

Planning & Zoning Minutes

March 5, 2009



CITY OF
REXBURG
America's Family Community

12 North Center
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Richie Webb
Dan Hanna Randall Porter
Gil Shirley Charles Andersen
Nephi Allen

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – P&Z Administrator
Val Christensen – Building Official
Stephen Zollinger – City Attorney
Elaine McFerrin – Secretary

Chairman Dyer opened the meeting at 7:02 pm. He welcomed those attending including Councilman Rex Erickson, Building Official Val Christensen, other City staff, applicants and interested citizens. He acknowledged a group of Boy Scouts pursuing their citizenship merit badges and told them to watch carefully during the hearings tonight – everyone is given the opportunity to say what they think. Public input is used in the Commission's decision-making.

Presentation

Mike Ricks, Planning & Zoning Commissioner – Recognition of Service

Councilman Rex Erickson presented Mike Ricks with a plaque to recognize his many years of service, from January 10, 2000 to January 10, 2009. On behalf of the Mayor, the City Council, and the Planning & Zoning Commission, Councilman Erickson thanked him for the job well done and for his long, dedicated service for the betterment of Rexburg.

Mike Ricks said being a P&Z Commissioner was a great experience. It was fun and exciting to be involved in the growth of Rexburg. He has seen many changes. There were a lot of great decisions made, a lot of good decisions made, and then there were just decisions made. It has been a learning experience working with City government and the public. He enjoyed working with everyone, and he enjoyed his service for the community.

Chairman Dyer said the Commission truly appreciates Mike Ricks' great service. Rexburg and the surrounding impact area are better off because of his faithful dedication.

Roll Call of Planning and Zoning Commissioners:

Richie Webb, Charles Andersen, Dan Hanna, Thaine Robinson, Winston Dyer, Randall Porter, Nephi Allen, Gil Shirley

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

Chairman Dyer welcomed the new P&Z Commissioner, **Gil Shirley**, appointed by Madison County to represent the impact area.

Gil Shirley said he has lived in Rexburg all his life. He enjoys being involved in the community. He likes to see growth in the community, but controlled growth. He is looking forward to working with everyone on the Commission. **Mr. Shirley** is in the building business.

Minutes:

1. Planning and Zoning meeting - February 5, 2009

Thaine Robinson motioned to approve the Planning & Zoning minutes for February 5, 2009. **Charles Andersen** seconded the motion.

Richie Webb and **Gil Shirley** abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

Chairman Dyer explained the procedure that is followed for public hearings. The applicant or a representative will come forward and explain the proposal to the Commission. The Commissioners will then be given the opportunity to ask questions about the proposal, and clarifying questions may be asked of staff. Public input will then be taken, followed by deliberation and a decision by the Commission.

It was decided that the public hearings carried over from the cancelled February 19th Planning and Zoning meeting would be heard first.

Public Hearings Carried Over from Cancelled February 19th P&Z meeting:

7:05 pm - Development Code Amendment – “Drop-in Day Care” as a Conditional use in Central Business District (CBD)

Gary Leikness presented the proposal, which is a proposed Development Code amendment to allow daycare facilities in a downtown zone. This amendment was requested by a potential applicant. The Commission had directed Mr. Leikness to add language that clarified the type of daycare that would be allowed - a drop-in daycare would be a daycare business that is less than 50% contractual (traditional), with the majority of the business to be drop-in child care. This use has not been allowed previously in the downtown area.

Charles Andersen wondered if there should be a limit on the number of children in this type of daycare.

Gary Leikness stated this daycare would be a conditioned use, so the Commission could address the number of children when they state conditions for a conditional use permit.

Gil Shirley asked about the hours of such a business.

Gary Leikness stated there are no hours outlined. In the Development Code, it is just stated if the use is allowed under the zone.

This amendment would be for a conditional use, so the Commissioners could address hours of business when a proposal is brought before them.

Randall Porter asked if there were any specific guidelines in the code regarding a daycare. There are some zones that allow one, but there are not specific guidelines.

Stephen Zollinger said daycares all have some level of licensure.

Chairman Dyer opened the public input portion of the hearing

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing

The Commissioners discussed the proposal.

