

Nephi Allen arrived at 7:15 pm.

Chairman Dyer asked if staff had any information that would help to clarify the proposal for the Commissioners.

Val Christensen pointed out on the projected map the zoning around the subject property; it is Medium Density Residential 1 (MDR1) to the north, south and west, and it is High Density Residential 1 (HDR1) mostly to the east. This rezone request for Medium Density Residential 2 (MDR2) was felt by staff to be a natural step between them. A small portion of the 249 South 3rd West property shows HDR1 zoning. Mr. Loveland stated he did not know how that had occurred and was unaware of it until he spoke with Mr. Christensen.

Thaine Robinson asked the density level differences between MDR1 and MDR2.

Val Christensen stated that MDR1 allows 16 units per acre; MDR2 allows 24 units per acre. There would be the possibility of 12 additional units on this subject property with the zone change. The size of the subject property is 1.45 acres - MDR1 would allow 23 units; MDR2 would allow 35 units.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral:

Kevin McFadden, 182 North 4th West. He is representing his Taco Time boss, who is out of town this week. Taco Time is located on the corner of South 2nd West and West 3rd South. He thinks the concern, which is about parking, may be a separate issue. His boss would like to propose 1- hour parking on their side of the street (north side of West 3rd South). They have had a lot of parking problems within the last year in front of their business. He feels that is the only concern his boss may have about anything being changed or done differently.

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing. He said the Commission is concerned about this parking issue and the question of 1-hour parking. He asked Val Christensen to explain.

Val Christensen said any development coming into this area would have to have its own required parking on site. One bedroom units would require 1 and ½ spaces. Two bedroom units and above would require 2 spaces. The City has not had any problems with those numbers. If they were to build dormitory housing at that location, 1 parking space per student would need to be provided. Staff feels that, going by the ordinance, there should not be a problem. As far as the street itself, that would have to be examined further.

Chairman Dyer asked if there currently was a time limitation on parking in that area during the day. Mr. McFadden said there are 2-hour parking signs on West 3rd South on both sides of the street, but they were told it would not be enforced. Their employees have used the parking on the south side of that street for many years.

Chairman Dyer asked for staff evaluation.

Val Christensen said staff feels this rezone request is straightforward. The City Engineer was fine with the proposal. The proposal is consistent with the Comprehensive Plan Map designation of Medium Density Residential. It would create a buffer from the Medium Density Residential 1 (MDR1) zone to the High Density Residential 1 (HDR1) zone around the subject property.

Chairman Dyer said there are single family homes in the area. He asked if there are multi-family dwellings in this area.

Val Christensen said there are several multi-family dwellings. The properties were pointed out on the projected map.

Mary Ann Mounts felt that this rezone would be a good thing for the area. She frequently drives in that area. There is not a lot of traffic except at noontime. She does not think the rezone would impact the street parking.

Dan Hanna said there is also a traffic light at the corner of South 2nd West and West 3rd South.

Ted Hill thought the rezone would be a good fit and would infill some of the interior property that has been a concern. It is also about a block away from the University campus.

Chairman Dyer said the rezone request makes a good step from the higher density to the lower density zoning.

Thaine Robinson said the majority of the lots in the block are very narrow and very short. There is a lot of infill in the middle of the block that this rezone would address.

Mary Ann Mounts motioned to recommend approval to City Council of a zone change from Medium Density Residential 1 (MDR1) to Medium Density Residential 2 (MDR2) for the property at 248 West 3rd South and 249 South 3rd West (Ray Loveland Rezone). **Dan Hanna** seconded the motion.

None opposed. Motion carried.

Compliance:

Natalie Powell said that late this afternoon she began receiving phone calls regarding a letter that the State of Idaho has just sent out to all daycare providers - they all need proof of City business registration. She feels it is a positive thing that the issue is being turned over to local government to keep these businesses in compliance; they are supposed to have a business registration anyway, but some people were not aware of that. She is advising them to go ahead and apply for the business registration, which will kick in the necessary building inspections to look at safety, parking, etc. However, there is the problem that several of the in-home daycares are located in residential zones. The Low Density Residential 1 (LDR1) zone does not allow daycares. Under Low Density Residential 2 (LDR2) a daycare could be allowed with a Conditional Use Permit (CUP). The providers have all received letters from the State, and now they are all trying to come into compliance. One person she spoke with has been in business (in the LDR1 zone) for 20 years in violation of the zoning code.

There is the possibility that such a daycare could be grandfathered.

Chairman Dyer said what establishes the grandfather status is the existence of the business license.

Ms. Powell said the providers she has spoken with are very concerned; they thought that registration through the State was all that was required. She is concerned and thought the Commissioners could give her advice on how to proceed with the issue.

