

Planning & Zoning Minutes

January 21, 2010

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CITY OF
REXBURG
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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Nephi Allen
Richie Webb Gil Shirley
Dan Hanna Jedd Walker

City Staff and Others:

Adam Stout – City Councilman
Val Christensen – Community Development
 Director
Natalie Powell – Compliance Officer
Jake Rasmussen – Community Development
 Intern
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:04 pm. He welcomed everyone.

Welcome:

Jedd Walker, new Planning & Zoning Commissioner

Chairman Dyer welcomed newly appointed P&Z Commissioner **Jedd Walker**. He asked **Mr. Walker** to tell the Commission a little about himself and his background.

Jedd Walker stated he is a licensed architect. He is a graduate of the University of Utah. He started an Idaho Falls field office for a Salt Lake architectural firm in 2001 – Cooper Roberts Simonsen Associates, which is currently handling the Madison Library building project. In 2004 he came to BYU-Idaho and is the campus architect. He is originally from Provo and lives in the Hidden Valley area of Rexburg with his wife and four children.

Chairman Dyer said the Commission welcomes him and looks forward to his input on Commission decisions and responsibilities.

Roll Call of Planning and Zoning Commissioners:

Gil Shirley, Nephi Allen, Thaine Robinson, Winston Dyer, Dan Hanna, Richie Webb, Jedd Walker

Ted Hill, Mary Ann Mounts, and Josh Garner were excused.

Minutes:

1. Planning and Zoning meeting - December 17, 2010

Dan Hanna motioned to approve the Planning & Zoning minutes of December 17, 2009.
Thaine Robinson seconded the motion.

Gil Shirley, Nephi Allen, Richie Webb, and Jedd Walker abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings: None

Non controversial Items Added to the Agenda:

Chairman Dyer requested an update regarding the status of the cell phone tower bid proposals submitted to Brigham Young University – Idaho (BYU-I) .

Phil Packer, representing BYU-I, said he appreciated the opportunity to report on this issue. The University received two bid proposals – one from AT&T and one from T-Mobile. The President’s Executive Group has considered both bids. There were things about both that were not particularly advantageous, so the University’s purchasing department has been called in to contact the bidders about some issues. A decision has not been made. Jodi Price of Fuller Consulting and representing AT&T, has been in email contact with the University. BYU-Idaho is still anxious to see that someone is able to use the lowest rim of the tower. Both of the bids were within reason, but the University has additional considerations. AT&T submitted a very detailed bid application; they are concerned about the length of term. The University would probably not go beyond a three-year term (with renewable one-year terms). T-mobile submitted a much less detailed bid. Mike Thueson of BYU-Idaho is looking carefully at both bids. Mr. Packer will notify the Commission as soon as a decision is made.

Unfinished/Old Business:

1. Mixed Use Zones - Discussion

Val Christensen distributed copies of the draft document for Mixed-Use 2 (MU-2). He has tried to make all the changes that were discussed in a previous P&Z meeting. He did not do an overlay to the zone, because the PEZ (Pedestrian Emphasis Zone) is already an overlay. A conditional use permit would be necessary.

Dan Hanna asked how this issue would affect Rachel Whoolery’s property (165 South 1st East) north of the University.

Val Christensen stated that the Rachel Whoolery property is included in a City- initiated Comprehensive Plan Map Amendment application that is scheduled for the next P&Z meeting, which is requesting a preferred land use designation change from Low Density Residential (LDR) to Neighborhood Commercial/Mixed Use (NC/MU). The property is in the PEZ Area 1. He pointed out the area on the projected overhead map. He feels the area was mistakenly designated LDR. Property owners in the area have expressed they are okay with a Comprehensive Plan change, but some owners do not want the zone changed, as they feel it may affect their taxes.

Chairman Dyer welcomed Councilman Adam Stout to the meeting.

There was detailed discussion of the MU-2 draft document.

Val Christensen began with the list of Permitted Principal Uses. He looked at the downtown area (Central Business District) and thought that the uses there might fit in with mixed use. There is the possibility of a small business or a larger business such as a variety store like Kings, etc., that could have apartments above it. The City could have it, but the University would not approve it. BYU-I

has its rules for its single students, but there is also a demand for dormitory housing for students that do not go to BYU-I.