Thaine Robinson felt it was not a problem to add this use in the Central Business District(CBD), as a conditional use would allow the Commission more scrutiny of such a proposal.

Nephi Allen asked for clarification of the reason for the percentage of drop-in daycare and traditional daycare.

Chairman Dyer stated that traditional daycare is not allowed in that area because of concerns for the children and their safety, and the coming and going of the children and vehicles bringing them and picking them up. That is why a certain percentage of drop-in daycare would make the use more conducive to the Central Business District.

Stephen Zollinger stated it is a distinction between traditional daycare that involves care for most of the day, verses a 2 or 3 hour drop off care that is inside only.

Randall Porter was concerned about childrens' safety as they come and go, and traffic for a drop-in daycare in that zone. Is it practical and workable on the busiest street in Rexburg?

Richie Webb felt the same concern about traffic, but thought there might be some location other than Main Street where such a business might work in the downtown zone.

Dan Hanna said that no matter what business parents might be going to in that area, the safety of their children is still an issue.

Discussion continued.

Charles Andersen motioned to recommend to City Council approval to amend the Development Code 926 to allow drop-in daycare as defined by staff in the Central Business District(CBD) as a conditional use, specifying that a drop-in daycare shall be less than 50% contractual (traditional), with the majority of the business to be “drop-in” child care. **Dan Hanna** seconded the motion.

The Commission discussed the motion.

Those in Favor

Richie Webb
Gil Shirley
Thaine Robinson
Dan Hanna
Charles Andersen

Those Opposed

Nephi Allen
Randall Porter
Winston Dyer

Motion carried.

7:25 pm – Conditional Use Permit – Drop-in Daycare – 127 E. Main – Hans Wentzel

Chairman Dyer stated that **the applicant withdrew this request** just before the start of tonight’s meeting.

In lieu of the time remaining until the scheduled next public hearing could be heard, Gary Leikness addressed **Item # 4 under Non-Controversial Items** - a draft of the Mixed-Use 1 zone was handed out. The Mayor had asked him to put this information together for the Commissioners as soon as possible. The idea is to have a Mixed-Use 1 (MU-1) zone and a Mixed-Use 2 (MU-2) zone, with differing levels of allowable densities. The MU-1 zone would apply to areas that are designated Neighborhood Commercial/Mixed Use on the City’s Comprehensive Plan map and would allow neighborhood-serving residential, commercial, and institutional uses. Residential and Commercial uses might even be allowed on the same lot, or potentially vertically. Lot sizes, permitted uses, conditional uses, design standards, and other pertinent information are included. Mixed Use 2 would most likely allow more permitted commercial uses and more density. Mr. Leikness briefly went over some of the included points. Maximum setback for a building would be 25 feet, meaning the building could be closer to the street to encourage pedestrian friendliness. Building size would be restricted to less than 20,000 square feet, so that buildings would fit better into a neighborhood node. If a building is over a certain height, it would need to step back in its location. The Commissioners can review this draft and give their feedback at the next P&Z meeting on March 19th; if ready, they could then act on and send the zone draft to City Council with a recommendation.

7:45 pm – Rezone – Ralph Kern – LDR2 to LDR3 – between Harvard Ave. & 2nd East
running from 1st South to 2nd South

Ralph Kern, 158 Harvard, presented his proposal. He represents 11 of the 13 property owners of the specified area, which constitutes 90% of the land on that block and 100% of the vacant property. The proposal has been discussed since 2005. That original proposal was to consider a PRO zone. Over time, that has evolved into tonight's rezone proposal. Lots can be smaller in an LDR3 zone. Basically, the issue is lot size (6 000 square foot minimum as opposed to an 8,000 square foot minimum). A zone change to LDR3 would allow 2 homes on one lot to be owned separately. Currently separate ownership cannot be done. Also, under this rezone, some of the grandfathered duplexes would come under compliance for future buyers. The area of the proposed rezone was shown on the overhead screen. There is considerable vacant property. The proposal does not change the nature of the neighborhood. There is strong hope that the area will remain residential.

Chairman Dyer commented that this application was very well put together and helped the Commissioners in their understanding of the proposal.

