

# Planning & Zoning Minutes

August 6, 2015



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

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## Commissioners Attending:

Thaine Robinson – Chairman  
Jedd Walker  
Rory Kunz  
Steve Oakey  
Melanie Davenport  
Gil Shirley  
Tisha Flora  
Cory Sorensen

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Natalie Powell – Community Development Compliance Officer  
Mark Daniel – Community Development Intern  
Darrik Farmer –Permit Technician  
Elaine McFerrin - P&Z Coordinator

**Chairman Thaine Robinson** opened the meeting at 7:01 pm.  
Community Development Director Val Christensen was excused.

## Roll Call of Planning and Zoning Commissioners:

**Attending:** Steve Oakey, Rory Kunz, Gil Shirley, Thaine Robinson, Jedd Walker, and Melanie Davenport

Chuck Porter, Mark Rudd, and Bruce Sutherland were excused.  
Tisha Flora arrived at 7:03 pm.

## Minutes:

### 1. Planning and Zoning meeting – July 16, 2015

**Steve Oakey** motioned to approve the Planning & Zoning minutes of July 16, 2015. **Rory Kunz** seconded the motion.

Jedd Walker and Gil Shirley abstained for not having been present.

None opposed. **Motion carried.**

## Public Hearings:

1. 7:05 pm – Conditional Use Permit – 679 West Main- to allow an existing Daycare in a home in the Low Density Residential 2 (LDR2) zone.

**Chairman Robinson** explained that this hearing has been **Cancelled** by the City at the direction of the City Attorney.

He read from Development Code Ordinance No. 1115, Chapter 2 Definitions:

*Daycare Centers and Nursery Schools: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week. For up to five (5) children, see Section 4.10a Home Occupations. Six (6) to eleven (11) children are allowed by Conditional Use Permit in Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3) zones (see Section 4.10b). Greater than eleven (11) children are allowed in most higher density residential and commercial zones (see applicable Sections).*

The requestor's daycare has 31 children. The City is trying to solve the issue. If it does come forward again, interested citizens who are here tonight would be notified.

**Unfinished/Old Business:** None

**New Business:**

1. Minimum acreage requirements for Planned Unit Development (PUD) – Discussion

**Chairman Robinson** said that at the last meeting, the Commission discussed the acreage requirement for a PUD. The Commission had asked the staff to come back with a recommendation to this body, so that the Commission could further discuss the issue and possibly make a recommendation to City Council.

**Community Development Compliance Officer Natalie Powell** read the definition of a PUD from Development Code Ordinance No. 1115, Chapter 2 Definitions:

*Planned Unit Development (PUD): Residential, commercial and/or industrial use or combination thereof, planned for a tract of land to be developed as a unit under single ownership or control. A Planned Unit Development is created for the purpose of selling, leasing, or renting lots or estates, whether fronting on private or dedicated streets and may include two or more principal buildings as governed by the Development Code.*

A PUD gives a developer more rights than what the initial zoning allows because it takes away the specific setbacks. It can help to make better use of the land.

**Chairman Robinson** stated the Founders Square PUD is a good example – small lots, short setbacks, and a park.

**Natalie Powell** said staff has suggested to change the verbiage in the Development Code regarding minimum acreage for PUDs to 2 acres instead of the 3 acres that is currently the requirement, along with adding language to allow less than 2 acres on a case by case basis.

**Chairman Robinson** stated he does not like the idea of case by case. He would like something descriptive, so people know what the rules are and do not have to keep coming back to Planning and Zoning.

It was clarified that a City block is 10 acres in size.

Cory Sorensen arrived at 7:09 pm.

**Steve Oakey** asked what a PUD can accomplish that cannot be accomplished with existing zoning.

**Natalie Powell** explained that a PUD gives people more property rights and fewer restrictions. It is done under one ownership.

**Permit Technician Darrik Farmer** said a PUD allows a developer to shrink a project and densify an area, with a trade-off of providing green space. It gives the option to have more densification than the zoning standard would allow.

