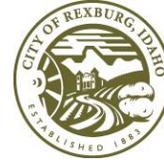


Planning & Zoning Minutes

October 1, 2015



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Thaine Robinson – Chairman
Tisha Flora Rory Kunz
W.C. Porter Steve Oakey
Melanie Davenport Bruce Sutherland

City Staff and Others:

Brad Wolfe- City Council Liaison
Stephen Zollinger – City Attorney
Val Christensen- Community Development Director
Kelvin Giles – Technical Coordination Services Director
Mat Yang – Technical Coordination Services
Elaine McFerrin – P&Z Coordinator

Chairman Thaine Robinson opened the meeting at 7:02 pm. He welcomed everyone, including students who were here to observe the meeting process.

Presentation:

1. Recognition of Service for P&Z Commissioner Chuck Porter

City Attorney Stephen Zollinger presented a beautiful plaque to Chuck Porter in recognition of his three years of service to the City as a P&Z Commissioner. The Mayor was unable to be here tonight to make the presentation. On behalf of the Mayor and the City, Mr. Zollinger thanked Chuck Porter for his dedication to the Commission and for the time he has given to the City. It is very much appreciated.

Chuck Porter thanked everyone. He has enjoyed being on the Commission and getting to know everyone; it is always the best part of serving.

Chairman Robinson thanked Chuck Porter. The Commission appreciates and values his effort in helping to make Rexburg a better place.

Roll Call of Planning and Zoning Commissioners:

Attending: Steve Oakey, Rory Kunz, Bruce Sutherland, Thaine Robinson, Tisha Flora, and Melanie Davenport.

Mark Rudd, Gil Shirley, and Jedd Walker were excused.

Cory Sorensen was absent.

Chuck Porter was present for the recognition of his P&Z Commission service but did not attend the meeting.

Minutes:

1. Planning and Zoning meeting – September 17, 2015

Steve Oakey motioned to approve the Planning & Zoning minutes of September 17, 2015. **Rory Kunz** seconded the motion.

None opposed. **Motion carried.**

Public Hearings: None

Unfinished/Old Business:

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

Chairman Robinson stated the Commissioners as well as staff were given the assignment to research Planned Unit Developments in other cities to help with furthering this discussion. The City of Rexburg minimum area requirement for a PUD is three acres (for residential development). The intent is looking at the possibility of lowering or raising that requirement, eliminating it, or leaving it the same.

This would be a change to the ordinance.

Community Development Director Val Christensen stated there were hundreds of PUD regulations to examine. His research document was displayed on the overhead screen. The vast majority of PUD ordinances that he looked at did not have minimum area requirements.

The best definition of a PUD in his opinion was the ARCGIS Definition:

A Planned Unit Development (PUD) is a large-scale development in which conventional zoning standards (such as setbacks and height limits) are relaxed in order to conserve sensitive areas, promote the creation of public amenities such as parks and plazas, and encourage the mixing of different land uses.

Oakland, California did have a minimum area of 60 thousand square feet, which is a little over an acre.

From Maplewood Minnesota:

The Planned Unit development would produce a development of equal or superior quality to that which would result from strict adherence to the provisions of the chapter... The deviations are required for reasonable and practicable physical development and are not required solely for financial reasons.

PUDs let a developer think outside the box.

Val Christensen quoted the PUD purpose from the PUD section of the City's Development Code Ordinance No. 1115:

4.15 Planned Unit Development (PUD)

- a. **Purpose.** It is the purpose of this section to allow residential planned unit developments in several residential zones to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and natural resources and minimize development costs. The planned unit development approach, however, is not intended to allow uses on land within a planned unit development other than uses permitted within the zone that is applicable to the land, unless otherwise stated in this ordinance.

His personal conclusion is that they should not worry about a minimum size. It should be as per the project, and if the project meets the intent. It should stand alone. Look at each proposal for its own merits (case by case).

