

# Planning & Zoning Minutes

October 21, 2010



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

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## Commissioners Attending:

Winston Dyer – Chairman  
Thaine Robinson     Ted Hill  
Jedd Walker         Richie Webb  
Dan Hanna           Nephi Allen  
Gil Shirley           Scott Ferguson  
Cory Sorensen

## City Staff and Others:

Rex Erickson – City Council Liaison  
Val Christensen – Community Development Director  
Jake Rasmussen – I.T. Intern  
Natalie Schneider – Compliance Officer  
Scott Johnson – Director of Economic Development  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:06 pm. He welcomed those in attendance – members of the Commission, Councilman Erickson, City staff, and interested applicants and citizens including several students and Boy Scouts. The Commission appreciates them being here to see the process and how everyone is given the opportunity to have their say.

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

Scott Ferguson, Jedd Walker, Richie Webb, Gil Shirley, Winston Dyer, Thaine Robinson, Ted Hill, Dan Hanna

**Mary Ann Mounts** was excused.

Nephi Allen arrived at 7:08 pm.

## **Recognition of Service:**

**Planning & Zoning Chairman Winston Dyer**, recipient of the Idaho American Planning Association's *Planning Leadership Award* - Community Development Director Val Christensen

Val Christensen stated that **Chairman Winston Dyer** has done Rexburg proud – he has received this special award from the Idaho American Planning Association. He has given countless hours, many years of hard work, and wonderful service for the betterment of the City of Rexburg and its community. He has been too humble to include himself in all that has been accomplished. Tonight, **Chairman Dyer's** dedicated service is being recognized. While at times he has had multiple projects going on in his own business, he would always set those aside to take on issues that the City was facing. On behalf of City staff and the Mayor, he is sincerely thanked for all he has done.

**Chairman Dyer** thanked Mr. Christensen. He wanted everyone to understand that his name is on the award, but he accepted it in Boise only as an ambassador of the City of Rexburg. This award belongs to the community, the citizens. It belongs to the elected officials who have given their guidance and to City staff who have given tireless hours in service in crafting these wonderful ideas that have guided the growth and development of this community. It belongs to the P&Z Commissioners for all of their great work in counseling together – bringing input from the citizens, bringing their reasoning, and working with developers and others to come up with the guidance that makes this community great. It is all about improving the quality of life in the community. He is grateful to be associated with it. He acknowledged past Planning & Zoning Administrator Gary

Leikness, who submitted the application for this award – he still has Rexburg at heart and is responsible for many of the things that were done here that were recognized in the presentation of the award. His efforts are appreciated. **Chairman Dyer** expressed thanks and appreciation to all those involved.

**Minutes:**

1. Planning and Zoning meeting - September 16, 2010

**Dan Hanna** motioned to approve the Planning & Zoning minutes of September 16, 2010. **Thaine Robinson** seconded the motion.

**Gil Shirley** abstained for having not been present.  
None opposed. **Motion carried.**

**Cory Sorensen** arrived at 7:14 pm.

**Non controversial Items Added to the Agenda:**

Due to cancellation of the first scheduled public hearing and it not yet being the appointed time for the second scheduled public hearing, the following issues were presented at this time:

1. Report on September 30, 2010 Joint P&Z Commission meeting

**Thaine Robinson** reported on this meeting. He represented Rexburg at this Joint P&Z Commission meeting of the five Planning & Zoning Commissions (Rexburg, Madison County, Sugar City, Teton, and Newdale) in the area. This meeting is held approximately quarterly, when there is a fifth Thursday in a month. Sugar City hosted it at their City building. The County went over their windmill and geothermal plans. Teton spoke of their impact area and how they really do not want one - they want to take care of things in just their City limits. Sugar City's major issue was that they are in the process of doing their Development Code and are adopting a lot of the things that Rexburg has done in the past few years. The report **Mr. Robinson** gave for Rexburg addressed the challenges they are facing with apartments and encroaching into residential areas – and how challenging that can be for the residents as well as the developer. A very small number of people were in attendance. It was a very brief meeting

2. **Dan Hanna** commented on the Kartchner Rezone cancellation. When the developer went to Rocky Mountain Power, he was informed of the high cost of upgrading the entire system to supply power to the subject area and that side of Rexburg, about one million dollars. There is only one transformer in Rexburg. As they plan growth of the community, utilities are not keeping pace. Intermountain Gas also indicated a difficulty in serving this expansion of growth. Utility companies are meeting with the City next week.

