

Planning & Zoning Minutes

February 4, 2010



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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Commissioners Attending:

Thaine Robinson	Richie Webb
Ted Hill	Nephi Allen
Mary Ann Mounts	Jedd Walker
Dan Hanna	Gil Shirley
Scott Ferguson	

City Staff and Others:

Val Christensen – Community Development
Director
Natalie Powell – Compliance Officer
Jake Rasmussen – Community Development
Intern
Stephen Zollinger – City Attorney
Elaine McFerrin - P&Z Coordinator

Chairman Winston Dyer was excused. **Thaine Robinson** acted as Chairman for tonight's meeting. He opened the meeting at 7:02 pm and welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Ted Hill, Dan Hanna, Thaine Robinson, Nephi Allen, Gil Shirley, Mary Ann Mounts, Richie Webb, Jedd Walker

Minutes:

1. Planning and Zoning meeting - January 21, 2010

Dan Hanna motioned to approve the Planning & Zoning minutes of January 21, 2010. **Richie Webb** seconded the motion.

Ted Hill and **Mary Ann Mounts** abstained for not having been present. None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Comprehensive Plan Map Amendments (Area1 thru Area 5)

Chairman Robinson explained the procedure that is followed for public hearings. The Commission will hear each of the 5 Comprehensive Plan Amendment applications separately, coming to a decision for each on its own merits. The applicant or representative will come forward and give a presentation to help the Commission understand why they are requesting a land use map designation change. The Commission may then ask clarifying questions of the applicant and staff. Public testimony will then be taken. The Commission will then ask for the staff evaluation, which will be followed by deliberation and decision making. During the public input portion for each proposal scheduled tonight, if audience members agree with a comment already made by someone else, it is requested to please be courteous and say they agree with the comment instead of repeating it. The Commission is committed to hear from anyone who would like to address them.

**Area 1: City of Rexburg – block bordered by South 1st East, East 1st South,
South 2nd East, and East 2nd South**
from Low Density Residential to Neighborhood Commercial/Mixed Use

Val Christensen, Community Development Director for the City of Rexburg, presented the proposal for the City of Rexburg. The Comprehensive Plan Map (Preferred Land Use Map) was shown on the overhead screen, and the location of the area this proposal addresses was pointed out. A few residents of the area have come to City staff about a Comprehensive Plan Map change to this area. Mr. Christensen brought their concerns to this Commission, and it was felt that the City should move this change forward for the entire block rather than just a lot or two at a time. If it is good for one property here, then it would be good for others. It needs to be looked at for the merit of that area.

Chairman Robinson clarified that the meaning of the City's Comprehensive Plan map is the preferred land use of how the City would like to see growth in that area. It is not a zone change.

Val Christensen stated there are no rights associated with the Comprehensive Plan Map. He stated that the block is designated Low Density Residential. The vast majority of the block is not that, so the City is asking to move forward with a preferred land use designation change to Neighborhood Commercial/Mixed Use, which matches the 3 blocks just west of this one and would allow that type of use, plus commercial as an option with the mixed use. If individual property owners want to come and ask for a change in zoning if this Comprehensive Plan Map change is approved, they could do that, or the zoning of their property could be left as it is currently. The zoning in Area 1 is Medium Residential 1 (MDR1).

Chairman Robinson asked if the Commissioners had any questions for Mr. Christensen that would help them understand the proposal.

Dan Hanna asked if the surrounding property owners have been noticed about the public hearing and the requested change and if there had been any written input.

Val Christensen stated that any property owners within 300 feet of this proposal have been noticed. There has not been any written input on this proposal.

Chairman Robinson opened the public input portion of the hearing for Area 1.

In Favor:

Rachel Whoolery, 2169 Ferris Lane, owner of 2 of properties included in this proposal and representing four of the properties. There are approximately 33 tax lots in this block. She stated that not one of the properties is owner-occupied. She believes that she bought the last resident-owned property on that block. They are rentals. It is strange that the Comprehensive Plan Map shows the block as going toward Low Density Residential. They are located right next to the University campus and are also in the PEZ (Pedestrian Emphasis Zone) overlay; between those two things, the Low Density Residential designation does not make sense in this area. One concern other property owners had expressed to her was that they were worried that their taxes would go up if their zone was changed. She verified with a tax office representative that the taxes would not change unless they took everything down and built again, or made some major renovations. The requested change to Neighborhood Commercial/Mixed Use makes sense for what the property is and where the market is going.

