

Planning & Zoning Minutes

July 7, 2011

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Thaine Robinson
Nephi Allen Richie Webb
Marilyn Rasmussen Jedd Walker
Scott Ferguson Cory Sorensen

City Staff and Others:

Val Christensen – Community Development Director
Mario Puente – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Winston Dyer was excused. **Thaine Robinson** acted as Chairman for tonight's meeting. He opened the meeting at 7:03 pm and welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Cory Sorensen, Nephi Allen, Richie Webb, Thaine Robinson, Jedd Walker, Marilyn Rasmussen

Gil Shirley, Winston Dyer, Dan Hanna, and Mary Ann Mounts were excused.

Minutes:

1. Planning and Zoning meeting - June 16, 2011

Marilyn Rasmussen motioned to approve the Planning & Zoning minutes of June 16, 2011.

Nephi Allen seconded the motion.

None opposed. **Motion carried.**

Scott Ferguson arrived at 7:05 pm.

Public Hearings: None

Non-controversial Items Added to the Agenda:

1. 35 West Main – Review of front facade – Mitch Neibaur

Mitch Neibaur, 882 Capital Lane. He provided the Commissioners with conceptuials of designs being considered for the front of their business. Tonight they are looking for guidance from the Commission – to see if the ideas are something the Commission would encourage and support, or not. They love downtown Rexburg and really want to make a difference.

The building is located at 35 West Main, between Ard's Glass and Paint, and El Gene's. They are opening a salon and a boutique. They want to differentiate their business and attract a little attention to it. One idea was to do a balcony. Some turn of the century buildings have used balconies. Is this a concept the City would encourage? Can they come over the sidewalk with support columns?

Chairman Robinson asked for clarification of the right-of-way.

Val Christensen said the right-of-way includes the sidewalk.

A pillar or column would be in the City right-of-way. Allowances have been made in the past, for example a raised seating area at the former Me N Stan's restaurant that extended into the right-of-

way and was approved through P&Z and City Council. In design standards for the downtown as specified in the Development Code, it would be the decision of the Commission to determine whether a design such as a balcony meets the requirements and is harmonious to the downtown area. A decision about having a column in the right-of-way would likely need to go before City Council because it would set a precedent for such a structure.

Scott Ferguson said he is less comfortable with posts in the right-of-way to support a structure than he would be with a balcony coming off the building.

Chairman Robinson asked if the ordinance allows this issue.

Val Christensen thought the ordinance states that nothing should be built in the right-of-way. However, the downtown area has allowed some structures such as a marquee to be in the right of way, but a support in the right of way is different.

Mr. Neibaur said he does not want to open a door if the Commission is uncomfortable. If a support were instead to cantilever off the roof structure, is that a look the Commission would encourage?

Chairman Robinson said he can see them in Ketchum or Park City, but he somehow does not see them in Rexburg.

Cory Sorensen asked the purpose of the balcony. Are they just looking for a look or would it be functional?

Mitch Neibaur said an apartment is upstairs. It would be a balcony which the apartment could use. It would vary the downtown look.

Jedd Walker said columns in the right- of- way pose a problem for snow removal. Second, the architecture of the balcony in the provided photo does not look historic. He is not sure it fits with that particular piece of architecture. Third, he has concerns about a balcony off of an apartment in that location.

Scott Ferguson said some downtown businesses have stayed with more of an older look with new material and design, without going into the right-of-way.

Richie Webb said mall store fronts used to be all the same, lined up on the lease line. Over the years, developers started looking at trying to pop out and differentiate store fronts, which gives a much more interesting appearance when walking through a mall. The downtown is different but the concept still applies. An owner wants the store to stand out. They could have the look of a balcony without it being a real balcony, or maybe there are some other ways to achieve that differentiation for this store front.

Mitch Neibaur asked if canopies are encouraged.

Val Christensen said in the past canopies and differentiations have been encouraged. An historical, striped canopy with an old brick face building, for example, was what was put on the former City Annex building on Main Street. Great Harvest now has a more modern, bright blue canopy at that location.