**Chairman Dyer** asked if elected officials are aware of the situation.

Val Christensen said the Mayor is very concerned with the Intermountain Gas situation, which is a pipeline issue. He and the City's Director of Economic Development Scott Johnson are working on getting some resolution to these concerns. The City just found out about the electrical limitation.

**Chairman Dyer** asked what the Commission can do to be of assistance in this effort.

Scott Johnson said there will be a meeting with the utility companies, to be held on Thursday, October 28<sup>th</sup> at 2:00 pm in the Council chambers. He asked that a representative be present from the P&Z Commission. The meeting will be with the Public Utility Commission, Rocky Mountain Power, and Intermountain Gas.

Val Christensen said water may become an issue in the future if well rights continue to be problematic.

He added that currently there is an upgrade occurring (biodome) at the City's waste treatment plant, which will increase the capacity of the system by nearly double.

**Chairman Dyer** asked, in deference to the residents, when the odor problems would stop.

Rex Erickson said this upgrade should eliminate odor problems and lessen any complaints.

### **Public Hearings:**

**Chairman Dyer** explained the process that is followed for public hearings. The applicant or a representative will give a proposal, to educate the Commission and the audience on what is being proposed and why. Commissioners will have the opportunity to ask clarifying questions of the applicant and may also ask questions of staff for clarification. Public input will be heard. That will be followed by staff evaluation and recommendations. The Commissioners will then deliberate the matter in order to reach a decision. Anyone addressing the Commission needs to state their name and address for the record and their affiliation with the project.

7:05 pm – Rezone – Troy Kartchner - Rural Residential 2 (RR2) to High Density Residential 1 (HDR1) - 935 West 7<sup>th</sup> South- **CANCELLED**, deferred to future meeting

7:20 pm – Rezone – Broulim's – Community Business Center (CBC) to Central Business District (CBD)

Mark Oswald, 436 N. 3800 E., Rigby, representing Broulim's, presented the proposal. It is a positive time for Broulim's; they have had good growth. They would like to do a remodel to increase the size of their store. As part of that, they want to expand a little to the east. They are 14 feet from the sidewalk, which is their property line. In their current zoning of Community Business Center (CBC), they cannot get closer than 10 feet. Therefore, they are asking for this rezone, which would allow them to expand the building. They also purchased some of the shop space just to the west of their store and will expand do most the expansion into this area, moving some current businesses further west, as the Hollywood Video store is no longer there. Mr. Oswald pointed out the intended expansion on the overhead screen map for clarification. They would expand 80 feet to the west. They will also expand a little at the back of the current building. The truck well and how trucks approach the back will be improved and turned straight north, for the trucks to exit on West 1<sup>st</sup> North. The rezone would give them the chance to do what they intend for their floor plan. They plan to make things easier and improved without having to move a lot of their major services.

**Chairman Dyer** asked if the Commissioners had any questions to help them understand the proposal.

**Richie Webb** asked if they owned the parking piece to the north of their building.

Mark Oswald said they did own that piece of land and the small home next to Mickelsen's. They would take the house down to extend their employee parking, to make up for the room that would be needed for the truckwell.

**Gil Shirley** asked, if the zoning where changed, how the sidewalk on the east would be affected.

Mr. Oswald said they could build to the back of the sidewalk. The present sidewalk would not be changed.

**Chairman Dyer** said that the east expansion to be able to build to the back of the sidewalk was the main purpose for requesting the rezone.

Mr. Oswald confirmed this was the reason for the request. It would take away a little green space, but they hope to make up for that when the home is taken down. There will be a cooler on the east side that would be about 10 feet tall. They have not yet completed the design. Their remodel will improve the property. They want it to look attractive.

**Chairman Dyer** said the rezone request tonight is a land use issue, but there is interest in where things will go if the rezone is granted. They always want to see to the end from the beginning of such a request. The Commission is concerned about the east wall and its expanse; they do not want a long, blank wall here. From what has been described there are not going to be any public accesses here.

Mark Oswald said they want their remodel to be attractive. They realize there are building standards that will need to be met for development. Some of the green space would remain. Some of the trees in the existing right of way on the east side of the building will remain there.

**Richie Webb** wondered if they might be able to extend to the east but not all the way to the sidewalk.

Mark Oswald said they would like not to tear down a wall to put the cooler in that location.

He clarified that the entire length of the building would not go out to the sidewalk.