Neutral: None

Opposed:

David Martin, 130 South 2nd East. He stated that his concern about taxes was already addressed by the previous speaker. His other concern is: if it already is working the way it is, what is the purpose of changing it?

Judy Taylor, 203 East 2nd South. She lives right across the street from this proposal and stated she would like the zone to stay as it is currently – just Medium Density Residential. Commercial opens the area up to other issues. They do live in a family home. There are lots of family homes in the area, with the owner-residents living in them. There are apartments only on the corners. She is concerned about a change to commercial. This change may take away business from Main Street. If this block is changed, how long will it be before her block is changed? She reiterated that she wants the area to stay residential. If Rexburg is America's Family Community, let's keep it that way.

Don Sparhawk, 37 South 3rd East, president of the East Main Neighborhood Association. Part of this proposal (the part on 2nd East) is in that association area. He does not speak for the association tonight, as there was no time to discuss the issue. He would like to speak to the Commission in general concepts about how many of the residents in his neighborhood feel. Mr. Sparhawk does not believe that the woman who spoke in favor of this proposal was correct in saying that there are no owners living in their homes on this block. A number of homeowners do live in their homes. He knows of a least two that own their homes and live in them. The association and the neighbors have been concerned about the development along 2nd East. This block borders 2nd East. It is a lovely tree lined street that leads to the University, to other neighborhoods up higher on the hill, and to the Temple. Many of them would like to see this street remain residential. They are concerned about added traffic that could potentially occur on this street if commercial businesses and offices are allowed. There is already traffic congestion. This block is totally residential; there are no offices and businesses, except if one considers the apartments that rent to students. It is a mixture of single family homes and medium density apartments. There are plenty of other places in the community for offices and commercial businesses. Downtown Rexburg is just about a block away. There is no reason to mix residential and commercial together. Keep things the way they are. If the land use map designation is changed, it opens things up to businesses that could be located somewhere else. If the area could be designated low to medium density, it would be a great service. He hopes that the Commission can find a way to protect this part of the community.

Mary Haley, 275 East 1st South. Her home borders the area of this proposal. At the time of her service on the Rexburg P&Z Commission, the discussion of 2nd East came up several times. At that time, they wanted to preserve the residential corridor of 2nd East up to the Temple. 2nd East was to be the border. The neighbors have not changed. The situation has not changed on 2nd East. The first person that spoke must have been unaware that 2nd East is a residential area. The Chapman Apartments have been there for at least 50 years. The Dollhouse at the southwest corner of 1st South and 2nd East has been there many years. There is a mixture of married student and single student housing that fits in very comfortably to the area as it is. 2nd East is a horrid street for traffic. The infrastructure of that street would not support a commercial business area. Take into consideration that although Mr. Christensen was working for the City when Mrs. Haley was on the Commission, he was not the professional planner; he may not be aware of this street being designated a residential area.

Alison Taylor, 203 East 2nd South. She is 11 years old, and that really does prove that there are families that live in this area. She knows some friends that also live there. The change would not be fair to the families. She does not want to grow up in a commercial area.

Written Input: None

Chairman Robinson closed the public input portion for Area 1 and asked for the staff evaluation.

Val Christensen addressed the 3 Items to Consider from his staff report:

- 1) *The application was created by the City of Rexburg. The previous comprehensive plan map identified this block as Residential Moderate to High Density. Staff feels that redefining this block to Low Density Residential was a mistake due to its location to the University, its current zoning of Medium Density Residential, its present use as predominantly dormitory housing and the fact that it lies in the Pedestrian Emphasis Zone.*
- 2) *Staff does not think that individuals will buy existing dormitory housing at market value and then tear down or rebuild for single family use. Staff suggests that Neighborhood Commercial/Mixed Use would be the most consistent use due to the proximity of the zone to the west of the subject block.*
- 3) *Area of subject property is approximately 13-acres.*

Mr. Christensen explained that with the changes that Planning & Zoning and the City Council have already made as far as the Pedestrian Emphasis overlay, a low density residential Comprehensive Map designation just did not fit. The previous planning administrator and the planning consultants had created a Neighborhood Commercial/Mixed Use designation for the new Comprehensive Plan. Staff re-examined the area and felt that the block to the west was not substantially different, so Neighborhood Commercial/ Mixed Use would work, allowing a percentage of commercial or a percentage of residential, depending on what someone wanted to develop. Directly north of the block in this proposal is a commercial zone. A High Density or Medium Density designation on the Comprehensive Plan Map would make the subject block more of an island. If the Commissioners had concerns about commercial coming in, high or medium density could still be looked at. The biggest question is whether or not to allow low density as a designation. City staff feels this map designation was a mistake. Neighborhood Commercial/Mixed Use could allow some neighborhood business; it works with the pedestrian overlay. Staff feels to leave the subject block as Low Density with a PEZ overlay on it, is basically backwards. Campuses all over the country have such a designation, so the students do not have to walk long distances to some businesses.