Chairman Dyer asked Mr.Kern why he did not get everyone on the block to join in this proposal.

Ralph Kern said the people that are not part of this rezone request would not benefit from the proposal, as their properties are too small. One of the pieces of property is also still tied up in an estate. Everyone else is benefited by the proposal.

In answer to **Chairman Dyer's** question, Stephen Zollinger stated the 3 parcels not included in the rezone proposal cannot be included in the rezone, because the advertised public hearing notice did not include them

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Steve Herdti, 141 South 2nd East. He is grateful for the opportunity to speak in favor of this proposal. The vacant area on South 2nd East is a blight to the community and is a weed patch. The rezone would put it to use. The rezone would benefit him, but it also benefits the street and its appearance for the City. He would encourage the Commissioners to approve this rezone, for the benefit of the property owners and the community as a whole.

Don Sparhawk, 37 South 3rd E, president of and representing the East Main Neighborhood Association. They have been concerned about this property for a number of years, and they came before the Commission when changes to the Comprehensive Plan were being discussed. The East Main Neighborhood Association has always been in favor of trying to maintain this area as a lower density residential area as opposed to student housing (higher density), which they feel should be kept on the other side of 2nd East. The association supports this proposal by the homeowners, which will be a great benefit to the neighborhood. It will help to preserve the neighborhood and make it stronger. The property falls within the East Main Neighborhood Association boundaries.

Mary Haley, 275 East 1st South, an officer in the East Main Neighborhood Association who lives about a half block from the proposed rezone. The association has had several meetings concerning

the property in this rezone proposal. They have reached a consensus that this proposal will benefit their neighborhood and the City. The association is delighted that property owner Andersen, whose vacant property is part of this application, has agreed to this proposal. Mr. Kern has worked very hard. He has met with the association several times and has kept them well informed. The neighborhood association is very much in favor of this rezone proposal.

Neutral: None

Opposed: None

Written Input:

Letter from Don Sparhawk, president of and representing the East Main Neighborhood Association, in favor of the proposal, which was covered by his testimony tonight.

37 South
Third East
Rexburg, ID
83440

Officers

Don Sparhawk
President
356-6781

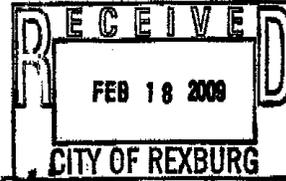
Mary Haley
Vice President
356-3978

Pat Hinton
Secretary-
Treasurer
359-9064

East Main

Neighborhood Association

Representing homeowners from First North to Second South & Second East to Ash



February 16, 2009

Rexburg Planning and Zoning Commission
Rexburg City Hall
Rexburg, ID 83440

Dear Commission Members,

We ask that the following letter be read and entered into the public record during a hearing scheduled for February 19, 2009, concerning the proposed rezoning of the west half of Block 8 of the Rigby Addition from LDR 2 to LDR 3.

The East Main Neighborhood Association supports the proposal to rezone this area. The neighborhood association has always supported the concept of homes in this area, and thankfully the Planning and Zoning Commission and the City Council have consistently supported the same concept.

We believe this proposal by Ralph Kern and other property owners on this block is supported by a vast majority of the residents within our association. Ultimately, when the vacant land in question is turned into homes, it will create a stronger neighborhood and help to preserve the residential nature of this area of the city.

Sincerely,

Don Sparhawk
President

Chairman Dyer closed the public input portion of the hearing.

Gary Leikness presented his staff report. He is in general support of the proposal. He explained that the new Comprehensive Plan has a Low Density Residential designation, a Medium Density Residential designation, and a High Density Residential designation rather than just the 2 designations (Low to Moderate Residential, and Moderate to High Residential) on the old map. Mr. Leikness requested that if the Commission is in support of the applicant's proposal, that they direct staff in their motion to include LDR3 allowed in the Low Density Residential designation of the Comprehensive Plan. For a point of clarification not specified in Development Code 926 – minimum lot size of LDR3 is 6000 square feet; it would take about 8,000 square feet to have a duplex.

Stephen Zollinger agreed that Low Density Residential 3 should have been in Low Density Residential designation, but was not, by an oversight.

