

Planning & Zoning Minutes

October 15, 2015



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
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Commissioners Attending:

Thaine Robinson – Chairman
Mark Rudd Steve Oakey
Jedd Walker Melanie Davenport
Gil Shirley

City Staff and Others:

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

Chairman Thaine Robinson opened the meeting at 7:00 pm.

Roll Call of Planning and Zoning Commissioners:

Attending: Melanie Davenport, Gil Shirley, Jedd Walker, Thaine Robinson, Mark Rudd, and Steve Oakey.

Tisha Flora, Rory Kunz, and Bruce Sutherland were excused.
Cory Sorensen was absent.

Minutes:

1. Planning and Zoning meeting – October 1, 2015

Melanie Davenport motioned to approve the Planning & Zoning minutes of October 1, 2015 as amended for clarification. **Steve Oakey** seconded the motion.

Jedd Walker, Gil Shirley, and Mark Rudd abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Conditional Use Permit – approximately 251 W. 2nd N. – 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.

The public hearing process was explained by the Chairman.

The P&Z Commission is a recommending body and will make a recommendation to the City Council on this Conditional Use Permit request.

The Chairman asked if any of the Commissioners had a conflict of interest or perceived conflict of interest regarding this request. No one came forward.

Maury Lee, Cable One system manager, 204 West Alameda, Pocatello. Brett Young of Cable One in Idaho Falls who submitted much of the information to the City for this request could not be here tonight. Mr. Lee presented the proposal to allow a precast building at the subject location to house fiber optic equipment of a larger capacity to help serve all of Rexburg's customers with larger gig service. There is industrial land to the east and residential to the west and north.

The property was pointed out on the overhead screen.
It was clarified that there currently is no equipment on the property.

Chairman Robinson asked the size of the prefabricated building.
The building will be 12 feet by 18 feet with an exposed aggregate exterior finish.

Setback rules of the zoning would apply regarding building location on the property.

Chairman Robinson read the Public Works staff review comments:

1. *The sewer line to the existing or previously occupied residence needs to be capped.*
2. *Water for yard maintenance can be obtained from the existing water meter.*
3. *Where this facility is adjacent to a residential area the yard should be landscaped and maintained.*
4. *A landscaping buffer should be placed on the west side of this installation.*

The applicant did not have a problem with #1. The Chair said the other three comments would be addressed later in the meeting, partly through letters that were received from Rocky Mountain Power.

Steve Oakey asked what area the chain link fence with PVC slats would encompass.
Maury Lee said the fence would be around the building. The rest of the property could be in gravel.

Chairman Robinson opened the public input portion of the hearing.

In Favor: None

Neutral:

Scott Banta, 259 West 2nd North, which is 2 houses away from the subject property. One concern is with how the cables are to come into the building. Will they be underground? Will they encumber lots or easements around the subject property or overhead? His other concern is if pricing of service will be affected. He feels this is a good opportunity to bring the services to the area.

Opposed: None

Written Input: None

Rebuttal:

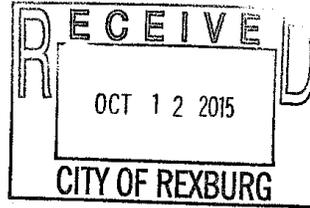
Maury Lee said Cable One will use whatever is existing to feed the lot. It may be underground and/or on a pole. In terms of cost to existing service there would be no change, but cost may be affected in the future regarding gig service. Cable One would need to do this upgrade no matter where the building would be located because of service that is needed in Rexburg.

Chairman Robinson for the record read two letters from Rocky Mountain Power written by Claudia Conder addressing the possible interference with PacifiCorp's (the property owner) electrical equipment and the landscape buffer recommendation by City staff:



1407 West North Temple
Salt Lake City, Utah 84116

October 9, 2015



City of Rexburg
Community Development Department
35 North 1st East
Rexburg, ID 83440

RE: Cable One, Inc. installation on PacifiCorp property at 251 W. 200 N. Rexburg

Dear Sirs,

PacifiCorp has entered into a lease agreement with Cable One Inc., for their placement of a precast building to house fiber optic equipment on PacifiCorp property. PacifiCorp, in entering into the lease agreement, worked with Cable One to ensure that the location of the building, fences, access and other necessary appurtenances do not interfere with PacifiCorp's electrical equipment. This includes the overhead power lines and the underground grid system which is part of the substation operation.