Mr. Christensen reiterated that this decision concerns a Comprehensive Plan Map (Preferred Land Use Map) designation change. There are no rights associated with it. There would be no change in taxes.

Ted Hill asked the carrying capacity of traffic on 2nd East

Val Christensen said he has met with City Engineer John Millar. They recognize the current traffic problems on 2nd East. The biggest problem is the 4-way stops rather than a problem traffic capacity. There is a movement problem that is currently being looked at by the City Engineering department. This Comprehensive Plan change does not change the zoning of the subject block. It only allows that a zone change could come before the Commission to be looked at. He does not feel traffic has anything to do with the issue at this point, although 2nd East does have acknowledged traffic problems.

Mary Ann Mounts asked if the block to the South was in the PEZ overlay. The homes that border 2nd South are in the PEZ overlay.

Richie Webb asked what could be the zone requirement with existing uses on the block presently.

Val Christensen said some would require medium or high density.

Dan Hanna asked for the time estimate of full development of this block.

Val Christensen said in his opinion, an estimated guess is that half of it may be developed or redeveloped in 20 years.

The pressure the City has right now is not for commercial; it is for residential. The PEZ would allow a developer to ask for all residential and no commercial. Outside the PEZ zone, the Mixed Use Zone would require some commercial. If people come in and develop here, it may be residential.

The Commission discussed the proposal.

Chairman Robinson said he is torn - there are owner-occupied residences and apartment complexes within the same block. It is difficult to get one's arms around things to make a decision when there is such division of what lies there.

Gil Shirley is concerned about the commercial question – it would depend on what type.

Richie Webb said the Commission would have the opportunity at the time of a rezone request to further look at the type of commercial. The change in the Comprehensive Plan map would allow flexibility; it opens the door for property owners; they have a choice: to sell the property or not. There may never be a change, but it would allow property owners flexibility – they would be the ones to decide if and when to sell. Given the current uses the subject block already has, changing the Comprehensive Plan map land use designation to Neighborhood Commercial/Mixed Use makes a lot of sense.

Mary Ann Mounts agreed.

Chairman Robinson stated he is not so sure he is in favor of the entire block being changed, because of the residential homes that are involved and the residents that are against it. He has no problems with 75 per cent of the subject area.

He reiterated that this request is for a Comprehensive Plan Map change only – it is not a zone change. This is a real planning tool.

Mary Ann Mounts said they have to decide on the best land use designation for this area. The residents' opinions are a part of their decision-making process, but the decision cannot be made solely on that.

The question before the Commission is, shall the Preferred Land Use Map of the Comprehensive Plan be amended to include the requested change in the planning designation of this property?

Dan Hanna motioned to recommend approval to City Council of a Comprehensive Plan Map land use designation change for **Area 1** – City of Rexburg, of the block bordered by South 1st East, East 1st South, South 2nd East, and East 2nd South, from Low Density Residential to Neighborhood Commercial/ Mixed Use. **Mary Ann Mounts** seconded the motion.

Those in Favor:

Ted Hill
Nephi Allen
Dan Hanna
Mary Ann Mounts
Richie Webb
Jedd Walker
Gil Shirley

Those Opposed:

Thaine Robinson

Motion carried.

Area 2: Targhee Professional Offices, LLC – approximately South 2nd East and East Main

from Low Density Residential to Neighborhood Commercial/Mixed Use

Richie Webb recused himself from both the Area 2 and Area 3 Comprehensive Plan Map Amendment proposals due to a direct conflict of interest.