Chairman Dyer again stated that this proposal is well put together. It is the very kind of planning that the Commission has asked their applicants to do – to go out, talk to the neighborhood, hold meetings, build consensus, to figure out how to put things together so that it works for everyone. The Commission has encouraged the formation of neighborhood associations. Their voice is important in the planning process. This is the process at its best. He is in favor of this proposal.

Charles Andersen wanted to commend everyone involved. It is wonderful to see everyone come together. He is in full support of this proposal.

Thaine Robinson also felt this proposal is a good decision for Rexburg in looking toward the next twenty years.

Charles Andersen motioned to recommend approval to City Council for the rezone from Low Density Residential Two (LDR2) to Low Density Residential 3 (LDR3) for property between Harvard Ave. and 2nd East running from 1st South to 2nd South, as defined in this application; in addition, staff is directed to pursue amending the Comprehensive Plan to include Low Density Residential 3 in the Low Density Residential designation. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

8:00 pm – Rezone from MDR1 to MDR2 **and**
CUP for up to six units per building – Kerry Schneider
(232 South 3rd West, 323 & 330 West 2nd South, including
parcel #RPR00SE0060174)

The Rezone was addressed first.

Kurt Roland, Schiess & Associates, 7103 South 45th West, Idaho Falls, representing Kerry Schneider, owner of the property, for this rezone proposal from MDR1 to MDR2. There currently are 2 existing apartment complexes at the property location. The Commissioners reviewed their copies of the provided photos. The applicant feels the rezone is a good fit for the City of Rexburg. They plan to totally remodel and add more apartments. They were informed that BYU-I has a shortage of apartments at this time, per Sharon Tuckett at the University.

On the overhead screen, the photos of the property were projected for viewing, including photos of a Utah project, whose building style they would like use in Rexburg. Current married student housing apartments will be redone. The property is 1.69 acres; there are 12 existing apartments. They want to add 24 to 28 more units. There will be plenty of parking and green space. Gary Leikness stated as a point of clarification that the decision on the Rezone should address if the land use is appropriate with the density proposed. The CUP could specify that the designs for the buildings presented would need to be complied by as part of the conditions.

Chairman Dyer asked if the Rezone and the Conditional Use Permit would be in two separate motions.

Gary Leikness recommended separate motions and separate testimony for the two applications.

Dan Hanna asked if they have enough information for the Conditional Use Permit, as there does not appear to be an included site plan.

Gary Leikness stated he did not get a chance to review the application materials before it was set for public hearing.

As no site plan was submitted, **Chairman Dyer** stated that they might need to table the Conditional Use Permit proposal.

Stephen Zollinger stated that tabling the Conditional Use Permit is probably the only option.

Chairman Dyer asked Gary Leikness if he had any comments to help the Commissioners understand the rezone proposal.

Gary Leikness stated that as a point of clarification the Commissioners would exclude in the motion the 2 properties on the West if they were noticed but actually are not part of the proposal. Mr. Leikness also clarified the significant difference between the 2 zones.

Medium Density Residential 1 (MDR1) - 16 units per acre.

Medium Density Residential 2 (MDR2) - 24 units per acre.

MDR2 may change to 20 units per acre when the Development Code 926 is revised. Dormitory housing in MDR2 does require a separate Conditional Use Permit.

Kurt Roland stated they would like to do 12-plexes.

Chairman Dyer opened the public input portion of the hearing for the Rezone.

In Favor:

Kerry Schneider, P.O. Box 421, Willard, Utah, applicant for this proposal. Financially speaking, the buildings are currently a wreck. His options are to gut the buildings or tear them down. They would be building 24 new units. They want to have a nice clean project where people would want to live. They have found that married housing has a year long waiting list – there is a real need in Rexburg

for this type of housing. The property is currently an eyesore. He is requesting a slightly higher density- thus the request for MDR2, not only to make it work for himself but for the City.

Johnny Watson, JRW & Associates, 1152 Bond Ave. – This proposal is a good opportunity to increase density near the town core of the university. It is a good step forward to adding a little more living space in this area.