They will expand the west part of the building expansion to the north. It will drop down four feet in height from the main building.

**Chairman Dyer** asked if staff had any clarifying information to help the Commission understand the proposal.

Val Christensen said when Mark Oswald met with him about this rezone, they found that the Comprehensive Plan supported going in the requested direction.

**Thaine Robinson** asked when an existing business rezones and adds on or expands, do all the new design standards apply? He is concerned about a boneyard parking lot. The new design standard is to break up all the concrete.

Val Christensen said when dealing with an existing building (presently existing nonconforming use), the applicant is not necessarily held to the letter of the design standards. The new structures would need to meet current design standards. The elevations could be addressed in a Design Review Committee meeting at the time of building permit application.

**Chairman Dyer** said tonight they are hearing a land use question. The building that is planned also needs focus, as the two issues are intertwined.

The Design Review Committee would be triggered at the time of the building permit; this is a large development.

The **Chairman** opened the public input portion of the hearing.

**In Favor:** None

**Neutral:** None

**Opposed:** None

**Written Input:** None

Val Christensen clarified that the boundaries of this rezone are described in the public notifications, the Commissioner Information packets, and the staff report.

**Chairman Dyer** closed the public input portion of the hearing and asked for the staff evaluation.

Val Christensen said the rezone request is for the entire block; this request was put together by staff at a Ready Team meeting, which now is held every other week. The City staff felt the rezone needed to be for the whole block instead of being done in bits and pieces and leaving odd shapes and parcels. The original request was for the parcel the Broulim's store is located on.

The request to change zones from Community Business Center to Central Business District conforms to the Comprehensive Plan Map which identifies the property as having a Downtown Commercial/Mixed Use land use designation. All businesses currently in the block are grandfathered.

Staff felt the requested zone change was positive and would give property owners more latitude. They can stay as they are, or they may build out closer to the street, or put in a residential component. The block was clarified on the overhead screen map.

**Chairman Dyer** said rezoning the entire block is consistent with their concerns of not taking small pieces to rezone but moving forward with a block or whatever is necessary.

**Ted Hill** asked how personal residences in that block would be affected.

Val Christensen said the properties are already zoned commercial. They would not be affected.

The long term view of the area as identified on the Comprehensive Plan map for this area is mixed use rather than residential.

The entire block, 10 acres, is currently zoned Community Business Center (CBC).

The City Engineer did not note any problems with the requested zone change. To the west is the new construction of the library. Staff felt the zone change would be a good fit.

**Chairman Dyer** said the question before the Commission is, shall this block of Rexburg be changed in zoning from Community Business Center to Central Business District? They need to think of this issue in terms of land use and in consideration of impacts on this block and surrounding properties. Impacts, aesthetics, and traffic circulation should be considered.

Scott Ferguson said there are some homes in the subject block.

Scott Johnson pointed out the house that the City owns on the turn at North 2<sup>nd</sup> West and West 2<sup>nd</sup> North.

**Chairman Dyer** noted for the record there was at least one homeowner in the audience from the requested rezone area.

**Cory Sorensen** asked if it was known what is to become of Madison Junior High School, just to the east of the subject block.

Scott Johnson said the school is currently in use and will be in use until the next school year. At that point, it will make the transition over to the old high school when that school's remodel is completed. The City has spoken with the school district and does not have any information beyond this plan.

**Thaine Robinson** felt the rezone proposal was a good one. Design will be able to be addressed later on. Being that there are not many residential residents in the area, or neighborhoods, he felt there would not be negative impact.

**Scott Ferguson** said his only concern is the east side; plans should address keeping the east side attractive and pleasing to everyone.

He said there will be less of any kind of traffic bottleneck because the school will be moving.

**Jedd Walker** felt the east side expansion would be an improvement. It appears that the proposal would break up the mass of wall that now exists.

**Ted Hill** said he is comfortable with east expansion. Sidewalk, green space, and some trees would remain.

**Chairman Dyer** said the request is consistent with what they have been looking at and noted it would take a concerted effort at the design/ site plan stage to make sure it works for presentation and design standards. The block is largely commercial already; the rezone would enhance the block and make it more attractive for those uses.

**Chairman Dyer** noted there was a consensus of the Commission.

**Thaine Robinson** motioned to recommend approval to City Council for a rezone from Community Business Center (CBC) to Central Business District (CBD) for the entire block bordered by West Main Street, North 2<sup>nd</sup> West, West 1<sup>st</sup> North, and North 1<sup>st</sup> West (*All of Block 31 of the Original REXBURG Townsite, Madison County, Idaho*). **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** thanked the applicants. He noted that the Commission has great concern over the presentation of the east wall of Broulim's.

