

# Planning & Zoning Minutes

July 17, 2014

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

## Commissioners Attending:

Thaine Robinson – Chairman  
Cory Sorensen                      Steve Oakey  
Mark Rudd                              Bruce Sutherland  
Melanie Davenport              Tisha Flora

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Nick Cummock – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Robinson** opened the meeting at 7:02 pm and welcomed everyone.

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

Steve Oakey, Cory Sorensen, Mark Rudd, Thaine Robinson, Bruce Sutherland, Tisha Flora, Melanie Davenport

Dan Hanna, Gil Shirley, Jedd Walker, and Chuck Porter were excused.

## Minutes:

1. Planning and Zoning meeting June 19, 2014

**Bruce Sutherland** motioned to approve the Planning & Zoning minutes of June 19, 2014. **Mark Rudd** seconded the motion.

None opposed. **Motion carried.**

## Public Hearings:

1. 7:05 pm – Conditional Use Permit – 471 West 1<sup>st</sup> North – to allow a duplex in an existing home

**Chairman Robinson** explained the procedure that is followed for a public hearing. The applicant will present the proposal. The Commission may ask questions to help them to better understand what is being proposed, and staff may give any additional clarification. Public testimony will then be heard, followed by staff evaluation and recommendations. The Commission will then deliberate the issue in order to come to a decision on the proposal.

It was clarified that the P&Z Commission has the authority to grant a conditional use permit for a duplex, per the Development Code Ordinance No. 1115, Section 6.12f. This request would not have to go to City Council for final approval.

**Spencer Cook**, 105 E. 1<sup>st</sup> N., Sugar City. He is representing his parents Kathleen and John Cook, the owners of the property. They are requesting a CUP for a duplex in the subject home. The existing home had been an unofficial duplex. The applicants are making it a legal duplex. They are putting in the required sheetrock between the two levels, separating the electrical and putting in egress windows, etc., everything necessary in order to meet code compliance.

**Chairman Robinson** asked how long the home has been run as a duplex.

**Val Christensen** said that is not known. He explained that the owners live out of state. Their contractor started the work to create a duplex. The owners did not know that the zoning of the property, Low Density Residential 2 (LDR2), made a CUP a requirement for a duplex. They were going by what the contractor had told them, and they were caught between a rock and a hard place. The owners have been great to work with. The City became aware of the situation when an electrician came to get a permit. The home is not a duplex yet.

**Spencer Cook** said that when the home was purchased, they met with the building inspector, who gave them a list of what needed to be done. Based on conversations with their realtor, they were under the impression that the property was zoned Medium Density Residential and could actually have room for an additional duplex on the lot. It was an assumption they made. The contractor was under the same impression. It was not until they wanted a second address necessary for power hook-up that they became aware of the zoning and the CUP requirement. Mr. Cook clarified for the Chair that the duplex is currently not occupied. Everything is up to code and going through inspections.

**Val Christensen** clarified that the building inspector had been asked what the Cooks would have to do from a building standpoint.

**Steve Oakey** asked if the home was previously operated as a duplex, as the application seems to indicate.

**Spencer Cook** said to their knowledge, it had been a duplex in the past.

**Chairman Robinson** opened the public input portion of the hearing.

**In Favor:** None

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Chairman Robinson** closed the public input portion and asked for the staff evaluation and recommendations.

The site plan was viewed on the overhead screen.

**Val Christensen** reiterated that the zoning of the property is LDR2. The Comprehensive Plan land use map designation is Low-Moderate Density Residential. A duplex is allowed in the LDR2 zone with a CUP. The property is definitely big enough for a duplex. The two parcels need to be combined, and he has been informed that the applicant is going through the process. The City would hold occupancy until that issue has been completed.

The Public Works and Fire Departments did not have concerns about this CUP.

Two conditions were recommended in Mr. Christensen's staff report – the combining of the two subject parcels, and going through the building permit and inspection process to change the use of the home to a duplex.

**Bruce Sutherland** stated that after looking at the application as well as the history of what has been done, this request is a proper change in order to bring this property into compliance. It makes sense and fits with the area around it.