Neutral: None

Opposed:

Amy Hanks, 253 Steiner Ave, which is just south of the property in the proposal. She is against the proposal for 2 reasons. First, her street is half single family and half apartments, and she would like to keep it that way. Secondly, she is concerned about traffic along 2nd South especially past Porter Park, as it is already dangerous. The splash park, which is just east of the property in the proposal, is crowded with children. Parked cars are on both sides of the street, which narrows the street.. There were a lot of children running in and out during the summer. She actually stopped driving down that road. She is very concerned about an increase in traffic on this street, especially where it is already dangerous, especially in the summer.

Written Input: None

Chairman Dyer closed the public input portion.

He recused himself from deliberations of this proposal due to conflict of interest. He asked **Thaine Robinson** to act as chair.

The Commissioners discussed the rezone proposal.

Chairman Robinson asked if it were permitted to put a time limit on movement on a rezone and whether the zone could revert back to the original after a certain amount of time has elapsed with no activity.

Stephen Zollinger stated that a time limit was permitted if it was conditioned in the motion as part of the change. Intensification of the density generally would not drive the necessity for a time limit.

Discussion continued.

Dan Hanna motioned to recommend approval to City Council for a Rezone from Medium Density Residential 1 (MDR1) to Medium Density Residential 2 (MDR2) for 232 South 3rd West, 323 & 339 West 2nd South, excluding the 2 properties immediately to the west and to include the property to the east that is currently under contract. **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

Charles Andersen motioned to table the Kerry Schneider Conditional Use Permit application until a site plan and any other information needed for the specified properties can be submitted and reviewed. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Winston Dyer was restored to the Chair.

7:05 pm – Rezone - Joshua Fullmer – 264 East Main (Low Density Residential 2 to Residential Business District)

Johnny Watson, JRW & Associates, 1152 Bond Ave., representing the applicant, Joshua Fullmer. He showed the property in the rezone proposal on the overhead screen. There is Low Density Residential 2/Professional Overlay zone to the west, with Dr. Packer's office immediately to the west. The hospice is next door to the east and is zoned Residential Business District, which is the same zone the applicant is requesting. There is Low Density Residential 2 to the south and further east of the subject property. The existing home would be remodeled and used for Dr. Fullmer's medical practice. The applicant has met a couple of times with the neighborhood association. The property to the east of 264 East Main is currently the only parcel in the City that is zoned Residential Business District.

In answer to a question by **Randall Porter**, Johnny Watson stated that preliminary site plans have been done that do meet the ordinance needs of parking, setbacks, space between garage and house, and other requirements.

Chairman Dyer said that the hours of operation and parking projections were looked at when the business on the corner next door to the subject property was being planned; he asked if Mr. Watson had this kind of information for this proposal.

Johnny Watson stated Dr. Fullmer's current practice runs 8:00 am. to 5:00 pm, 5 days a week. The practice will occupy the lower level of the home, which is just under 2,000 square feet. At 5 spaces per 1,000 square feet, this property does meet the requirements.

Randall Porter asked if the Residential Business District zone in the Development Code 926 could be shown on the screen to see the listed requirements.

Gary Leikness showed the Residential Business District zone section of the Development Code on the overhead screen. Purposes and objectives of the zone are listed. The intent of the zone is to allow in certain areas, a very quiet, low-key commercial use to fit into a residential area, even more so than in the Neighborhood Business District zone.

Chairman Dyer stated that when the hospice's zoning request was approved, the Commission looked very closely at information regarding lighting, width of the driveway, parking spaces, and other particulars, in part because that rezone to Residential Business District was the first of its kind and the first in this neighborhood, and a very highly specialized zone. He asked if staff had seen any kind of site plan or layout for the property in tonight's proposal.

Gary Leikness stated he had not yet seen anything that shows all the standards of the Residential Business District zone being met.

If tonight's rezone request is approved, the applicant would be required to comply with the building permit process and submit a site plan that would be reviewed by staff.

Randall Porter asked if the Residential Business District zone fits comfortably into the Preferred Land Use map.

Gary Leikness stated that this zone does not require commercial designation on the Comprehensive Plan map; however, it does require adjacency to multi-family and commercial. It is intended to promote adaptive re-use of single family homes to help with transition into the neighborhoods.