PacifiCorp has accepted their plans based on this careful review and cooperation with Cable One representatives.

Cordially,

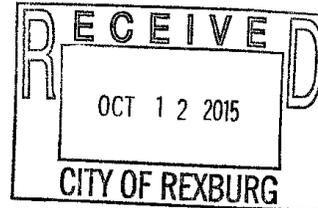

Claudia Conder
Sr. Property Agent



1407 West North Temple
Salt Lake City, Utah 84116

October 9, 2015

City of Rexburg
Community Development Department
35 North 1st East
Rexburg, ID 83440



RE: Cable One, Inc. installation on PacifiCorp property at 251 W. 200 N. Rexburg- landscape buffer recommendation by Planning and Zoning

Dear Sirs,

PacifiCorp has entered into a lease agreement with Cable One Inc., for their placement of a precast building to house fiber optic equipment on PacifiCorp property. The lease agreement does not include provisions for landscaping that requires water use.

PacifiCorp is not in favor of vegetation that requires water use as it becomes an additional burden to both PacifiCorp and to Cable One. If the city's purpose is to block the view of the structure, PacifiCorp would ask that Cable One install PVC slats in the chain link fence.

Cordially,

Claudia Conder
Sr. Property Agent

Chairman Robinson closed the public input portion of the hearing and asked for the staff report.

Community Development Director Val Christensen stated this requested use of a utility building requires a Conditional Use Permit (CUP) because the property is in the Low Density Residential 2(LDR2) zone. It has to be determined whether this request will fit in with residential. His staff report reflects that. Public Works comments were read by the Chairman. Mr. Christensen stated Community Development Compliance Officer Natalie Powell did a planning review of the request, and her recommendation would be for some buffering.

Mr. Christensen clarified for the applicant that the setbacks go with the zone. There will be a 20 foot front yard setback that must be adhered to. There are 6 foot side yard and 20 foot rear yard setbacks.

Staff's recommendation to the P&Z Commission is that the Commission should deliberate on what conditions would be necessary to make the project fit better into the residential neighborhood.

Chairman Robinson clarified that the Commission's duty tonight is to discuss and decide whether to allow a precast building in an LDR2 area.

Melanie Davenport referred to the Rexburg Development Code, Chapter 11 on cell towers and the June 19, 2014 P&Z minutes regarding a request for a CUP for a cell tower. One of the conditions for that proposal was that the site should be "as clean and unobtrusive as possible".

Chairman Robinson said if this was in an industrial area he would not be concerned, but this is a residential area. He would be in favor of a fairly high fence at least on the west and the north.

Steve Oakey said this is already an industrial area. A chain link fence with PVC slats would be satisfactory. He would not be in favor of requesting the additional expense of vegetation.

Melanie Davenport felt the structure would need to conform and integrate into the neighborhood and be as unobtrusive as possible.

Chairman Robinson stated even if the zone was changed, the applicant still would be required to have some type of buffering.

Mark Rudd said the structure is not a bad looking building. Putting a fence all the way around it may make it look worse.

Steve Oakey said Mr. Lee stated earlier that Cable One intends to put the chain link fence with PVC slats around the building only, not around the whole property; the rest of the property would be in some form of gravel and would be maintained weed free.

Gil Shirley stated he is fine with a chain link fence with PVC slats just around the building.

Jedd Walker asked how far back the fence would need to be before it could be 6 feet tall. **Val Christensen** said the fence would need to be 15 feet back before it could be full height.

Maury Lee clarified that what would be outside the fence if they just fenced around the building could be gravel on the rest of the property.

Jedd Walker stated as long as this proposal meets what is in the current code as far as setbacks and the fence ordinance, putting slats in the fence is probably an adequate buffer. The building is basically a shed. The rest of the lot would need to be maintained weed free so the property is not unsightly.