It was reiterated that the P&Z Commission has the authority to make the final decision on this Conditional Use Permit request for a duplex, per the Development Code. The request does not have to go on to City Council.

The Chairman suggested that in making motions for CUPs, that it be clearly stated that the Standard Conditions for a CUP as stated in the Development Code apply to the CUP, along with any other conditions that are stated.

**Bruce Sutherland** motioned to approve a Conditional Use Permit to allow a duplex in an existing home, for the property located at 471 West 1<sup>st</sup> North, to include the Standards Applicable to Conditional Use Permits, Section 6.12B from Development Code Ordinance No.1115, and to include two conditions:

1. The two subject parcels shall be combined.
2. The applicant shall pull a city building permit to change the use of the existing home to a duplex.

**Melanie Davenport** seconded the motion.

None opposed. **Motion carried.**

**Chairman Robinson** brought up one Heads Up item for discussion, as it was not yet the time for the scheduled second public hearing.

There is one discussion item scheduled for the next P&Z meeting on August 7<sup>th</sup>, but there are no other land use items scheduled. The Commission discussed if this meeting should be cancelled and if the discussion item of food trucks should be scheduled for the August 21<sup>st</sup> meeting. They decided to cancel the meeting. Steve Oakey, who requested the discussion on food trucks, will email some information on the issue to the P&Z Coordinator, who will send it out to the Commissioners.

2. 7:30 pm - Rezone – Approximately 99 Valley River Drive – Light Industrial (LI) to Mixed Use 2 (MU2)

**Johnny Watson**, JRW & Associates, 1152 Bond Ave, representing property owner CK Chan, presented the proposal. The property location was viewed on the overhead screen. He is assuming the current zoning of Light Industrial of the subject property was left over when the property was owned by Louisiana Pacific. The requested zone change to Mixed Use 2 would be the same zoning as the parcel directly south of the subject property.

It was clarified that the zoning to the east is Community Business Center.

Mr. Watson said the property owner feels a mixed use zone has more options and is more flexible for him in the future, rather than changing the property to a commercial zone.

**Chairman Robinson** stated that this same property went through a Comprehensive Plan map change a couple months ago, changing from Open Space to Neighborhood Commercial/Mixed Use. The request is bringing zoning into place that is allowed in this land use designation.

**Johnny Watson** said the majority of the parcel is committed to the Kmart facility. The owner has not voiced any plans of changing it from a retail space, so the parking stalls are still required for the use. The parking requirement would not change unless the use of the facility changed.

**Val Christensen** said there is the consideration of the parking lot, depending on what the uses are.

**Chairman Robinson** asked if any of the Commissioners wished to declare a direct or perceived conflict of interest.

No conflicts of interest were declared.

**Chairman Robinson** opened the public input portion of the hearing.

**In Favor:** None

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Chairman Robinson** closed the public input portion and asked for the staff evaluation and recommendations.

**Val Christensen** said the current zoning is Light Industrial. The Comprehensive Plan map land use designation was recently changed to Neighborhood Commercial/Mixed Use. The requested zone of Mixed Use 2 is allowed under that land use designation.

The Public Works staff review expressed concerns about the parking, utilities, the area being in the flood plain, and access. Mr. Christensen stated that at this point it is hard for the City to determine what would be required. If a big box came in, the parking may not be allowed to go away. All building issues would be reviewed at the time of the building permit process for whatever development may come here.

There may be a new flood plain map in the next few months if it is accepted by FEMA (Federal Emergency Management Agency). On the new map, the property would not be in the flood zone.

The **Chair** clarified that tonight the only decision to be made by the Commission is whether to change the zoning of the subject property from Light Industrial to Mixed Use 2.

**Cory Sorensen** motioned to recommend to City Council approval of a zone change from Light Industrial (LI) to Mixed Use 2 (MU2) for the property located at approximately 99 Valley River Drive. **Tisha Flora** seconded the motion.

None opposed. **Motion carried.**

**Unfinished/Old Business:** None

**New Business:**

1. Preliminary Plat – Tamana Fields South Phase One

**Chairman Robinson** asked Val Christensen to explain the plat process for the benefit of the newer Commissioners who are not familiar with the procedure, and to clarify the responsibility of the Commission.