**Mark Oswald** said they intend to make it better. He thanked the Commission.

**Unfinished/Old Business:** None

**New Business:**

1. PEZ Zone (Pedestrian Emphasis Zone) discussion – Jason Kotter -Trent Birch project at 405/431 West 4<sup>th</sup> South

**Chairman Dyer** said Val Christensen has been working with developers on some PEZ questions and issues.

Val Christensen said at several meetings the question has come up as to why the PEZ Zone Area 1 boundaries are as they are shown.

This developer that is here tonight would like to know if the P&Z Commission might consider a boundary change for PEZ Area 1. Three projects- Ridge, Henderson, and Birch – are shown on the map he distributed. The map is a representation measuring the walkability, from a pedestrian standpoint, of these projects, to the center of the University campus. It also shows the distance to Broulim's from the 3 projects. The Birch project is farthest out, but because it is the nearest to a direct route, it is actually the closest to the University and to downtown.

Staff felt this discussion should take place.

Mr. Christensen stated the PEZ Zone Ordinance has a moratorium at this time (“...*No applications for expansion of the PEZ boundaries shall be accepted for five (5) years from the passage of this ordinance in the hope that infill will be maximized within the boundaries...*”).

Trent Birch and Jason Kotter are aware of this moratorium.

The issue needed to come before the P&Z Commission first; it would be sent to City Council for consideration if the Commission made a recommendation.

The question, which the applicant will address, is whether or not the Commission would entertain changing the PEZ Zone Area 1 boundaries (thereby lifting the moratorium).

**Scott Ferguson** asked what would follow if the Commission did recommend such a change.

**Chairman Dyer** said their recommendation would authorize the City Council to consider the matter of lifting the moratorium. The City Council members are the decision makers, as elected officials.

This issue regarding this project was to be on the City Council agenda last night, but it was decided that the process called for it coming before the Commission first.

Rex Erickson said City Council does not want to take up the matter unless there is first a recommendation from the P&Z Commission.

The ordinance came into effect in May 2009.

Val Christensen said Jason Kotter did not mean to bypass the Commission.

**Dan Hanna** wondered if it could be argued that the PEZ Ordinance was planned prior to the BYU-I growth announcement of 4,000 students. He also wondered what kind of changes should be made between PEZ1 and PEZ2.

**Chairman Dyer** said the five-year moratorium time line had nothing to do with the University's growth announcement; it had everything to do with giving the ordinance time, and being able to implement something that was new - give it the time to make it work right before facing pressure from developers to change it. They are still learning.

**Dan Hanna** said the ordinance was crafted before the growth announcement; they are dealing with an issue that is driven.

Val Christensen said the reason for the moratorium is to try to get the designated areas densified. The PEZ Zone area 2 on the west side was mostly vacant ground. The disconnect that Trent Birch has brought is that he tore down a motel on the subject property in order to redevelop.

**Scott Ferguson** wondered how many other properties in PEZ Area 2 could come forward - how many vacant lots - if a boundary change were to occur.

**Chairman Dyer** said projects would come forward on a redevelopment basis.

Val Christensen said PEZ Area 1 was created so developers could take down old houses and rebuild.

Trent Birch took down a building, for another project, and is asking why he is not given the same consideration.

**Thaine Robinson** said when the PEZ map was created, they had to square the distances rather than figure them in a radius to make the map work. Trent Birch's subject property is in the farthest west corner of PEZ Area 2. If his property is allowed the change, there would basically no longer be an PEZ Area 2. They would have to allow the change for others.

It was noted that the center of campus is not everyone's destination.

Douglas Gibson, 430 East State Street, Eagle, Idaho. He is the architect of record that has worked with Jason Kotter, who was unable to be here tonight. They have worked with Val Christensen on putting together some preliminary conceptual drawings for the property in addition to some alternatives that they were investigating for additional parking onsite and to the west. The situation they face is that there is a need for additional single student housing units within walking distance to the BYU-I campus. The economics of construction right now in this community are fortunate, as

there is a lot of construction going on. There is phenomenal growth. BYU-I is a significant blessing to the City. Trent Birch has roots here and is a committed stakeholder to the future growth in and around the Rexburg area. Mr. Gibson, working with Jason Kotter, put together some preliminary designs. When this project was originally proposed, an architectural firm (Humphries) from Dallas, Texas, did a preliminary assessment of what the property could hold in density. They came up with approximately 77 units, internally loaded, with 5 stories - an upper end apartment development, with a community center area and workout room, designed to be a great amenity for Rexburg as well as for the students. What they ran into was that this initial proposal had a below grade post-tension concrete parking structure. So, the original design proposal that the Commission may have seen earlier, missed the mark.