Johnny Watson, 1152 Bond Ave., JRW & Associates, representing Targhee Professional Offices LLC, presented the proposal. He briefly went over what the Neighborhood Commercial/Mixed Use designation entails. The designation includes the commercial aspect of a neighborhood center. Developments would include commercial land use that would have a neighborhood scale and would primarily serve the needs of the neighborhood they are located in. They would be respectful to the residential. There are height restrictions on what could be done. Part of the area is already designated Neighborhood Commercial/Mixed Use. The City has added to the 3 properties in the original proposal to clean the area up, making the designation consistent. The area was shown on the map on the overhead screen. They are bordered by Downtown Commercial on the north. To the west is Walgreen's. South of Professional Plaza is Low Density Residential. They feel the requested land use designation to Neighborhood Commercial/Mixed Use would be the best. They currently own several of the properties – Mr. Watson pointed these out. They have been working with the neighborhood on a mixed-use type professional office plan for development. The City's current writing of the Mixed Use zones has not held them back, but they may eventually use it as a tool. The City Council was adamant that they work closely with the neighborhood and its concerns, so that they do not negatively impact the residential neighborhood. The Neighborhood Commercial/Mixed Use designation, would allow them to create the transitions between the nice older homes and some small commercial. They may be at the head of a downtown revitalization movement. It would keep doctors near to the hospital. The development would meet the doctors' needs and would address some of the residential needs. Mr. Watson introduced Andrea McCullough, a talented design professional from the Logan area, formerly from Rexburg, who is working with the developers on the design for this project.

Chairman Robinson asked Val Christensen for any clarifying information to help the Commission understand the proposal.

Val Christensen said once again, City staff wants to discourage one lot here and there of land designation. This is not a zoning question. It is the Comprehensive Plan Map change. The City has designated a larger piece to change to Neighborhood Commercial/Mixed Use. Staff felt that if it is

good for one lot, it is good for the whole area, rather than just a piece, as far as a Comprehensive Plan Map change. The Comprehensive Plan was not meant to change piece by piece. If zone change applications are brought forward in the future, each zone change request would be looked at individually by the Commission.

Chairman Robinson opened the public input portion of the hearing for Area 2.

In Favor: None

Neutral: None

Opposed:

Mary Haley, 275 East 1st South. Her house is on the corner of 1st South and 3rd East. She agrees with Val Christensen about comprehensive planning, except that this area is an old neighborhood; this is not new. In the real world, her house would not have been allowed to be built. It was just one large piece of property. They have no backyard. There were no planning and zoning ordinances at that time. Mr. Christensen is using present day to rewrite history. One cannot rewrite history. The two homes on East Main that are businesses are very significant to the neighborhood and have kept to neighborhood standards. Mr. Watson said he represents people who work closely with the neighborhood. They have not done so in the last year. The residents have not seen any plans. This change has been asked for previously. Eight years ago, they made their first try to change this area, and they have tried to do so about every 2 years. She hopes the Commission values the residents' opinions as people who live there.

Don Sparhawk, 37 South 3rd East, President of the East Main Neighborhood Association. In regard to the 2 homes that are businesses along East Main that were older homes that were turned into doctors' offices – he was opposed at first but the City created a zone that was restrictive (and protective of the neighborhood) on what could be done. Most residents in the neighborhood feel it was a good compromise. It only happened because the area had been kept Low Density Residential on the Comprehensive Plan Map. Because of the wisdom of the City Council, the neighborhood ended up with 2 quite nice offices in those homes. If the area had been changed to a commercial designation, the two homes as they are today would probably not have happened. He would not like to open up the area to commercial. Some historical homes could be removed. He recommends that the area should be kept the way it is currently, or at the very minimum change the lot or two that really has to be changed, so that the look and feel of the neighborhood can still be protected while allowing some of this development to take place by the doctors.

Pat Hinton, 55 South 2nd East (her mother owns the property). Because of her mother's health problems, Mrs. Hinton has not spoken with her in depth on this requested change, but her mother did say no to such a change when she received the public hearing notification. Mrs. Hinton is very hesitant on seeing any changes at this time. She can see that eventually this will need to be changed, but she does not see it needed now. She would like to see more of what the doctors intend to do. She feels she would be like a postage stamp. Her quality of life would change. Traffic issues regarding 2nd East have already been expressed. She would greatly appreciate it if the Commission would think long and hard on this decision to change the map's land use designation.

Judy Taylor, 203 East 2nd South, on the block to the south of this proposal. If one really wants to do a downtown revitalization, then do it down town instead of encroaching on a neighborhood. She used to be an EMT and realizes that emergencies are very important and that the doctors' proximity to the hospital is important, but Rexburg's doctors and hospital staff are very competent. The neighborhood has asked several times that this change not be done. Historic homes would be

involved. They are going to wipe out the rest of Rexburg that was not wiped out in the flood. The City needs affordable housing close to campus. She is very concerned. She wants the area to remain a neighborhood.

Written Input: None

Rebuttal:

Johnny Watson reiterated that they have worked closely with the neighborhood community. There has not been any change in the plans that were presented to them a year ago.