Steve Oakey motioned to recommend to City Council approval to allow a Conditional Use Permit for a precast building to house fiber optic equipment on the property at approximately 251 West 2nd North, to include 4 proposed conditions. **Gil Shirley** seconded the motion. (Steve Oakey amended his motion to include proposed conditions #3 and #4. Gil Shirley seconded the amended motion.)

1. There shall be a chain link privacy fence with PVC slats around the precast building (as suggested in the Rocky Mountain Power letter read in this meeting).
2. The rest of the property shall be in gravel and maintained weed free.
3. The sewer line to the existing or previously occupied residence that was on the subject lot shall be capped.
4. The subject privacy fence shall be a minimum of six feet in height.

Those in Favor:

Steve Oakey
Mark Rudd
Thaine Robinson
Jedd Walker
Gil Shirley

Those Opposed:

Melanie Davenport

Motion carried.

The Standards Applicable to Conditional Use Permits, Section 6.12B from Rexburg Development Code Ordinance No. 1115 apply to all conditional use permits.

Unfinished/Old Business: None

New Business:

1. Rexburg Urban Renewal Agency Plan for the North Interchange Urban Renewal Project - Review and Finding of Compliance with the City's Comprehensive Plan

The P&Z Commission is being asked to determine if this project conforms to the City's Comprehensive Plan.

Richard Horner, 3848 South 4413 West, representing the Rexburg Redevelopment Agency. The Urban Renewal Agency was created for two main reasons – to eliminate blight and to put wheels in motion creating a district to help.

The way that the urban renewal district works is any new taxes (property tax) that come from construction in the area would go to help pay off the roads as a new business comes in.

Chairman Robinson clarified that as new businesses come in they will help fund the roads with their taxes.

Sidewalk will come in as development happens.

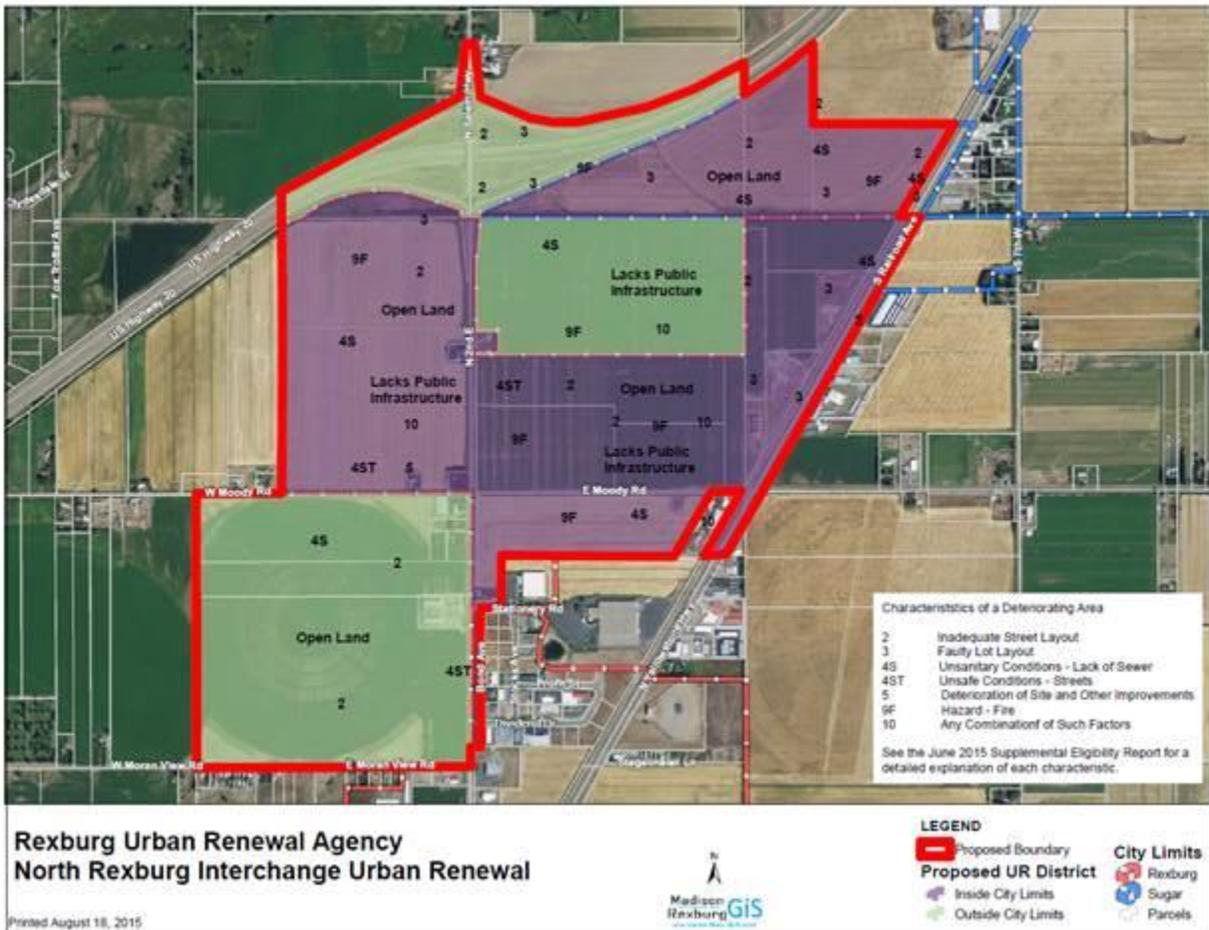
Richard Horner stated the purpose tonight would be for the Commission to find that this Urban Renewal Plan conforms to the Rexburg Comprehensive Plan for development to occur in the specified area.