Natalie Powell said there is a demand for dormitory housing for students who attend the beauty schools.

Complaints arise when residents of an apartment do not meet the requirements of the definition of family.

Phil Packer said that BYU-I has looked at the Provo campus' experience of single student housing above a business, which has been a mediocre experience. As long as the college can approve a specific business, they have allowed such housing. Sometimes that business does not survive, so another type of business is requested, which can create a problem. BYU-I is fine with married students living above a business, but not with single students living above a business. The City will need to make their decisions regardless of the college's decision on the single student issue.

Val Christensen said this will not close any doors, because the PEZ is an overlay that is a creative tool - the City can do what they want with it; it requires a Conditional Use Permit. What they have before them tonight is a document that they would want to work independently on its own. Then, it can be adjusted the way they want in the PEZ overlay. The MU-2 draft document before them could also be used in other mixed use areas of the City, not just the area near and concerning the University.

Phil Packer reiterated that the University would be in favor of mixed use in this area north of the University. They would like to see it carefully planned and very flexible. It is just the single student approval they are having a difficult time with.

Dan Hanna asked the difference between a Variance and Conditional Use Permit.

Val Christensen briefly explained. A Conditional Use Permit is an allowed permit that specifies some special conditions that need to be met. A Variance is based on the fact that failure to approve a variance due to physical limitations of the lot would result in hardship for the applicant or owner.

There was discussion.

Val Christensen explained that MU-2 would be more commercial in style and would allow higher density than MU-1, which would be more residential. MU-1 would not have as many permitted uses. He stated it is written for areas besides near the university PEZ zone; the P&Z Commission through the use of the PEZ as a tool, has the power to decide what businesses can be in the area.

The Commissioners can study this draft MU-2 document for the next two weeks. Mr. Christensen will aim at distributing an MU-1 draft document to the Commissioners before the next meeting for their input so that MU-1 and MU-2 can move forward as quickly as possible (and per Councilman Adam Stout's request) to eventually be adopted by the City Council.

The P&Z Commission would make a recommendation to the City Council for a public hearing. Adam Stout stated the sooner this document is put together, the better it will be. It will open the doors for neighborhood/commercial in these areas.

Examination of the draft MU-2 document continued.

Minimum Mixed Use percentages – It was the consensus of the Commission to change the wording to “All MU-2 projects shall have a residential/commercial mix so that neither the

residential or commercial portions of the project shall be less than **10%** (*change from 20%*) of the whole.”

Val Christensen said MU-1 developments would be smaller than MU-2 developments.

Richie Webb commented that some of these areas may not be ideal places for retail.

Chairman Dyer wondered what would drive someone to ask for MU-2.

Val Christensen said it would be the higher residential density development that would be possible if there were some commercial along with it.

Dan Hanna asked how much of the PEZ is mixed use.

Val Christensen said there are three blocks.

Adam Stout stated that it is important to avoid future situations where developers do not have Mixed Use zones available to them, as has already occurred

Val Christensen said that with the University’s announcement of future growth, the students that will live in the new projects that are being developed would be customers of any retail near to where they will be living.

The Commission looked at current average lot size on the projected GIS (Geographical Information Systems) map of the area north of the University.

Lot size area – keep at the stated 12,000 square feet – that would be about 2 of the projected current lots.

Jedd Walker stated the size gives smaller developments an opportunity.

Nephi Allen agreed.

Lot frontage, depth, and width - Keep as stated – Each lot or parcel of land shall abut a public street for a minimum distance of 24 feet.

Yard requirements –

Lots that are changed can be reviewed before the P&Z Commission and the City Council.

MU- 2 density is up to 30 units. MU- 1 density is up to 16 units.

There was discussion regarding landscaping.

The document could be written so it can go anywhere in the City, with a possible footnote stating that, subject to PEZ Zone requirements, there would be parking, sidewalk, and landscape requirements. The Commissioners examined the PEZ Ordinance document.

The concept of a building not hanging over the street was mentioned, as a conflict of mixed use within the PEZ zone.

The City’s landscape strip will stay consistent

Nephi Allen asked for clarification.