Andrea McCullough, 793 West 430 South, Logan, Utah, design consultant partner of Johnny Watson. She is a native of Rexburg and is sensitive to the neighborhoods. She wants to assure them that the doctors want to be sensitive to the community's concerns. Logan is a prime example of what one does not want to happen in some aspects design-wise. Her firm has had a lot of experience with downtown properties. She has been a design chairman on the Downtown Alliance in Logan. They have revitalized properties throughout Logan. To a fault from an architectural standpoint, she has a tendency to design with an historic line. That is what the doctors are wanting. There is nothing to present at this point that is solid and sound of what the doctors wish to do; it is still being worked on and being developed. A properly done mixed-use would be done, in a boutique fashion that is not overdone – to include light retail, or a restaurant. There is no intention of a Walmart. She wants to do something that takes the essence of the comments tonight and takes in the neighbors and the doctors concerns and feelings.

Chairman Robinson closed the public input portion of Area 2. He asked for the staff evaluation.

Val Christensen reiterated the staff's concern - designation should be all one way or all the other but should not be in bits and pieces here and there.

Jedd Walker stated there have been some comments about the historic nature of the neighborhood; he asked if there were any historic districts or historic homes in Rexburg.

Val Christensen said there is a group headed by Steve Oakey that addresses the City's historic concerns. He would defer any questions regarding historic homes to this group.

Mary Haley said the Arnold home on the corner of East Main and South 2nd East has an historic designation.

The Commissioners continued their discussion of the proposal before them.

Mary Ann Mounts said she thinks there is confusion between Comprehensive Plan versus Zoning issues. A Comprehensive Plan addresses the preferred land use. The Commission has to look at the Comprehensive Plan as a planning board. Life changes, and she does not always like it, but over time things change. It would be better to have an organized development come in, as Ms. McCullough said, to anchor a good looking piece of property that sets precedence for the neighborhood. Everyone has desires for their own property and they do not always coincide. While the people who came here tonight may not want this land use designation change, they were very much opposed to the two houses specified changing into businesses. Those two houses have now turned out to be a good change for the area. It is the tough decisions that need to be made looking to the long-term future. The Commission is not asking any of the people to change what goes on with their pieces of property; it is not within their power to do so. They have to do forward thinking and planning. This proposal is housekeeping, as Mr. Christensen said. The middle of the block has

already been changed. Their decision tonight would be to have the area either go back to being residential or continue further with Neighborhood Commercial/ Mixed Use. Clean up - that is planning. Change is going to happen, and they would like to do it in the most organized forward-thinking manner.

Dan Hanna agreed this is clean-up to bring uniformity to the area.

Discussion continued.

Mary Ann Mounts motioned to recommend approval to City Council of a Comprehensive Plan Map land use designation change for **Area 2** – Targhee Professional Offices LLC, at approximately South 2nd East and East Main, from Low Density Residential to Neighborhood Commercial/Mixed Use. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Area 3: Jon Gregory – approximately 301 South 12th West
from Low Density Residential to Medium Density Residential

Jon Gregory 204 West 225 North, Blackfoot, presented the proposal. The area was shown on the overhead screen. It borders Hwy. 20. Its current use is agricultural. The planned intent for the property is to develop single family homes, twin homes, and 4-plexes. There would be nothing taller than 2-stories.

Chairman Robinson asked for any information from Val Christensen that would clarify the proposal.

Val Christensen pointed out the area and the Comprehensive Plan land designation that surrounds it, which is Low Density Residential.

He stated that what could be built there by right would be 16 units per acre.

A Comprehensive Plan land use change designation would be needed in order for the applicant to proceed with what he would like to do. In a recent City Council meeting, a zone change to the north was approved.

The zoning in Area 3 is Rural Residential 2 (RR2).

Chairman Robinson opened the public input portion of the hearing for Area 3.

In Favor: None

Neutral: None

Opposed: None

Written Input: read by Chairman Robinson

Letter from Wanless Southwick (and listed residents -Jerri W. Southwick, Estelle Ward, Kerry Ward, Linda K. Ward, Leon Parson, Kathy Parson), opposed to the proposal.

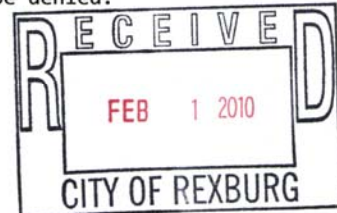
Elaine McFerrin

From: Wanless Southwick [jwanless@cablone.net]
Sent: Monday, February 01, 2010 12:41 PM
To: Elaine McFerrin
Subject: FW: Comment on ammending Comprehensive Plan Map - Area 3

See below: Leon and Kathy Parson added their names to this request that the proposed amendment to the Comprehensive Plan Map (#09 00470 - Jon Gregory) be denied.

