

# Planning & Zoning Minutes

December 1, 2011



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

35 North 1<sup>st</sup> East  
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## Commissioners Attending:

Thaine Robinson    Jedd Walker  
Richie Webb        Scott Ferguson  
Gil Shirley         Marilyn Rasmussen

## City Staff and Others:

Stephen Zollinger – City Attorney  
Daren Spencer – Community Development Intern  
Craig Fisher – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Winston Dyer** was excused. **Thaine Robinson** acted as Chairman and opened the meeting at 7:03 pm. He welcomed everyone in attendance.

Community Development Director Val Christensen was excused.

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

Richie Webb, Gil Shirley, Scott Ferguson, Thaine Robinson, Jedd Walker, Marilyn Rasmussen

Mary Ann Mounts, Nephi Allen, Dan Hanna, Winston Dyer, and Cory Sorensen were excused.

## **Minutes:**

1. Planning and Zoning meeting - November 3, 2011

**Marilyn Rasmussen** motioned to approve the Planning & Zoning minutes of November 3, 2011.

**Scott Ferguson** seconded the motion.

None opposed. **Motion carried.**

**Public Hearings:** None

**Unfinished/Old Business:** None

**New Business:** None

**Compliance:** None

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

1. Discussion - AT&T Cell Tower –

**Don Shiveley**, Black & Veatch, Salt Lake City, Utah – representing AT&T. They are proposing to put up a communications site. AT&T would like to put up a cell tower on the south side of Rexburg. The subject location is 957 South 12th West. The tower would be a 120- foot monopole. They are here to answer any questions the Commissioners may have.

The property is zoned Community Business Center (CBC).

The location of the proposed cell tower was pointed out on the overhead screen map. It is about 900 feet from the highway.

**Chairman Robinson** asked the main issue in the conversations Black & Veatch had with staff that would need to be discussed tonight.

**Don Shiveley** said he does not know what was covered in discussions between Black & Veatch and staff because he has taken over the project from Megan Fuller (of Fuller Consulting). Relating to

that, they were told that they had to have this conversation with the Commission because the application they are making would be for administrative review and approval of this cell tower. He is not aware of any concerns at this point.

**Chairman Robinson** said he spoke with staff very briefly on the issue. One concern mentioned was tower location. He asked the exact location planned for the cell tower.

The tower location was pointed out. The property is just north of Rexburg Motor Sports.

The **Chair** felt there were two issues that would need to be discussed tonight in regard to the Cell Tower Ordinance No. 915: the highway corridor, and the height of the tower around surrounding structures.

**Don Shiveley** said they are trying to be careful about where the tower is placed. It is obviously going to be seen. That is the way the technology works. It is a necessary evil. They understand and appreciate the fact that the area is a corridor, which does create a lot of traffic that is moving through the neighborhood.

**Scott Ferguson** asked if the cell tower is planned to be on the west of Highway 20 because they are trying to get better service for that area. Why is it not being put where other towers are already located?

**Don Shiveley** said the issue is one of capacity. The existing towers are at their full capacity.

**Chairman Robinson** clarified that a few years ago, AT&T had a tower on the University's premises. The university switched carriers, and AT&T removed their tower. That left a big hole in this southwest corner of Rexburg in need of coverage.

**Richie Webb** asked if AT&T owns the subject property.

**Don Shiveley** said they do not own the property; they have entered into a lease agreement with the property owner. That lease is in place.

**Mr. Webb** asked if they would disguise the tower in any way.

**Mr. Shiveley** said their preference is not to do so. It would limit the ability of the tower.

The tower location as shown on the submitted drawing is about 200 feet from the center of South 12<sup>th</sup> West.

**Chairman Robinson** asked **Stephen Zollinger** to clarify the highway corridor issue.

**City Attorney Stephen Zollinger** stated that at one time there was discussion about structure heights along the Highway 20 corridor. The cell tower, if treated as a structure, would not be allowed because structures of that height are not allowed in that zone. If the cell tower is treated independently, cell tower ordinance requirements are followed.

**Mr. Zollinger** said that Community Development Director Val Christensen had indicated that he could not support an administrative review/approval for a cell tower in the subject location. Tonight the cell tower representatives are before this board seeking Commission input as to whether or not they would support a conditional use at this location, which would involve a public hearing. This Commission over the years has expressed a great deal of reservation for placing any structures this high so close to the highway corridor.

**Scott Ferguson** said if the tower is not done here, where else could it be?

**Stephen Zollinger** said that AT&T did indicate that they could serve the same purpose on the school district (high school) property located across the street on South 12<sup>th</sup> West. They just were not comfortable with the speed with which the school district was moving forward.

The City's concern and this Commission's concern is to do what they believe is in the best interest of the community.

**Richie Webb** said the public hearing that is part of the Conditional Use Permit process would allow the neighbors to give input on the issue.

**Marilyn Rasmussen** said she always understood that the City wanted to keep the corridor a corridor without any really tall structures.

**Stephen Zollinger** said the school district has already indicated their goal is to eventually build a stadium at the high school location.

The City asked Black & Veatch to look into the possibility of incorporating this tower with one of the stadium towers.

The concern is with the Highway 20 corridor and not 12<sup>th</sup> West.

**Chairman Robinson** expressed that they want this issue to be a win-win situation for both the City of Rexburg and for AT&T.

**Don Shiveley** said the area is in a hole that AT&T needs to fill for better coverage. The situation can only get worse. They are trying to fill the needs of the growing population.

**Stephen Zollinger** said the applicants would be required to provide a cell tower coverage map with their formal application.

**David Carter**, Black & Veatch, 960 West Lavoy Dr., Salt Lake City, Utah He stated that coverage and capacity are not necessarily the same thing. This site is a capacity driven site. The system needs more capacity and not necessarily coverage. He gave a water pressure analogy of how water pressure is affected as a neighborhood grows. Tonight they want direction on how to proceed. They would be adding capacity as the demand grows. Ideally they would like to provide that capacity as soon as possible to meet those demands.

**Mr. Carter** said they need to locate the cell tower within a half mile of where they have indicated. It would be in an area where it would be least invasive to neighbors. Tonight they want to leave here with clear direction.

They have been in on-again and off-again negotiations with the school district. The process has been slow.

**Stephen Zollinger** said **Val Christensen** is looking for direction, as are Black and Veatch.

If the cell tower were to be on school district property near the high school, it would likely fit under the administrative approval process.

There was consensus of the Commission to direct the applicant to continue negotiations with the school district. The Commission felt this location would be a better one for the community.

**David Carter** asked if negotiations with the school district for a cell tower location on school district property are agreeable, could such an application be presented to Val Christensen for administrative approval?

It was felt that the application could go through the administrative approval process if all necessary criteria are met.

2. Design Review Meeting – held on November 8<sup>th</sup> for Beaumont project

**Chairman Robinson** reported on this meeting. The project is at Professional Plaza/South 2<sup>nd</sup> East – it will be a medical building. The building has a very nice design and structure. The developer has gone above and beyond the design standards in materials. It was a very positive meeting.

**Stephen Zollinger** said fire apparatus will need to be accommodated, so landscaping may possibly have to be adjusted because of safety reasons.

Two items briefly discussed were the temporary trailers that the school district has and their status, and the width of 2<sup>nd</sup> East.

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

The Commission made the decision to cancel the December 15<sup>th</sup> P&Z meeting; no agenda items were scheduled.

The meeting was adjourned at 8:15 pm.