

# Planning & Zoning Minutes

March 3, 2016



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

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

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## Commissioners Attending:

Jedd Walker – Chairman  
Mark Rudd                      Melanie Davenport  
Gil Shirley                      Richard Smith  
Bruce Sutherland              Heidi Christensen  
John Bowen

## City Staff and Others:

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

**Chairman Jedd Walker** opened the meeting at 7:00 pm.

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

**Attending:** Richard Smith, John Bowen, Mark Rudd, Jedd Walker, Gil Shirley, Bruce Sutherland, Heidi Christensen, and Melanie Davenport

Steve Oakey, Greg Blacker, and Rory Kunz were excused.

## **Minutes:**

1. Planning and Zoning meeting – February 18, 2016

**Melanie Davenport** motioned to approve the Planning & Zoning minutes of February 18, 2016.

**Mark Rudd** seconded the motion.

Heidi Christensen and Bruce Sutherland abstained for having not been present.

None opposed. **Motion carried.**

**Public Hearings:** None

**Unfinished/Old Business:** None

## **New Business:**

1. Discuss modifications to Summerfield PUD (Planned Unit Development) Master Plan  
**Community Development Director Val Christensen** explained the issue. Troy Kartchner is the developer of Summerfield, an existing PUD. The location of the PUD is approximately 12<sup>th</sup> West and 1000 South. Mr. Kartchner would like to develop the part of the PUD that is west of the LDS Church. There are 2 zones on the land that is to be platted – Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3). Technically, the lots may not fit because some of the lots may be smaller or larger than the zone would usually allow. However, a PUD allows flexibility for the developer to plan such variation. The density still stays. Overall, the density of this PUD is under what it could be.

A PUD allows creativeness – a park, larger setbacks along the road, green space with really nice landscaping, clustering, etc.

Tonight, the Commission will discuss the PUD Master Plan amendment for Summerfield, before a public hearing will be held on the issue. It is a required review before the applicant can proceed with plans for the next part of the Summerfield PUD. The plans for this part of the PUD were not included in the original Master Plan.

The public hearing is scheduled for the April 7, 2016 P&Z meeting. The P&Z Commission will make a recommendation to the City Council.

**Mr. Christensen** quoted from the Development Code Ordinance No.1115, Section 4.15 Planned Unit Development (PUD), c. Pre Application Conference:

*“Prior to filing an application for a planned unit development, the applicant shall review the preliminary master plan with the Planning and Zoning Commission and one person from the City Council, or the Mayor, or a designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.”*

**City Council Member Brad Wolfe** represents the City Council for this issue tonight. He usually attends the P&Z meetings as the Council Liaison, but on this particular issue, he is a part of what is required for this review. This discussion before the Commission will count as the pre-application conference for the Summerfield PUD Master Plan Amendment review, in order for the applicant to proceed with the next phase of the development.

**Chairman Walker** clarified for the Commission that this review of the Summerfield PUD Master Plan amendment is required by the City’s Development Code Ordinance. It is not a public hearing. It is the time to ask questions and understand what is being proposed.

The original Summerfield PUD Master Plan and the Master Plan Amendment were shown on the overhead screen, with clarification of the subject property that is to be developed.

**Troy Kartchner** , 601 West 1700 South, Logan, Utah. He is coming to the City at this time because they have developed as far as possible going north. With the sewer depths, they can go no further to the north until a lift station is put in. So they have decided to extend the road south of the LDS Church to part of the existing PUD development; the road will be improved, widened, and extended to come over and connect to 2275 West. This is good for everyone, including fire and emergency vehicles. They can then begin building again, as the sewer is deep enough. They will stub for water and sewer in both directions.

The subject parcel remaining for development is west of the church. The land is part of the PUD, but it has never been platted. They are just planning that now. They feel that the best use is to make some larger lots. Further west, there will be smaller lots, and then bigger lots again further out.

When development began of the homes in Summerfield, the City and everyone who purchased homes was told by the developer that once they hit 100 homes, the developer would put in the main clubhouse, playground equipment, a park, and other amenities. They are at about 80 homes. With the current phase, the number of homes will be well over 100. They made promises and will fulfill their promises. They are not sure yet of where the lift station will be.

They were told by the City that, because they are amending the original PUD Master Plan, they need to go through the process again of a public hearing held before the Commission and then on to City Council for final approval.

Mr. Kartchner lives in Logan, Utah and has offices here in Rexburg; their building company has been here since 1999. He feels a part of this community. They have enjoyed working with the City and will continue to strive to make the development as nice as possible for the community.

It was clarified that Kartchner Homes will develop as much as they can without the lift station, and then will add it. They are not building any basements in any of the homes.

**Troy Kartchner** said there would be approximately 600 homes when the PUD is built out.

**John Bowen** stated that Kartchner Homes does first class building. They have done a wonderful job. When they commit to something, they get it done.

There were no concerns expressed by the Commissioners or by City Council Member Brad Wolfe. **Chairman Walker** indicated that this presentation is more of a formality. The PUD is in place – this solidifies the final piece.

The Commission thanked Troy Kartchner and look forward to seeing him at the April 7<sup>th</sup> P&Z meeting for the public hearing on this PUD Amendment request.

## 2. P&Z Commission Training

City Attorney Stephen Zollinger was not able to attend the meeting tonight. Commissioner training on policies and procedures will be covered at another meeting.