Chairman Dyer said this daycare issue puts the City at risk. There are liability concerns - life safety issues, neighborhood resident concerns, etc.

Natalie Powell noted that the daycare providers are in compliance with the State regulations, but not with the City's regulations. State funding is based on proof of registration with the City. She has not received calls from neighbors. Each situation is currently being looked at on an individual basis.

Chairman Dyer thought the issue may need to be addressed by the City Council.

The Commission's encouragement would be for daycare providers to register their businesses with the City - bring people into compliance with the laws in Rexburg. They protect the community, individuals, and property owners and neighbors.

Nephi Allen thought the best place for a daycare would be low density and asked the thinking behind it not being possible in LDR1 but possible in LDR2.

Chairman Dyer said a daycare is not allowed in LDR1 because these are considered quiet neighborhoods with larger lots that do not want a lot of people coming and going and parking on the street. LDR2 allows a daycare as a conditional use so that the Commission can look at issues such as traffic, impact, noise, parking and safety – these can be addressed through conditions.

Val Christensen stated that a difficult issue will be that some of these daycare providers have gone to the State, have the license required by the State, and never checked with the City, feeling they were in compliance the whole time they have been in business, possibly having records going back years before, proving payment of the State license back far enough before the City ordinances now in place.

Chairman Dyer said these situations would likely be seen as bonafide, presently existing non-conforming uses, which would take away the liability of the City.

Natalie Powell said the providers she has spoken with were very apologetic, stating they were just not aware that a City business license was required. She does not think they were intentionally avoiding the City's regulations. She thanked the Commission for their input.

Natalie Powell asked if the Commissioners had any compliance concerns they wished to bring to her attention.

Chairman Dyer asked about the issue of gardens being located in the boulevard strip.

Natalie Powell said there could not be anything that grows over 3 feet tall, such as corn, as there would be an obstruction of vision. She has spoken with the residents that currently have gardens in the boulevard strip (between the curb and the sidewalk) and explained the regulations and liability issues.

Dan Hanna asked if Ms. Powell had contacted the owners of the property north of the veterinary clinic/stockyard near North Yellowstone. The property has lots of weeds.

Natalie Powell stated the owners will be contacted.

She said the owners of the 3 vacant lots in front of Artco have been contacted about the weeded lots. The lots have been leveled; progress is being made.

Dan Hanna commented that the Stonebridge area is looking good.

He thanked Natalie Powell for her efforts.

Unfinished/Old Business:

1. Preferred Land Use Map – Discussion

The Preferred Land Use Map (Comprehensive Plan Map) that reflected some suggested changes was projected on the overhead screen.

Val Christensen said he has considered what opposition might be encountered with these map changes they are contemplating. He thought residents in the area to the east of South 2nd East might have concerns.

Chairman Dyer said there were Preferred Land Use and zoning issues in the area east of South 2nd East that have brought considerable input and strong neighborhood participation from residents of that area in the past.

Val Christensen pointed out the area where neighborhood residents came in and got their zoning changed from Low Density Residential 2 (LDR2) to Low Density Residential 1 (LDR1) about five years ago. They made the unified, concerted effort to keep the Preferred Land Use map designation as Low Density Residential. He has spoken with several residents and has confirmed these feelings. The current name on the current Preferred Land Use map is Low Density Residential. With the discussed change of going back to the names on the old Preferred Land Use Map, an area would change from the current *Low Density Residential* to *Low to Moderate*, which may be of concern to the residents in several areas of the City.

Mr. Christensen had a suggestion – why not have a Preferred Land Use map designation name specifically called *Single Family*? That name would help to clarify what is wanted for an area where residents have strongly voiced their concerns. It relieves people of worrying about possible dormitory housing. In addition, there would still be *Low to Moderate* and *Moderate to High* land use designations - a total of 3 designations for Residential on the Preferred Land Use/Comprehensive Plan Map. There also would be less confusion with zoning names.

He did not want to pursue this idea without the Commission's input.

Mary Ann Mounts liked the name *Single Family*.

Thaine Robinson felt it is good that this name would be totally different than a zone map name.

There was Commission consensus to add the name of *Single Family* plus *Low to Moderate* and *Moderate to High* for Residential land use designations.

The concept of the nodes on the Comprehensive Plan map was to give some varied development.

Chairman Dyer said it is all about having useful planning tools to be able to preserve the uses and encourage development in the direction that the community wants it to go.

Nephi Allen expressed that the younger generation may be more open to neighborhood change.

The Commission then discussed other areas of the Preferred Land Use map that they felt may need a change in land use designation.

A home is currently being torn down at North 2nd East and Moran View to make way for the expansion of an existing business to its west.