Chairman Robinson said in his research, of the places that had a PUD minimum area requirement, their codes backed it up by saying they wanted to preserve, create, or enhance open space. If there is no minimum, open space could disappear.

Tisha Flora felt the developer should have to do extra (points) and make the development beautiful and not leave Rexburg with something that is ugly. The American Planning Association says a PUD

should be a large integrated development. It should give the City something back and be mindful of aesthetics.

A PUD gives the developer the ability to look at other possibilities within the rules.

Bruce Sutherland said a PUD cannot be specifically done for just financial viability reasons. There has to be an enhancement and not a digression. He agrees with Mr. Christensen on a minimum land area not being necessary. Look at each PUD on its merits and accept them or not accept them.

Chairman Robinson clarified that any PUD would have to come before the P&Z Commission and the City Council.

Rory Kunz stated the approach is to preserve the land and open space. It also would be to minimize development cost. A PUD allows flexibility even with no minimum size requirement. It would be looked at to determine whether it fits in the zoning.

Val Christensen said that other staff felt there could be a reduction. After doing research, he feels size is not an issue. He is speaking for himself and not for staff.

He said a main reason for doing a PUD is so there can be clustering. One example is the Founders Square PUD, where setbacks were relaxed. The density did not change. The houses were clustered around a park that was created.

Melanie Davenport said in her research, one jurisdiction thought the idea of PUDs was too hodge-podge. The other jurisdiction, in the Denver area, felt a PUD is intended “to respond to unique or extraordinary circumstances, so that multiple variances, waivers, and conditions can be avoided.” She believes one cannot take the human factor out of the code. The wording has to be carefully chosen and not so general and broad. A master plan context guide is a very good idea. It should include something that puts it all in context.

Val Christensen said the clustering in a PUD usually brings a larger open space.

Rory Kunz expressed that Planning & Zoning laws are what regulate. Look at a PUD and see how it fits within those laws. He does not know if the size of the lot matters.

Chairman Robinson said he likes the idea of looking at each PUD on its own merit. If the size requirement is eliminated, there should be certain wording that protects the City and the residents living around the PUD.

Steve Oakey stated it is important to allow developers to have a sense of what the market needs are, and that there needs to be a variety of commercial and industrial and residential usage. That does not just service upper and middle income people; it also services lower income people. He gave the example of shipping container homes. We are leaving out the concept of choice and variety. Let developers sell their projects in an open and free market.

Tisha Flora felt this is already available through the City’s zoning. A PUD is just an extra thing that someone has the right to apply for.

Val Christensen clarified that at this time the City does not have the flexibility within their rules to allow a shipping container home. It has not been researched.

Chairman Robinson stated that the issue at hand is shall we eliminate or change the 3 acre area requirement for PUDs that is currently stated in the Rexburg Development Code ordinance.

Tisha Flora said the Idaho Falls area requirement for a PUD is 2 acres. Other cities she researched require larger acreage.

Steve Oakey said there are other acreages required for commercial and industrial PUDs in the City's code. Val Christensen said we are looking at just the residential at this time.

Chairman Robinson does not mind eliminating the size requirement, but he would want protective language, as would Melanie Davenport.

Stephen Zollinger said if the PUD area requirement is eliminated or reduced, the protective language is already in the Development Code.

Bruce Sutherland motioned to recommend to City Council to strike the 3-acre minimum area requirement for PUDs (Planned Unit Development) and to leave the current protective language the same in the PUD section of the Rexburg Development Code Ordinance. **Rory Kunz** seconded the motion.

None opposed. **Motion carried.**

New Business: None

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

October 15, 2015 P&Z meeting:

1. **Conditional Use Permit**– approximately 251 West 2nd North – to allow a precast building to house fiber optic equipment for high speed internet and video; the property is in the Low Density Residential 2 (LDR2) zone.
2. **Rexburg Urban Renewal Agency Plan for the North Interchange Urban Renewal Project - Review and Finding of Compliance with the City's Comprehensive Plan.**

The meeting was adjourned at 8:12 pm.