-----Original Message-----

From: Parson, Leon [mailto:PARSONL@byui.edu]
Sent: Monday, February 01, 2010 12:22 PM
To: Wanless Southwick
Subject: Re: Comment on ammending Comprehensive Plan Map - Area 3



On 2/1/10 12:00 PM, "Wanless Southwick" <jwanless@cablone.net> wrote:

The proposal (#09 00470 - Jon Gregory) to change "Area 3" property from Low Density Residential (LDR) to Median Density Residential (MDR) is essentially the same proposal for that same property that was rejected by the City in December 2007. It should be rejected again.

The whole residential area, on either side of 12th West from Widdisen Lane on the north to 7th South on the south is currently designated Low Density Residential (LDR). This includes the Willowbrook and Widdisen subdivisions on the east side of 12th West and the new subdivisions approved for the west side of 12th West. Those developments have been able to live with the LDR designation. We respectfully submit that developers of "Area 3" should likewise be able to live with the LDR designation. To do otherwise would open up the prospect of substantially altering the character of our neighborhood.

We rely on the protection of the comprehensive plan and zoning regulations to protect the character of our neighborhood. We respectfully request that the proposed amendment to the Comprehensive Plan Map for "Area 3" be denied.

Wanless Southwick
Jerrie W. Southwick
Estelle Ward
375 South 12th West
Rexburg
208-569-6095

Kerry Ward
Linda K. Ward
355 South 12th West
Rexburg
208-356-8448

P.S. We will forward the 2007 email comments pertinent to this property for your review.

Rebuttal:

Jon Gregory said that his understanding of the earlier 2007 proposal mentioned in the opposing letter was that the applicant wanted High Density Residential for this property. Mr. Gregory feels that his proposal is very different. He wants a Comprehensive Plan map designation change from Low Density Residential to Medium Density Residential.

Chairman Robinson closed the public input portion for Area 3. He asked for the staff report.

Val Christensen said that his staff report explained that the applicant just wanted a higher density possibility.

Chairman Robinson said that about 2 years ago a Comprehensive Plan land use designation change request to change from low- moderate residential to moderate- high residential was denied. For planning purposes, they wanted more of a low density feeling between Hwy. 20 and 12th West. He said the area near Hwy 20, which is of higher density, was inherited from the county and was allowed to finish.

Jedd Walker asked how this issue would relate to the piecemeal approach to planning.

Chairman Robinson said it seems to be something like a spot Comprehensive Plan change.

Mary Ann Mounts said they are supposed to plan for a buffer along the main road.

Lot size was briefly discussed.

Scott Ferguson arrived at 8:45 pm.

Ted Hill said there was at least medium density to the west with the Kartchner project. There is higher density on the east across the highway. He does not have a problem with a medium density designation.

Stephen Zollinger said there is no such thing as a spot Comprehensive Plan map land use designation. This land is zoned Rural Residential 2. A land use designation change would give someone the ability to come forward with an applicable zone change request. He said they are talking about a Comprehensive Plan amendment, not a zone change. When they get to a zone change, they may be looking at a spot zone.

The highway is a geographical separation.

Mary Ann Mounts said it would be an isolated area. She asked Val Christensen for clarification.

Val Christensen pointed out on the Comprehensive Plan Map the medium density designation.

Stephen Zollinger clarified that the question for the Commission is: will they consider re-designating the Comprehensive Plan Map so that Mr. Gregory can proceed toward developing as he would like to, possibly toward a zone change?

Mary Ann Mounts motioned to recommend approval to City Council of a Comprehensive Plan Map land use designation change for **Area 3** - Jon Gregory, at approximately 301 South 12th West, from Low Density Residential to Medium Density Residential. **Dan Hanna** seconded the motion.

The motion was discussed.

Those in Favor:

Jedd Walker
Richie Webb
Nephi Allen
Mary Ann Mounts
Gil Shirley
Ted Hill
Dan Hanna

Those Opposed:

Thaine Robinson

Motion carried.

There was a 5-minute break.

Chairman Robinson welcomed new P&Z Commissioner **Scott Ferguson**, who just arrived at the meeting due to a previous commitment. He asked Mr. Ferguson to tell the Commission a little about himself.