When Douglas Gibson was approached by Jason Kotter, the intent was to stay with the 77 units - size, amenities, structure - but they could not do so with the limitations of the PEZ Area 2 zoning and the parking requirements. When he came into Rexburg this evening, he took the time to see for himself the long row houses of two and three -story apartment complexes surrounded by a sea of parking in and around the campus area, with hundreds of cars, and hundreds of bikes.

Mr. Gibson said they are not trying to leapfrog - he apologizes how Jason Kotter may have perceived working with the City Council. They do want to at least put something in front of the P&Z Commission, as well as City Council because of where they stand on the project. At this point, they are going to miss the construction season, which is a big concern. It is probably past the time that they could do anything this year. What they are trying to obtain through the PEZ reduction, is to stay with the same number of units and same design (3 bedroom, 3 bathroom, living room, storage areas, balconies), but reduce the amount of parking, knowing that the site may be more conducive to walking than some of the other complexes on the ridge, where students would have to walk up and down the hill. They realize they are right on the PEZ boundary radius as presented by Val Christensen, as far as walkability. They want to make sure that they can provide the opportunity for students to live close to campus, but they also have an economic return that they have to design to as well. They have done their code analysis for the height and type of structure that they are proposing. At this point, the focus is dealing with the parking issue.

**Chairman Dyer** said specifically they are asking for consideration to change the subject property from PEZ Area 2 to PEZ Area 1.

Douglas Gibson said that was correct.

**Chairman Dyer** said if they did that, specifically what difference would it make to this development?

Douglas Gibson said specifically they could go with the unit design and the size structure they are proposing, and reduced parking. With PEZ Zone 1, necessary parking spaces would be reduced to about 80 or 90 stalls. With PEZ Area 2 there would need to be 162 parking spaces offsite( plus 112 spaces onsite), as was approved in their earlier proposal; they would need to secure offsite parking. The economics of that parcel would be in excess of \$550,000 to \$600,000 just for the land in order to park 162 cars.

**Chairman Dyer** asked why that proposal was made in the first place.

Douglas Gibson said they were trying to investigate opportunities. They went back and actually looked at reducing the size of the units in order to pencil in that extra \$600,000 that had not been put into the budget. However, they want to be in the market with the larger size unit because they believe that is where the students are going to want to live.

**Chairman Dyer** asked if the proposal were approved if they still would build 77 units.

Douglas Gibson clarified that they would still go with the 77 units and 5-story building, which would still require about 80 offsite parking spaces. On site, they would be able to fit 112 compact parking

stalls, plus 4 ADA (Americans with Disabilities Act) parking stalls. Jason Kotter has been investigating sites for offsite parking that is close to the development site.

**Chairman Dyer** said the developer could possibly go with what the site will allow and not have any offsite parking. He said from the Commission's perspective, they approved all of this and now it seemingly is being changed.

**Dan Hanna** asked if City Council were to approve a change in the boundaries for PEZ Area 1, would this project then be built.

Douglas Gibson said he could not make that commitment, but he said based on his information they would proceed with the 5 story structure. Those are the economics that have been put together.

**Dan Hanna** said if the subject property were not changed to PEZ Area1, it is unlikely that the 5-story design would be built.

Mr. Gibson said that was correct.

**Chairman Dyer** asked if at that point the project would go forward with some lesser density on the site.

Mr. Gibson said he could not really speak to that issue. They have produced proposals for the developer for a 3 story walkup, with about 36 units, but that is not where the developer wants to be.

**Scott Ferguson** asked if it is of benefit to Rexburg to get something useful on that lot. They have a possibility here of a development rather than vacant land.

**Chairman Dyer** said that is one perspective. The other is planning. All of their discussions have been based around planning. What is Rexburg going to look like? What kind of development do they want to encourage? Where do they want development to occur? Yes, 4<sup>th</sup> South has been troubling. They first tried to define it as a commercial corridor; that has not happened with the economy. They were willing to let it migrate to residential multi-family development. They need to look at the overall picture and what they want to encourage, in regard to ordinances and planning. Sometimes they have to be patient and prepared to get what is wanted. When the University first announced their change, many planning decisions were done in reacting to that announcement (committing the lesser evil for the greater good). It was a tough time from a planning perspective, but it has smoothed out.