Chairman Dyer said what was intended in the PEZ Zone was areas like a pedestrian alcove, or bike racks, more greenery, or more trees, so that that the entire area would be pedestrian-friendly.

There could be more of a park- like, open setting that would encourage people to walk everywhere.

Val Christensen said such specifications could be put in the PEZ overlay document.

If an MU-2 property is in the PEZ overlay it needs to look like what the PEZ specifies.

Wording suggested by **Chairman Dyer** - The minimum front yard setback shall be 0 feet, unless other overlay requirements apply.

Accessory Buildings -Add that “accessory buildings cannot be up front.”

Permitted building heights – combine the listed section a. 55 feet for all buildings, - with the sentence at the bottom of that section – “Building height for all uses shall be measured from adjacent grade level to the top to the highest horizontal wall top plate.”

Permissible Lot Coverage – keep at 90% maximum.

Parking, Loading, and Access - Mixed-Use Buildings and Projects, section C – eliminate the “within 500 feet” phrase regarding distance of mixed-use projects from residentially zoned property.

Joint Use Parking – leave as stated.

Design standards – Commercial Design Standards– leave as stated.

Outdoor storage – add that such storage/or displays would need a Conditional Use Permit.

Uses within Buildings (under Other Development Standards)-

Adam Stout suggested that retail such as kiosks (or other appropriate businesses for public use such as a snow shack) be added to the listed sidewalk restaurants as being satisfactory outside of the building, as an area to attract pedestrians.

After more discussion, it was decided that the **Uses within Buildings** section was not necessary and would be eliminated.

Val Christensen and Natalie Powell will focus on the issue of these temporary/sidewalk types of businesses at a future P&Z meeting

Reversion of Zoning- rewrite to state there would be a time limit of 30 months for the developer to begin construction, or the area would revert back to the original zoning, unless the time is otherwise extended by mutual agreement.

The Mixed-Use 2 document will again be examined at the next P&Z meeting.

New Business: None

Compliance: None

Report on Projects: None
Tabled Requests: None.
Building Permit Application Report: None

Heads Up:

Val Christensen pointed out 7th North on the projected overhead screen GIS map. He has been approached about road development. The area north of East 7th North and west of South 7th East was examined – this would be a blueprint for future road development. Val Christensen and City Engineer John Millar determined this area would need to go off the City grid because of the way projects have developed in the area. They are determining where streets would best work. The road plan would eventually include the entire perimeter of the town. He pointed out where the City right-of-way would be. He is working on where some new roads should be for the City to make sure there is good accessibility through the City as areas are planned and developed.

A photo map of the area was printed out for the Commissioners to examine.

Val Christensen asked for some direction from the Commissioners before the next meeting if possible.

Chairman Dyer asked that the 3 Rexburg P&Z Commissioners (Ted Hill, Dan Hanna, Gil Shirley) who also represent the County be sure to give input to Val Christensen.

Dan Hanna expressed a concern regarding Pioneer Road, other roads, and the Comfort Inn area. He wondered if an ordinance could require the landscaping of bare lots within the City, especially on the arterials.

Val Christensen said currently as new subdivisions come in, the issue is addressed.

Adam Stout said the issue is addressed in the development agreements of the subdivisions.

Natalie Powell briefed the Commission on some problem weed areas that have been looked at. There was discussion on possibly requiring that the lots be maintained even if they are not developed

Chairman Dyer said the Commission would need input and direction from the City Council on this matter.

Adam Stout suggested that a list of the areas could be put together, so that the issue could be placed on a future City Council agenda and discussed.

Chairman Dyer asked Adam Stout if his presence at tonight's meeting was as assigned Council liaison or representing Rex Erickson.

Adam Stout said Rex Erickson is out of town and asked him to cover this meeting, as he knew Mr. Stout's interest in the Mixed Use Zones.

Mr. Stout expressed appreciation to the Commissioners for their hard work.

Chairman Dyer thanked him for coming and representing the City Council, and for his input to tonight's meeting.

Coming meetings:

1. February 4, 2010 P&Z – 5 Comprehensive Plan Amendment applications
2. February 18, 2010 P&Z – Rezone – CBC to HDR2

The meeting was adjourned at 9:40 pm.