Scott Ferguson stated that he teaches at BYU-I and has spent most of his life in this area, in Sugar City and Rexburg. He has six children and is a grandfather of three. He is glad to be here and loves Rexburg.

Chairman Robinson said the Commissioners welcome him. They are happy to have him serve on the Commission. With the addition of **Scott Ferguson** and **Jedd Walker** to the P&Z Commission, the Commission is back to the number of members (11) they were chartered to have.

Area 4 - Temple View LLC – approximately West 4th South and South 4th West
from Neighborhood Commercial/Mixed Use to High Density Residential

Jared Sommer, 3887 North 3000 West, applicant and owner, presented the proposal. About a year ago, he came before the Commission with a Comprehensive Plan Map change request and a rezone request on the piece of property (rear) that is just east of the Les Schwab business. Both were approved. A married housing facility is being built there. His current request is to change the Comprehensive Plan Map land use designation from Neighborhood Commercial/ Mixed Use to High Density Residential for the front piece of land that is on West 4th South at this location. He pointed out on the projected map the area he wanted changed. The City has proposed further properties to the east to be changed to High Density Residential for consistency in the area. The majority of the block is currently used for housing or high density residential purposes. Mr. Sommer intends to come in with a zone change request to enable him to do the same kind of development he is currently building on the back of the property, married housing. The intent with the development underway is to improve the look as someone enters Rexburg. Tonight's request will

assist in helping him to complete the project out and accomplish that purpose. He stated that property owner and neighbor Nick Allison (405 West 4th South), who had to leave the meeting earlier, is in favor of the change. He added that about six months ago, property owner Trent Birch came in with a Comprehensive Plan Map amendment request that was successful in changing the land use designation of his property (in the next block east of Mr. Sommer's request) from Neighborhood Commercial/ Mixed Use to High Density Residential. Tonight's request would bring about consistency of the land use designation of the area.

Val Christensen pointed out and clarified the area of the current request for a land use designation change and the Trent Birch property to the east, on the projected map. Mr. Birch is currently going through the process for a rezone of his property. Mr. Christensen also showed the area Mr. Sommer had changed at the last comprehensive plan hearing several months ago, which was followed by a zone change for high density. Mr. Christensen said this is a cleanup issue. Staff feels it would be best to make the area High Density Residential on the Comprehensive Map. The size of the subject property is about 5 acres.

The zoning in Area 4 is Community Business Center (CBC).

Chairman Robinson opened the hearing's public input portion.

In Favor: None

Neutral:

Mary Haley, 275 East 1st South. On the Comprehensive Plan, this area leading up to the University was designated as one that was seen as eventually having businesses that would serve the existing apartments there. No one has spoken about that. She is curious as to what is in the foreseeable future for the area. Are the students all going to go down 2nd East and 2nd West to get to Broulim's?

Opposed: None

Written Input: None

Chairman Robinson closed the public input portion of the hearing for Area 4 and asked if staff had any comments.

Val Christensen stated he had addressed his staff comments earlier.

The Commissioners discussed the proposal.

Mary Ann Mounts stated that the area had been discussed during an earlier Comprehensive Plan change request several months ago, when another applicant stated his parcel had sat for a long time because it would not sell as commercial.

Chairman Robinson said they had discussed this area as a major entrance to the City. Originally, it was seen as a commercial corridor as one came in to the City. In the past Comprehensive Plan discussion several months ago, it was argued that the property had sat there. It had not changed. His feeling is it is not changing anywhere.

Dan Hanna said he is glad to see Jared Sommer coming forward to have the front part of the parcel be the same as the back part.

Richie Webb feels that if there were demand for mixed use in the subject area, it would be appropriate, but he also sees high density as appropriate as well. Given the fact that there has not been interest in mixed use or commercial here, high density would fit. They also talked in an earlier meeting about this area being a corridor to the University. It is appropriate in his opinion to eventually have housing and residential here.

Mary Ann Mounts and **Gil Shirley** agreed.

Ted Hill said he could support this request.

Mary Ann Mounts motioned to recommend approval to City Council of a Comprehensive Plan Map land use designation change for **Area 4** – Temple View LLC (Jared Sommer), at approximately West 4th South and South 4th West, from Neighborhood Commercial/Mixed Use to High Density Residential. **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

Area 5: - Ray Peterson – 814 North Yellowstone

from Low Density Residential and Business Park to Medium Density Residential

Dan Hanna recused himself due to assisting with submission of the application for Ray Peterson.