**Dan Hanna** asked Douglas Gibson to state the reasons why the subject parcel should be changed to PEZ Area1.

Douglas Gibson said he believes there are a lot of opportunities for students walking through the subject area. It is already building up with apartments. It is a further reflection of the ability of the campus to move to the west; it is hemmed in, in other areas. The location is more conducive to pedestrians. The subject property is within walking distance of shops, restaurants, and other amenities students would need to use if they did not necessarily have a car. They are proposing something designed to be a very nice element to hopefully anchor that end of the street as development would fill in closer to campus and the roundabout area. The location is more conducive to getting the students directly to campus. Walking to school would be a true academic experience.

**Chairman Dyer** asked why this proposal is in Rexburg's best interest or if it is an economic decision. What does this do for Rexburg as opposed to what does this do for the economics of their property?

Douglas Gibson said he does not know if Rexburg necessarily wants to be known as a community that is full of 4 and 6 bedroom vinyl-sided two story apartments. There are a lot of those visible near

the highway. Students need a home, and they need a place they can be proud of when they live there. He realizes that it is transitional housing in the sense that the students are going to be there for a limited amount of time, but students make memories as well – meeting future spouses, developing their roots in the community – this development would be a component that would be a reflection of what they the Commissioners would want Rexburg to be like in 2020. As the student population grows, there is a disconnect from being a small a town, but the community can also benefit from the University that is growing. Students want to come here – it is a safe, it is clean, and it is a gorgeous community. Where the students go and where they live is just as important a representation on the City of Rexburg as the fact that Ricks College converted to BYU-Idaho.

**Chairman Dyer** complimented Mr. Gibson on his well-articulated thoughts. He asked if the change is not granted, is the developer going to build something less (clapboard 3 story)?

Mr. Gibson said he cannot speak for the future but he can say that the market will bear what the market bears. The work he is very proud of is the building of communities; he builds a lot of family housing, in different states. Part of what they like to do is create a sense of place. Rexburg has a heart. Its heart is the way things focus around the University and the campus. Establishment of place is very critical. They want to create a sense of place versus the monotonous and mundane that can be seen anywhere.

**Ted Hill** said many developers have come and built projects, and they have all done so with the City guidelines and regulations that are in place. Maybe this is not the right development on the right piece of property. Maybe this land is wrong for the project. They have struggled with this issue for quite some time. Why can't they come in with a design that fits that piece of property? Why not develop something that will fit the regulations? Why is this project any different?

Douglas Gibson said others had come in with the initial proposal. He believes it is the location of the land and the land acquisition costs that drive the number of units.

**Chairman Dyer** asked if that cost was related to having to buy the offsite parking.

Mr. Gibson said that was part of it.

**Thaine Robinson** said the University had a role in helping the City to develop the PEZ Zone. He asked if the developers had talked to the University about their proposal.

Douglas Gibson said he has not. Jason Kotter has been working with the Housing Director for BYU-I.

Val Christensen said he has spoken with Phil Packer, the representative of the University who was not able to be here tonight. Mr. Packer told him that currently the University's position is neutral on the boundary issue. They have not had time to really investigate it. They are positive on the higher density, but what is negative for them would be the fact that it may affect the size their parking lot would need to be.

**Dan Hanna** asked where the developer sees the boundary adjustment for PEZ Area 1 around them - the middle of the block, the entire block?

Douglas Gibson said from a perspective of the site itself, it would make sense to work on establishing a PEZ Area 1 between the proposed site and back in towards the campus, so it would become a linear link. For ease of mapping, it could be on a block by block basis.

He cannot debate the merits of the 5-year moratorium. He can totally understand why they would have had it in their ordinance.

**Chairman Dyer** thanked Douglas Gibson for his very professional presentation.

Trent Birch clarified for the Commission that he is the developer of the subject project, partnered with Jason Kotter.

Val Christensen said Mr. Birch's property was a developed area at one time. If they do want to investigate a boundary change, staff would steer them to vacant ground versus ground to be redeveloped.

**Chairman Dyer** said the question before the Commission is shall the PEZ Zone designation be opened up for re-evaluation and potential changing of designations between PEZ Areas 1 and 2? If so, they should stipulate why that would be the appropriate thing to do, culminating in a recommendation to the City Council.