Jedd Walker asked if any buildings on Main Street are on the historical register.

Marilyn Rasmussen said the Madison County Courthouse is on the historical register.

Mr. Walker feels that some of the changes that have occurred in the downtown area are not very attractive- in some cases it is taking a nice, historic building and ruining it.

Chairman Robinson said Mr. Neibaur could pursue these concepts if he is interested, but it may be problematic. The issue of columns in the right-of-way would need to go through the P&Z Commission and City Council as it would be an ordinance variance.

Mitch Neibaur thanked the Commissioners for their input.

2. Overlay District presentation – Community Development Inc.

Tim Cobb , 4110 Eaton Ave., Caldwell , of Community Development Inc.- Over the past couple of years, they have watched Rexburg's growth. Community Development Incorporated develops apartment complexes. They are a non-profit developer of housing for families and seniors. In Mr. Cobb's visits with Val Christensen and the Mayor, a couple of sites were found that may work for them. Some of the funding for their projects comes from the State of Idaho. Because of their processes and financing, there are certain things they can do in their application processes to be more competitive for project funding, so that they can do a really good project. They are grateful to be here. They would like some input and direction from the Commission to understand where to go with their Overlay District request which would target affordable housing.

Jerry Gunstream, 4110 Eaton Ave., Caldwell, of Community Development, Inc . - A photo map was viewed of one of the properties they are interested in; it is located behind World Gym. There are about 4 acres. They would like to acquire between 2 ½ and 4 acres to develop. They have the privilege of developing throughout the country, in 12 different states and with 50 projects. They bring to Rexburg all that knowledge. They want and need to listen to the local government bodies – the P&Z Commission and the City Council. That is why they are here.

The process of working with state agencies is a very competitive process. They are in the business of building, but they are in the people business more than anything, providing a very nice product, yet it is more affordable because of the way it is funded. Their projects qualify as affordable low income housing.

Mr. Gunstream said one of the things they have found to be very successful throughout the country is what is called an Affordable Housing Overlay District. They are not asking for any zoning change. The property they are interested in is properly zoned. All of the Commissioners received a copy of a draft overlay district ordinance that could potentially be adopted as an overlay district.

The overlay district could be for one four-acre parcel. The value to the City is that the Affordable Housing Overlay District creates some standards. It would be a deed- restricted type of property. It is required to be so once it is funded. The property would be maintained. It is a real advantage.

Mr. Gunstream said their purpose in coming here tonight is to see if the P&Z Commission is open to adopting this kind of overlay district for a parcel they would like to develop.

They know the need is here. They are looking for a little direction.

The **Chair** asked what would be the formal process for this issue.

Val Christensen said tonight the purpose is to determine if there is interest in the development of an overlay district to be adopted. If so, staff could bring the issue before the Ready Team for more concentration, study, and direction.

Marilyn Rasmussen asked if tax status would change for them as the property owner with this low-income housing.

Mr. Gunstream said their status would be the same. They pay taxes just as others, with no exemptions.

Mrs. Rasmussen asked where the nearest overlay district to Rexburg like they have described is located that they have developed.

There is one in Chubbuck, called Avalon.

Richie Webb asked staff if there was any reason the developer could not build what they want to build on that property right now, with the current zoning stipulations.

Val Christensen said he has not seen any plans, but theoretically he could not find any reason.

Cory Sorensen said Rexburg is already one of the most affordable places to rent. He wondered about their term of 'low income' housing.

Mr. Gunstream said they would be doing a complete market analysis, which is part of this process. That document would validate what kind of rent structure there would be.

Tim Cobb said their rents would range with what there currently is. If the lowest was \$600., theirs might be \$300.

Marilyn Rasmussen pointed out that when the revitalization grants were applied for, for the downtown, one of the most important questions that frequently was asked was, do Madison County and the City of Rexburg pursue affordable housing? It was very important in receiving this development money that has been coming into this community.