Kyle Baldwin, 957 Hwy. 32, Ashton. He works with Ray Peterson, who is working with Blue Ox Development on this request. The area was pointed out on the projected Comprehensive Plan map. They wish to change the preferred land use designation to Medium Density Residential. They feel there is enough Commercial designation here. A Medium Density Residential designation would broaden the uses for this subject piece of property. The zoning of the property to the east is Medium Density Residential 1.

Ray Peterson 10260 South 600 East. He stated that Blue Ox Development owns the front piece of the property. He owns property directly east of that piece. He is helping Blue Ox Development, who asked him about going to medium density residential for this property.

Val Christensen stated that on the old comprehensive plan map there were only 2 designations (low to moderate and moderate to high). The current Comprehensive Plan shows a medium density strip. They have commercial. and they have a medium density piece, and the little piece they want to change in between these has a low density designation underneath it.

Kyle Baldwin said the college is increasing its enrollment. The intent of the subject property would be to provide married student housing.

Chairman Robinson asked for any clarifying information from Val Christensen on the proposal.

Val Christensen clarified that on the old Comprehensive Plan Map that the City had before the consultants came to assist with the 2020 Comprehensive Plan, the area was low to moderate and moderate to high, which would allow higher density zoning. The idea was that there would be a medium density or high density corridor as a buffer between the commercial and the low density. The current zoning map shows that corridor of medium density. Staff feels it was a mistake on the

new Comprehensive Plan Map that they did not leave that buffer in to match the zoning map. This issue is another cleanup issue.

The Commission also needs to look at the broader picture in this area of the City.

Chairman Robinson opened the public input portion of the hearing for Area 5.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Robinson closed the public input portion of the hearing for Area 5.

Val Christensen had no additional comments.

The Commissioners discussed the request.

Mary Ann Mounts thought the proposal made perfect sense.

Mary Ann Mounts motioned to recommend approval to City Council of a Comprehensive Plan Map land use designation change for **Area 5** – Ray Peterson, at 814 North Yellowstone Hwy., from Low Density Residential and Business Park to Medium Density Residential. **Richie Webb** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business:

1. Mixed Use Zones – Discussion

Val Christensen welcomed **Scott Ferguson** and invited him to come visit with him if he had any questions at any time.

The Commissioners had been provided with the draft document for the Mixed-Use 1 and Mixed-Use 2 zones a week before this meeting, for their examination and review.

Val Christensen stated the document needed to move forward to City Council as soon as possible for public hearing and adoption.

Phil Packer, representing BYU-I, stated that the University's main concern was that single student housing approved by the University would not be satisfactory in a mixed residential and commercial area. There were no other major issues for the University.

Val Christensen said they will have work to do to define where they are going to put these zones. The college has their own requirements for single student housing.

He said that MU-2 would be the zone someone would ask for if they were looking to put single student housing close to the college. Chances are, they would also be in the PEZ zone.

A developer could build a building that would be nothing but residential, as long as 10% of the project was commercial. With the PEZ overlay, the Commission, at the time of a conditional use

permit request could explore the possibility of a developer doing 100% residential, or other possibilities.

There was some discussion.

Val Christensen said the college will have their own requirements.

If they build the zone the way he is suggesting, then the college can do what they want and the City can do what they want, and someone who wants to do housing for beauty school students can do what they want, etc.

MaryAnn Mounts felt that is the way it has to be.

Chairman Robinson asked if this draft zone document was pretty much ready to go.

Val Christensen felt it was ready to move forward.

Richie Webb stated he is very concerned about this Mixed-Use Zones document, but he feels more time is needed to study it carefully.

Other Commissioners agreed that more time is needed. They want to ensure that it is a good, useful document.

Mary Ann Mounts asked about the time urgency – why?

Val Christensen said the City Council has requested that the Mixed-Use Zones document move forward as soon as possible.

It was decided that the Mixed Use Zones will be on the agenda of the next P&Z meeting on February 18th, with anticipation of moving the document to City Council for a public hearing for its adoption as part of Development Code 1026.

Chairman Robinson then asked for an update of the BYU-I cell tower issue.

Phil Packer stated the University had two bidders for the cell tower, AT&T and T-Mobile. The University would have wanted T-Mobile, which really submitted a good bid. This week T-Mobile withdrew for budgetary reasons. If AT&T will come to the terms of the University they may get awarded the bid.

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:

P&Z February 18, 2010 meeting – Rezone – 357 and 371 West 4th South –Community Business Center (CBC) to High Density Residential 2 (HDR2).

The meeting was adjourned at 10:00 pm.