The Commissioners discussed this area of North 2nd East as a possible commercial corridor. The Commercial designation could extend from North 2nd East and Moran View west to the City boundary and south to the railroad tracks, as most of that area currently shows Medium Density Residential and Low Density Residential as their Preferred Land Use map designations (see attached map **Exhibit A** for clarification).

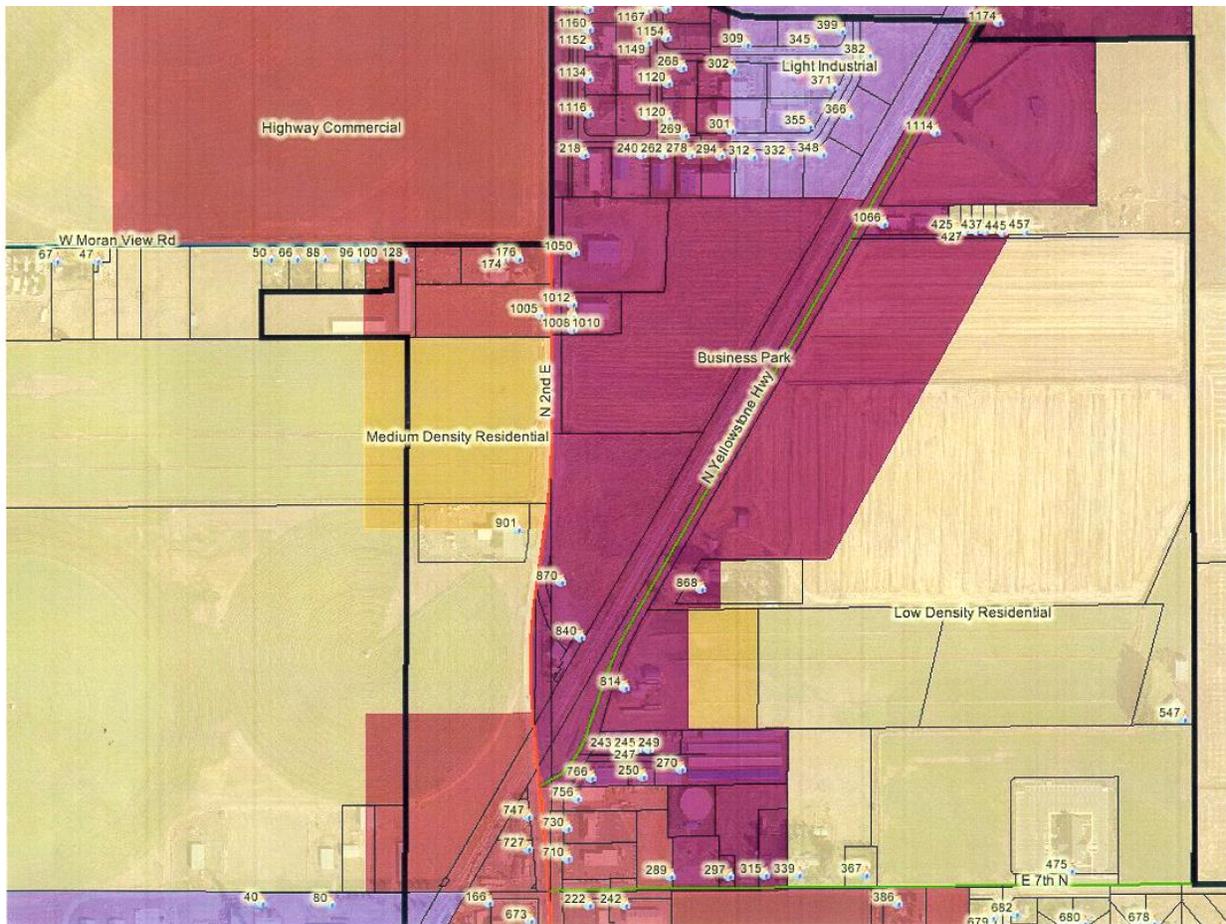


Exhibit A

Dan Hanna asked about the area of West 6th South and South 5th West. The Comprehensive Plan map land use designation would be *Moderate to High* under the new names.

Pioneer Road area – *Moderate to High*

Handcart Lane area – *Neighborhood Commercial/Mixed Use* – for more uniformity and consistency

Val Christensen will work on the 3 Preferred Land Use map items that the Commission addressed:

- 1) Line up the commercial designation on the north (North 2nd East);
- 2) Finish up the Handcart Lane/beauty college area to be more consistent by making that area all *Neighborhood Commercial/Mixed Use*; and
- 3) Identify some *Single Family* land use designation areas.

He will work on these suggested map changes and present an updated Preferred Land Use map to the Commission at a future meeting.

New Business: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None.

Building Permit Application Report: None

The meeting was adjourned at 8:30 pm.