Chairman Dyer said it is comprehensively planned as low density residential with the same look and feel.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Johnny Watson, JRW & Associates, 1152 Bond Ave. He read from a letter submitted by W. Christopher King, trustee of the Clarke property (264 East Main), who states he is in favor of the rezone and feels it is the best use for the property due to its proximity to the hospital and the medical plaza.

Chairman Dyer asked that this letter be entered into the record, noting that Mr. King is a family member of the property owner.

Don Sparhawk, 37 South 3rd East, and representing the East Main Neighborhood Association. He stated that Dr. Fullmer has visited with them twice. The Residential Business District zone would allow such a business at the edge of the neighborhood, and he realizes this zone was created to help protect neighborhoods. They would like the neighborhood to stay residential, but they are supportive of Dr. Fullmer and his proposal because it is a similar situation to the hospice next door (which still looks like a home and which most residents are happy with), if it can be made to work. They do have some concerns. Parking cannot be in the front yard. Mr. Sparhawk also asked the Commissioners to look closely at signage, including its size. The association feels this proposal is better than a Mixed Use Zone. The East Main Neighborhood Association supports the concept of this rezone project.

Neutral:

Mary Haley, 275 East 1st South. She was on the P&Z Commission when the property on the corner was rezoned. The neighborhood association supports the concept of tonight's proposal, but there are concerns about a site plan the association saw for this project. She quoted from the Development Code 926 Neighborhood Business District regarding lot size and allowed parking. Parking cannot be in the front yard, as was seen on the plan shown to the association. They do not want big signage. The association would like the applicant to work with them.

Opposed: None

Written Input:

Letter from W. Christopher King, in favor of the proposal and mentioned earlier by Johnny Watson.

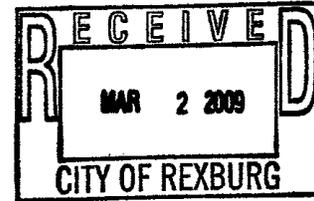
-14-1995 0:18AM FROM

P. 2

March 2, 2009

City of Rexburg

Dear Rexburg Planning and Zoning Commission,



As a trustee of the LaRae Clarke Living Trust, I would like to comment on the proposed Public Hearing of March 5, 2009 regarding a Zone change described on Application 09 00042 located at 264 East Main Street from Low Density Residential Two (LDR2) to Residential Business District (RBD).

The Trust owns the lot in this area shown on the map at 264 E Main St. that was recently sent to me by the city. Mom (La Rae Clarke) sold the adjacent south lot to Dr Petersen/Packer many years ago and they are using it as a parking lot.

When permission was given for the construction of Professional Plaza to the west, and the establishment of a business to the east of mom's house (LaRae Clarke), the house ceased being a desirable single-family home.

If I were looking to buy a family home, it would not be between two businesses and a parking lot to the south. The traffic and lack of neighbors make is undesirable for raising a family. As it no longer abuts any residential property it does not even serve as a buffer for such.

As my sisters and I have thought of potential uses for the property, we have considered turning it into college housing -- but we haven't been really excited about this prospect as we feel that is also not in keeping with the area and might begin to look sloppy. This is not in keeping with our efforts to beautify Main St.

We thought about turning it into a college museum because John L. Clarke, my stepfather, owned the home for many years while he was President of Ricks. But, that would also require a change in zoning, there is limited parking, and we already have a museum in town. And I don't think the college would want it.

We feel its best use would be Residential Business District (RBD) due to its proximity to the hospital and medical plaza and being surrounded by professional offices and properties.

We would request this zoning change be granted.

Sincerely,

A handwritten signature in cursive script that reads "W. Christopher King".

W. Christopher King
Trustee
The LaRae Clarke Living Trust
870 Spyglass Ln
Sequim, WA 98382
chris@wking.com
(360) 683-2116

Chairman Dyer closed the public input portion.

Chairman Dyer clarified that the Commission has not seen a site plan for tonight's proposed rezone property (264 East Main).

Randall Porter asked for clarification, in that Mrs. Haley quoted from the Neighborhood Business District requirements rather than the Residential Business District.

Gary Leikness said concerns that were voiced about front yard parking and signage are also included under Residential Business District.