Jerry Gunstream said the overlay district is adopted as such. It is only put in force when a developer or the Commission requests it. Once the overlay district is evaluated, it becomes an ordinance.

Jedd Walker said the affordable housing overlay was a great idea. He thought the approach could be more like the development of the PEZ Ordinance – they planned where they wanted it to occur.

Richie Webb thought that tonight the Commission does not need to decide how such an overlay would be implemented but rather to just show if there is support from the Commission for such an overlay district.

Chairman Robinson asked for a straw vote to clarify if there was support from the Commission for an affordable housing overlay district in Rexburg in the future:

Of the seven Commissioners present at tonight's meeting, one Commissioner was neutral and six Commissioners were in favor of an affordable housing overlay district in the future.

Jerry Gunstream and Tim Cobb thanked the Commission. They will continue to work with Val Christensen.

New Business: None

Compliance:

1. Temporary Business Registrations

Chairman Robinson said this issue was addressed at last night's July 6th City Council meeting. He reported briefly on what had occurred. An email letter from Winston Dyer and the other emails

from several Commissioners were read to the City Council. Several business owners also expressed their points of view.

Three temporary businesses were approved by the City Council for temporary business registrations. They were given time lines. The Taco trailer near Christensen's Auto Body was given twelve months; the bubble drinks near Ferguson's music was given ninety days; a tent to sell groceries on a lot near Dairy Queen was given six months.

Richie Webb said his concern was that these requests were not locations that had been previously designated as approved locations for temporary vending. He was also concerned about the duration of temporary businesses.

Val Christensen explained the Mayor's request to move things along more quickly for these businesses because of their seasonal nature. That is why the issue was put on the agenda for last night's City Council meeting, and the Commissioners were asked through an email for their input.

Chairman Robinson said one concern was the brick and mortar businesses competing against these temporary businesses that do not pay the same kinds of taxes. The **Chair** said an idea suggested by the City Council was for the P&Z Commission to screen each temporary business as it comes forward.

Scott Ferguson thought the Commission should not have to police the issue.

Nephi Allen said when one of these temporary businesses goes, another always pops up.

Richie Webb thought there should be some quality standards set regarding how temporary businesses look.

Report on Projects: None

Tabled Requests:

Rezone hearing tabled at the June 16, 2011 P&Z meeting:

Rezone – Rexburg Hill Properties, LLC

Scott Ferguson motioned to pick the Rezone request for Rexburg Hill Properties, LLC up off the table. **Marilyn Rasmussen** seconded the motion.

None opposed. **Motion carried.**

Chairman Robinson said since public testimony on this rezone was in conjunction with testimony given for the Comprehensive Plan Map Amendment application request by the same applicant at the June 16th P&Z meeting, the Commission can take that into consideration. Also, based on last night's July 6th City Council meeting, where the Council denied the applicant's Comprehensive Plan Map amendment request, the Commission can discuss the issue further or make a motion.

Jedd Walker motioned to deny the Rexburg Hills Properties LLC rezone application, taking into consideration the public testimony on it given in conjunction with the testimony on the Comprehensive Plan Map Amendment application, and because the Comprehensive Plan Map Amendment application was denied at the July 6, 2011 City Council meeting. **Marilyn Rasmussen** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business:

1. Discussion – Other Bridge Crossings over the Teton River within Rexburg

Chairman Robinson said that Val Christensen indicated City Engineer John Millar has come up with possible locations. The Commission needs to designate where a bridge crossing should be located, so that when various developments come forward, the bridge locations have already been planned for.

Val Christensen pointed out possible locations on the projected map – 2nd West going north, and 5th West going north.

Cory Sorensen suggested Pioneer Road as another possibility.

Other possible locations were viewed on the map.

The Commission requested that Val Christensen draw up a map showing road possibilities over the Teton River and possible right- of-ways.

Building Permit Application Report: None

Heads Up:

July 21st – Rezone – Block bordered by South Center, West 2nd South, South 1st West, and West 1st South

The meeting was adjourned at 8:50 pm.