**Val Christensen** began by explaining that a “short plat” has been added to the new Development Code Ordinance No 1115. It was put together so that small lot changes do not have to go through the regular plat process, which would involve 4 meetings (2 before the P&Z Commission and 2 before the City Council - for Preliminary and Final Plats).

A short plat is approved administratively and does not have to come before the P&Z Commission and the City Council. It is a stream-lined plat process. Per Development Code Chapter 12 Sub-Division Code, Section 2.5 Short Plat:

*”A Short Plat may be requested when all of the following conditions are met:*

- 1. The proposed subdivision does not exceed four (4) buildable lots*
- 2. No right-of-way dedication is necessary as required by City Codes and Ordinances*
- 3. Public improvements, street widening or infrastructure improvements have been approved by the City Engineer.*
- 4. No impacts on the health, safety or general welfare of the City of Rexburg*
- 5. The subdivision is in the best interest of the City of Rexburg.”*

Val Christensen stated that tonight this preliminary plat for Tamana Fields South Phase 1 is not a short plat. This plat is for 3 lots and would have fit as a short plat, but it has road right-of-way dedications that have to take place. It has to go through the regular preliminary plat process and eventually the final plat process.

It was clarified that plats do not have public hearings, but the Commission would make a recommendation to the City Council for the final decision.

A plat shows all the subject land’s issues including utilities, irrigation, storm water, all infrastructure, topography, streets, waterways, etc. He referred to plat requirements from the Development Code Sections 2.3 and 2.4 Chapter 12.

Mr. Christensen stated that a preliminary plat is reviewed by staff prior to the P&Z meeting. Applicants can also have a pre-application meeting with staff. All this is in order to expedite and not hold the applicant up, and for things to move forward as smoothly as possible. The City wants to simplify the process as much as possible.

Mr. Christensen would recommend that the Commissioners look at staff review comments on the preliminary plat, look at the plat itself, and the requirements.

It is the hope that the applicant comes away from tonight’s meeting to work toward the final plat, which would also come before the P&Z Commission and the City Council.

**Barry Whitson**, Keller Associates, 356 West Sunnyside, Idaho Falls, presented the preliminary plat. All staff review comments have been addressed. He brought an updated plat which was shown on the overhead screen.

This is a 3-lot subdivision. All utilities are indicated and shown.

He went through the staff comments, addressing each one at the Chairman’s request:

‘Phase 1’ has been added to the plat name.

Width of the access off of South Yellowstone has been addressed.

Lot 2 /Lot 3 easement is shown.

Access to Lot 1 is shown.

Storm drainage will be managed on site, lot by lot. Storm soil (a depression) will be used.

**Steve Oakey** asked if the Idaho Transportation Department was notified.

**Val Christensen** clarified that South Yellowstone is a city street and not a state highway. The Idaho Transportation Department would not need to be notified.

**Melanie Davenport** asked if any wetlands or waterways are involved.

**Barry Whitson** said there are not any wetlands or waterways.

It was noted that the ground is flat.

**Mark Rudd** commented that it seems this plat limits the development to 1-acre lots, rather than possibly fitting whatever business might come here.

**Chairman Robinson** said the land owner and developer have made that choice.

**Steve Oakey** asked if this plat would connect to the Springhill Suites Marriott property to the south.

**Val Christensen** explained that staff will look at those issues during the building site plan process.

The developer would at that time be required to have interconnectivity and access. It is already part of the agreement with Marriott.

It was reiterated that plats are not a public hearing, but the P&Z Commission would make a recommendation to the City Council for the final decision.

**Steve Oakey** motioned to recommend approval to City Council of the Preliminary Plat for Tamana Fields South Phase One located at South Yellowstone Highway and University Blvd. **Bruce Sutherland** seconded the motion.

None opposed. **Motion carried.**

**Compliance:** None

**Non controversial Items Added to the Agenda:** None

**Report on Projects:** None

**Tabled Requests:**

1. Comprehensive Plan Map Amendment –City of Rexburg – 3<sup>rd</sup> West Neighborhood – Moderate-High Density Residential to Low-Moderate Density Residential

**Building Permit Application Report:** None

The meeting was adjourned at 8:05 pm.