes before there is a public hearing in City Council.

The Commission asked Val Christensen to check into this matter. *(The P&Z Commission and City Council work meeting on the Preferred Land Use Map was held on June 23, 2010 – information on the meeting is in the City Council minutes of that date).*”

**New Business:** None

**Compliance:** None

**Report on Projects:** None

**Tabled Requests:** None.

**Building Permit Application Report:** None

The meeting was adjourned at 9:22 pm.