The Commissioners discussed the issue, including enforcement of the requirements for the Residential Business District zone that are stated in the Development Code 926. The conditions the Commission made part of this zone's requirements were included to make it right, with conditions so there would be minimal impact on the neighborhood.

Chairman Dyer said the Commission tried to craft a zone that would have an appropriate mix while protecting the neighborhood. They have heard input from a neighborhood association that if things are done properly and in accordance with the zoning requirements, the association is supportive. This rezone request is a good fit while still preserving the look and feel of the neighborhood. It is next to a property zoned Residential Business District. It is also adjacent to Professional Plaza, which is predominantly made up of medical offices. He is in favor of this rezone.

Randall Porter stated he feels this rezone request is doable.

Dan Hanna wondered if the garage were removed to allow parking in the rear, if that would distract from the neighborhood.

Discussion continued.

Chairman Dyer stressed that tonight's decision is one of land use, based on the evidence that is properly before them tonight. The Commissioners need to think in terms of the requirements of the zone; staff will evaluate the building proposal when it is submitted for review. The Commission cannot let the proposal for the actual development interfere with a land use zoning decision.

Charles Andersen motioned to recommend approval to City Council of the rezone of 264 East Main from Low Density Residential 2 (LDR2) to Residential Business District (RBD), specifically emphasizing that City staff in their review, address all neighborhood concerns. **Thaine Robinson** seconded the motion

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Compliance: None

Non controversial Items Added to the Agenda:

In deference to audience interest, Item #2 under **Non-controversial Items** was discussed next.

2. PEZ (Pedestrian Emphasis Zone) parking discussion

Gary Leikness displayed the PEZ map on the overhead screen. The Comprehensive Plan promotes a pedestrian emphasis zone; it is more pedestrian oriented around the campus. The area will be walkable and very pedestrian friendly, with potential changes in parking standards and building heights. Staff first provided a Pedestrian Emphasis Zone one block around the campus area. After discussion, there was consideration of expansion of the zone. Guest parking would have to be accommodated by housing properties, even if there was no parking provided for the residents.

Richard Smith, 950 Mill Hollow Rd, representing BYU-I, thought PEZ boundaries were agreed upon at the previous P&Z meeting (February 5th), to reach as far west as the armory. He thought there was a .1 parking ratio.

There was a specification on the amount of guest parking: 0.1 ratio – 1 per 10 residents for guest parking with clear signage.

The discussion continued.

Stephen Zollinger reiterated there would be 0.1 ratio (10 per cent – 1 per 10) for guest parking.

Charles Andersen felt that the sidewalks in the PEZ zone should be a little wider than city standards, which are 5 feet.

Stephen Zollinger stated that the language Mr. Leikness has written makes it so they can adjust the standard. Do not try to build in sidewalk definitions into this ordinance. Examine the current sidewalk standards to possibly amend them to add a PEZ standard.

Chairman Dyer asked Richard Smith if he felt 8 feet (federal standard) for sidewalks would be sufficient for the university.

Richard Smith said the university would be in agreement with that width. They just need to figure out how to do this with the existing sidewalks.

Chairman Dyer then focused the discussion on the parking ratio in the expanded area in the southwest.

Richard Smith stated that at the previous meeting's discussion, .6 and .7 ratios were the focus. The university believes that anything at or below the 0.7 ratio is acceptable, to help promote development.

Regarding the boundary to the west being expanded appropriately, it was felt that there should be a trigger for improvements in the area of University Blvd./2nd West, stating that qualifying developments shall be subject to a future proportional share of pedestrian- implemented changes to facilitate movement (increase safety) to and from campus or businesses.

Richard Smith stated that the university felt it was appropriate to take steps to restrict or discourage traffic along the University Blvd/2nd West from 7th South, north to the round-about, through the use of bulb outs and additional crossing areas, so that it would not turn into a major thoroughfare.

There was further discussion.

Stephen Zollinger said the currently adopted traffic plan shows that area as the major arterial into town, with 4th South as a second route. The more appropriate time to deal with this issue is when the construction or enhancement to 2nd West starts to occur, and then they could use the local improvement mechanism.