**Chairman Dyer** said the Commission started with the bulls-eye map like the one given out tonight when they put together the PEZ Zone. They recognized the need to encourage redevelopment around the perimeter of campus, particularly to densify, in return for some things that would be in the interest of everyone involved (the community, the University). It was thought that some of the old houses in the area could be bought up and knocked down in order to build complexes. The thought was it would naturally grow outward. They would designate an area of emphasis and an area where they foresaw change down the road (PEZ Zone Areas 1 and 2 respectively). It was more about growth and density than it was about walkability. Walkability would be a benefit they would get by reducing the number of cars and making Rexburg more pedestrian friendly. They carefully examined the bullseye map, squared it off, and followed the streets. There were many discussions on where boundary lines should be, and on what density limitations should be. They looked at University car studies and parking ratios. They looked at parking regulations. The Commission decided to draw the boundaries based on the potential for growth and also for safety. They drew the 2<sup>nd</sup> West boundary for safety issues, trying to encourage development to its east so students could walk to campus and not be crossing 4-lane streets. They recognized this was new; they have always been challenged by pressure to change all that is decided. It took a huge effort to craft the Comprehensive Plan – a proactive rather than reactive mode. As proposals came forward, they would look at if it fit the plan. The idea of the time limitation (5 years before any boundary change) was to give them the chance to encourage density in PEZ Zone Area 1 and go from there. The areas were set purposefully and with a lot of thought. Is it in the interest of the community or the University to consider changing the PEZ boundaries? The issue merits that the Commission should come to a decision on whether or not they are going to pass this on as a recommendation to the City Council and to give them some guidance as the Council has asked them to do.

Rex Erickson said if any of the PEZ Area 2 boundary is changed, should they then change the whole area to PEZ Area 1? Why have a PEZ Area 2? Everyone coming in with proposals would want PEZ Area 1 because of the parking reduction. They would be defenseless to not give it to them. The question is do they want a PEZ Area 1 and 2, or do they want all of it to be PEZ Area 1?

**Chairman Dyer** said the Commission when putting the PEZ Ordinance together, felt that there was a need for a differential, a Pedestrian Emphasis Zone Area 1 and an Area 2. There was lots of time and careful thought involved on this issue.

**Richie Webb** said he can see both sides of this scenario tonight. He appreciates the fact that this developer wants to invest in Rexburg to develop a nice project. He does not know if distance is really the determining factor. He can see a 5-story building in PEZ Area 1. Putting it further out does not make as much sense. He understands developer driven projects. However, the point is, here is someone willing to try something that has not really been tried (trying for .25 parking). No one has been willing to take the leap. One of the major goals of this initiative is to create a

pedestrian emphasis campus and area around the campus. The Commission should very carefully consider the issue.

**Thaine Robinson** said when the PEZ Ordinance was put together, Richard Smith, representing the University at that time, had wanted a PEZ Area 2 in addition to the PEZ Area 1.

**Scott Ferguson** said if this proposal works for Rexburg, he does not see a problem.

**Cory Sorensen** said he sees both sides. He owns property and is in a similar situation. He wondered why not have underground parking – he realizes it is a developer decision. Part of him says to expand the PEZ boundaries. However, he also feels there needs to be a distinction between PEZ Area 1 and PEZ Area 2, because if a goal is to get rid of a lot of the single older homes, it will never happen if they keep expanding. He thinks it is a great idea to apartments with no parking; it is a risk. He has owned apartments for 10 years, and the residents bring and need cars. If the developer can make it work, it would be positive for the City.

**Nephi Allen** said the PEZ Zone is an experiment. He thinks it is too early to be changing this experiment. He can see the advantages for this developer, but that was not what was intended when the PEZ was put together.

**Dan Hanna** said the experiment has proven to be unsuccessful. They gave incentives (lesser parking requirements) to developers to tear down existing buildings and densify those areas. The only construction that has happened in PEZ Area 1 has been on bare land.

**Thaine Robinson** said the PEZ Ordinance has been in effect for only eighteen months.

**Chairman Dyer** said even building on bare land gets the process started so they can see how things are working.

**Dan Hanna** said this proposal is the first to come forward that is willing to take the risk of building a 5-story building, with 25% parking. It is the first step into the water to see if PEZ Zone Area 1 is viable.