**Chairman Walker** explained that Roberts Rules of Order is what the Commission tries to follow for their P&Z meetings, so that there is order to the meeting. He asked the Commissioners to review the abbreviated guideline booklet on parliamentary procedure that was given to them tonight. Chairman Walker added in regard to public hearings, that once a hearing has been advertised in the newspaper, the Commissioners should not be discussing it with each other; this also applies if the Commissioners are approached by people from the community. Encourage them to come to the hearing. The public hearing is the time to find out more about the issue.

Tonight **Val Christensen** wished to cover briefly some information from the Development Code Ordinance No. 1115, which is the zoning ordinance of the City of Rexburg. He encouraged the Commissioners to make themselves familiar with the document.

Val Christensen reviewed Section 6.4 of the Development Code, Administrative Procedures, Duties of the Planning and Zoning Commission:

- a. *Review all proposed amendments to this Ordinance and make recommendations to the Council. Initiate proposed amendments to this Ordinance.*
- b. *Conduct a comprehensive planning process designed to prepare, implement, review and update a Comprehensive Plan. Conduct a biannual review of this Ordinance and its implementation of the Comprehensive Plan.*
- c. *Grant conditional use permits as specified in this Ordinance and make recommendations to the Council on those conditional use permits for which the Council has final decision making powers.*
- d. *Grant variances as authorized by this Ordinance and Idaho statutes.*
- e. *Complete site plan and design standard reviews as provided for in this Ordinance.*
- f. *The commission is authorized by the City of Rexburg and Madison County to administer and enforce all rules and regulations pertaining to the area of the city impact for the City of Rexburg as provided in Chapter 10 hereof.*

Mr. Christensen explained that the City has created a committee called the Zoning Task Force. He will eventually present Development Code changes that the Task Force is working on to the P&Z Commission, who will make a recommendation on the changes to the City Council.

The Comprehensive Plan map has been looked at several times when there are application requests to change it; the time is approaching for the City to look at and update the Comprehensive Plan document.

Regarding Conditional Use Permits (CUP), the City Council makes the final decision on most CUP requests, except for the following list from the Development Code that states what the Commission can approve.

Section 6.12f.

- a. *Authority of Commission to Review Conditional Use Permits. The Planning and Zoning Commission may, without approval of the Council, grant the following conditional use permits:*
  - i. *Permits for parks.*
  - ii. *Permits for nursery schools, day care centers.*
  - iii. *Permits for churches, synagogues, and temples.*
  - iv. *Permits for funeral and crematory services.*
  - v. *Permits for boarding houses.*
  - vi. *Permits for home occupations under Section 4.10 B.*
  - vii. *Permits for developments with four or less dwelling units.*
  - viii. *Permits for government buildings.*
  - ix. *Permits for household goods warehousing and storage.*
  - x. *Permits for reduced parking space size in parking structures.*

*All other conditional use permits may only be granted after review and recommendation by the Commission and approval by the City Council.*

Mr. Christensen explained that Variance requests are not frequent, because all four conditions stated in the Development Code must be met.

Section 6.11 Variances:

- a. *Required Findings. To approve a variance, the Commission must find, in writing, that the application for a variance fulfills all of the following conditions:*
  - i. *The need for a variance results from physical limitations of the lot upon which the variance is requested which are not generally applicable to other properties in the same zone;*
  - ii. *Failure to approve a variance will result in undue hardship;*
  - iii. *The alleged hardship has not been created by the action of the applicant or the property owner; and*
  - iv. *Approval of the variance is not in conflict with public interest*

Design standards are spelled out prescriptively for each zone and are reviewed along with the site plan during the building permit review process of a project.

Additionally, the City's Design Review Committee may meet on a project. This committee is composed of a P&Z Commissioner, a City Council member or the Mayor, and a professional from the community. The Committee may meet if there is a development issue that is non-conforming or differs from the Design Standards requirements that are stated in the Development Code. Its

purpose in meeting is usually to reach an amicable compromise for the applicant and the community.

Findings of Fact - a summarization of the application process and of meetings that have been held, including the motions made at the P&Z meeting and the City Council meeting.

It was clarified that a new building project is reviewed by multiple City departments during the building permit process and can include width of sidewalks, safety issues including pedestrian safety, traffic concerns, etc.

Bruce Sutherland said at the time of a rezone request, the Commission should not be considering what is going to be done development-wise, but only consider if the rezoning request fits. Val Christensen said to keep in mind about what the Commissioners are giving or what may be possible when a zone change is granted.

More time will be devoted to giving Commissioner training at a future meeting.

The Madison County Transportation Plan completed by Horrocks Engineering will be emailed to the Commission for their information.

It was clarified that any information that the City has for items that are scheduled on the agenda, including applications and staff reviews, are in the information binders that are delivered to the Commissioners usually about a week before a scheduled meeting.

**Compliance:** None

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

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

March 17, 2016: 2 Public Hearings

1. Conditional Use Permit – 129 South 2<sup>nd</sup> East, and 204, 216, and 230 East 1<sup>st</sup> South - to allow 100 % residential and zero percent commercial in a Mixed Use 2 zone.
2. Ordinance Amendment – Hemming PRO Zone (Project Redevelopment Option) Ordinance No. 1006, including modifications to the Development Code parking regulations and building heights

April 7, 2016:

1. Summerfield PUD (Planned Unit Development) Master Plan Amendment – Approximately 12<sup>th</sup> West and 1000 South

Chairman Walker adjourned the meeting at 8:15 pm.