**Steve Oakey** cannot see the distinction of having a PUD. Why not allow a broad zoning ordinance that allows a person to make a development, a covenant neighborhood, without applying for a PUD – a voluntary transaction as opposed to coming before a governing body to make a request.

**Council Liaison Brad Wolfe** said a PUD allows for separate ownership, and setbacks can be shortened. A PUD helps to simplify the process.

**Cory Sorensen** said he developed a PUD in the County, which allows for smaller than 2 acre lots. It helps create an environment and allows for clustered development. If developers are incentivized to develop within a certain area, that entices them to do more on their property. It pushes people to build smarter, better planned projects.

**Steve Oakey** said he was against a PUD. The City should change the zoning to make the process simpler.

**Cory Sorensen** said there has to be zoning. Regarding PUDs, there should be different verbiage that does not specify acreage. Possibly look at the number of units.

**Rory Kunz** said he hears the different arguments – the need to simplify the process and the need to have zoning and the need to have the PUD. Can it be condensed in a way that falls within the rules and the zoning?

**Melanie Davenport** thought the PUD was created in part so the developer could be more creative but would still need to conform to the zone it is in.

**Chairman Robinson** said the question is: what should be the minimum acreage in a PUD?

**Jedd Walker** said the PUD is needed based on the rigidity of the current zoning. As far as the size, if open space is going to be increased, that is one of the primary purposes of a PUD. There has to be a critical mass.

**Chairman Robinson** agreed with Mr. Walker. He suggested that open space and what it encompasses should be discussed more fully at a later date.

**Natalie Powell** said the City Council would want a recommendation from the Commission on the PUD size if the Commission is ready to give one.

**Steve Oakey** asked to eventually make this a bigger conversation about reducing some of the other complex zoning rules.

He stated there should not be acreage associated with the PUD; everyone should have the same freedom to develop their property.

**Jedd Walker** thought that a little research would need to be done to figure out what the impacts might be if there is no minimum, etc., before moving forward with a recommendation to City Council on the PUD requirements.

**Melanie Davenport** agreed. Staff has a lot of resources they can contact for information.

**Natalie Powell** suggested the Commissioners could also do some research and bring it to staff.

**Steve Oakey** asked Councilman Wolfe to take the spirit of this conversation to the other City Council members.

**Council Liaison Wolfe** stated he is glad that everyone is not willing to move forward on something they are not sure about and that they want to research the issue further.

**Cory Sorensen** said over the past few years that he has served on the Commission, although there is more work to be done, Rexburg has cleaned up their zoning code rules a lot and made the process a lot simpler.

**Chairman Robinson** stated that the issue of PUD size requirements would be scheduled on the September 17<sup>th</sup>, 2015 P&Z Commission meeting agenda for further discussion, in order to allow staff and P&Z Commissioners time to do some research.

**Compliance:**

1. Mountain America Credit Union – at North 2<sup>nd</sup> East and Main

**Natalie Powell** explained that a design review meeting was held several months ago for this project. One of the conclusions of that meeting was that there would be a pedestrian friendly entranceway.

From October 6, 2014 Design Review Committee meeting minutes:

*There was consensus of the Design Review Committee that at the northwest corner of the building, the applicant shall turn the area visually inward to the entry with a paver or concrete area, in order to have a larger pedestrian area so that the eye focuses to the entry. This would make the development more pedestrian-priority and friendly.*

**Chairman Robinson** said the landscaping on the project is superb, but the developer put in a tiny sidewalk, which was not what the Design Review Committee had in mind. Mr. Wolfe, Mrs. Powell and the Chairman met with the developer at the beginning of this week. The developers are going to change the entrance to have it look a lot better, so that the entrance draws people in as was requested by the City.

**Council Liaison Wolfe** said the code says that buildings in the downtown area shall be pedestrian friendly. That is very broad, yet there is a vision of what the City wants. There has to be some kind of guidelines.

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

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

August 20, 2015 P&Z meeting:

1. Conditional Use Permit – 326 West 3<sup>rd</sup> South - to allow dormitory housing in an existing home's downstairs apartment in the Medium Density Residential 1(MDR1) zone.

Chairman Robinson adjourned the meeting at 7:58 pm.