The City Council will hold a public hearing on November 4th regarding this urban renewal plan. The plan would go into effect for twenty years.

The Comprehensive Plan map was viewed.

Melanie Davenport recommended to City Council that the City Council adopt the **Resolution of the Rexburg Planning and Zoning Commission Relating to the Urban Renewal Plan for the North Interchange Urban Renewal Project for the City of Rexburg**, which the P&Z Commission agrees is in compliance with the Rexburg Comprehensive Plan. **Jedd Walker** seconded the motion.

None opposed. **Motion carried.**



**RESOLUTION OF THE REXBURG PLANNING AND ZONING COMMISSION
RELATING TO THE URBAN RENEWAL PLAN FOR THE NORTH INTERCHANGE
URBAN RENEWAL PROJECT FOR THE CITY OF REXBURG**

WHEREAS, the Rexburg Redevelopment Agency (hereinafter "Agency"), has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the North Interchange Urban Renewal Project" (the "Plan") to the city of Rexburg, and the City Council, through the Mayor, referred the Plan to the Rexburg Planning and Zoning Commission for review and recommendations concerning the conformity of said Plan with the Comprehensive Plan known as the City of Rexburg Vision 2020 Comprehensive Plan; and

WHEREAS, the staff of the Rexburg Planning and Zoning Commission has reviewed said Plan and has determined that it is in all respects in conformity with the Comprehensive Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission met on October 15, 2015, to consider the Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission has reviewed said Plan in view of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF REXBURG, IDAHO:

Section 1. That the Plan, submitted by the Rexburg Redevelopment Agency and referred to this Commission by the City Council for review, is in all respects in conformity with the Comprehensive Plan.

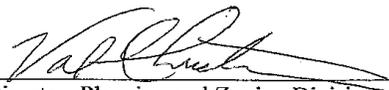
Section 2. That the Director of the Planning and Zoning Division by and hereby is authorized and directed to provide the Rexburg City Council with a certified copy of this Resolution relating to said Plan.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Rexburg, Idaho, this 15th day of October 2015.



Chairman, Planning and Zoning Commission
Thaine Robinson



Director, Planning and Zoning Division

Steve Oakey requested to have on a future agenda an item for discussion regarding consideration of broadening the variety or scope of building materials, size of residences, etc., including shipping container homes and mini homes.

Chairman Robinson asked that this subject (Alternative Housing Design Standards) be put on the agenda as a discussion item for the next P&Z meeting that is held.

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

November 5, 2015 P&Z meeting – No agenda items

Jedd Walker motioned that the November 5, 2015 P&Z meeting shall be cancelled. **Mark Rudd** seconded the motion.

None opposed. **Motion carried.**

The meeting was adjourned at 8:09 pm.