Gary Leikness would like to see language in this ordinance that if this ordinance is utilized by developers, that they will commit to proportional offsite improvements in the area for pedestrian safety. This way, it would be made clear to developers that off-site improvements are likely,

Chairman Dyer reminded everyone that what they are putting together is a recommendation for City Council, who will be the final decision makers.

In the discussion at the previous P&Z meeting, the boundary line was drawn at 2nd West north of 4th South.

Per the draft ordinance, boundaries could be changed in 5 years.

Gary Leikness recommended that the entire area east of 2nd East be considered as Area 2.

Blake Willis, 610 Autumn Dr., commented from the audience that students could easily walk but are not walking.

Stephen Zollinger stated that several developers have said that as long as the parking ratio is .7 or lower, they will build.

Dan Hanna said he was aware of plans to possibly develop a bus route (private enterprise) through the City for pedestrian purposes.

Richie Webb reiterated that this concept they are discussing is developer-driven. They have to identify places where developers have a chance. They need to provide the opportunity for adequate densities to occur for growth that is going to happen around the university.

Rex Erickson said that past about 4th South going east and west, people are going to drive.

It is thought that if a student has a car, he will use it no matter how close he is to campus.

Thaine Robinson said keeping most of the higher density near the college will be better for planning for the City; it will protect residential neighborhoods.

Stephen Zollinger said higher density intensified would be less likely to creep out.

Charles Andersen said the goal is to keep academic buildings in a core within a 15 – minute radius.

Area 1 – 1 to 10 guest parking ratio and possibly no other parking

Area 2 - parking ratio - 0.6 plus .1 for visitors - 4th South to 7th South, 2nd West to the armory

At March 19th P&Z meeting Gary Leikness will have a clean PEZ ordinance document with a clean map to bring before the Commission.

Nephi Allen asked how quickly Mr. Smith thought the building would begin as he was concerned with the time limit on changing boundaries.

Richard Smith said he has talked with three large developers who are awaiting the adoption of this PEZ ordinance.

Stephen Zollinger stated the language of the ordinance could be such that the Commission and City Council could change the time limit on boundary changes, but the change could not be a developer-driven request.

Richard Smith thinks bicycle parking spaces are necessary, but he feels one parking space for every student is overkill. Let the university show how bicycles are used. He will research and then address the amount of bicycle usage and will bring figures to the next meeting.

Gary Leikness said they are on the threshold of becoming a different dynamic on campus. This is more of a good planning move rather than what exists right now.

Mr. Smith also explained how the university is addressing converted single family homes. The University made the decision to adopt a policy that will basically say effective immediately that the University will not approve any newly converted single family dwellings. With any currently existing converted single family dwellings, the university will not allow any increase in density – across the board (anywhere in Rexburg).

Gary Leikness recommended a 20 unit building minimum threshold to encourage large developments and to discourage conversions of single family homes.

Richard Smith stated that he does not agree with the number 20, but wants at least 8 units. That would be very acceptable to provide the proper atmosphere for the students.

Gary Leikness said that ultimately he would like to move this ordinance over into an overlay zone, where it is spelled out what the purpose of the zone is and where it would be more appropriate to address items like square footage needed per person. But for now, the PEZ as an amendment to the parking standards will work.

Chairman Dyer requested that Gary Leikness look at design standards in relation to infill, bikes, and parking ratios.

Richard Smith will bring information regarding the amount of bicycle usage and the amount of square feet per student living in dormitory housing, to Gary Leikness or to the next P&Z meeting. The aim is for the PEZ discussion to conclude at the P&Z meeting on March 19th, with the Commission then recommending the PEZ zone ordinance to City Council.

From tonight's agenda:

Item #1 (Development Code 926 Clean-up) and **Item # 3 (Sign Ordinance – Temporary Signs and Banners)** under Non Controversial Items, will be carried over to be discussed at the March 19th Planning & Zoning meeting, along with Mixed Use zone discussion and the concluding PEZ discussion.

Report on Projects:

Tabled Requests:

1. Final Plat – Trehusen Subdivision

Building Permit Application Report: None

Heads Up:

The meeting was adjourned at 11:10 pm.