**Nephi Allen** said the proposed development is not in PEZ Zone Area 1.

**Dan Hanna** said that PEZ Zone Area 1 is what the developer is asking to be in. No one in PEZ Zone Area 1 has taken advantage of the minimum parking.

**Nephi Allen** said the building of a parking lot by the University opens up a new window for the developer in PEZ Zone Area 1.

**Cory Sorensen** said there is the walkability question. After a student completes essential requirements, the student lives in the building where his major is located.

**Gil Shirley** said if the college expands its growth, it would likely be to the south because that is where the land is. He feels they should make the area all PEZ Area 1.

Val Christensen said the University has informed him that their near-term growth pattern is not to significantly expand their footprint at this time. They are looking at taking the boys' dorms down and replacing them with larger administrative and class-type buildings. The lot that is directly east of the Nauvoo housing complex, which now has storage buildings on it, is another area the University is looking at to improve. Infill in some parts of campus may also occur. It would be many years before they significantly change the footprint of what they are in to start heading south.

**Chairman Dyer** said the Commissioners have very thoroughly explored both sides of the issue, very fairly and in consideration of the different views. There has been good discussion with good ideas. They are now looking for a possible motion to City Council.

**Dan Hanna** said there are a couple considerations that need further discussion. Do they want to scrap PEZ Area 2? Do they want to increase PEZ Area 1?

**Chairman Dyer** said absolutely not.

**Jedd Walker** asked if they could do that without a public hearing.

**Chairman Dyer** said no. They are only making a recommendation to the City Council to consider how to approach this issue.

Trent Birch said he has been working a lot with the University and attending housing meetings. BYU-I is number one for applicants. Just last semester, the University was 100 beds short for single students. He is concerned about building apartments with less parking, but he wants to give back to the Rexburg community. He is on a main route coming into Rexburg. Housing is needed. The University continues to grow; they want beds for students as close as possible to campus.

Mr. Birch said they are looking into providing shuttle bus service for the students. They are willing to take a risk as the college grows.

Councilman Rex Erickson said there has been very good discussion tonight. Many things have been brought up. Only two questions need to be answered for the City Council: **1.** Do they want to do away with the PEZ 5- year moratorium? **2.** Do they want to do away with PEZ Area 2?

The 5- year moratorium was done for a reason, to try out the issue. They should take that into consideration. Whatever the recommendation is, the City Council would try to move forward on it.

**Chairman Dyer** said if they decide to do away with PEZ Area 2, then the first question would be automatically answered.

**Cory Sorensen** said there has been a lot of change in the last 18 months. Would it hurt to lift the moratorium and look into the possibility of expanding/ changing boundaries? The economy is a driving force. He said he was not on the Commission when the PEZ was written.

**Scott Ferguson** said if they had seen redevelopment, more than they have seen, that would strengthen the position to not waffle on the moratorium. The PEZ Ordinance seems almost cost prohibitive and warrants discussion for City Council to consider.

**Scott Ferguson** motioned to recommend to City Council that they consider whether or not the PEZ Zone Area 1 boundary be changed, and possibly lift the 5 year moratorium that was put on changing PEZ boundaries. **Dan Hanna** seconded the motion.

**Chairman Dyer** asked for clarification on whether the motion is for consideration of lifting the moratorium and for considering changing the PEZ Area 1 boundary to include the proposal that came before them tonight.

**Scott Ferguson** said his motion was to reconsider the moratorium, and the development issue before them tonight was the perfect test case to do it with.

**Dan Hanna** asked if the motion included doing away with PEZ Zone Area 2.

**Scott Ferguson** said no; that was not part of his motion.

Val Christensen said staff has concerns. His original discussion with Jason Kotter was on whether or not the Council would even consider looking at lifting the PEZ moratorium. Before any definitions of boundary changes, staff would need more time to look at those boundaries.

**Scott Ferguson amended** his motion, clarifying that the motion is to recommend to City Council to lift (do away with) the 5-year moratorium in the PEZ Zone. **Dan Hanna** seconded the **amended** motion.

**Chairman Dyer** said the direction they are headed is a disincentive of exactly what they tried to put together to do. These boundaries and the time frame (5 years before a PEZ boundary change could occur) were carefully thought out. He believes it is vastly premature to change their planning to a knee-jerk reaction. They do not plan by speculation or they will not have a cohesive community and achieve the long-term goals. He does not believe that it is in the interest of the City of Rexburg for the Commission to be developer-driven, and this clearly looks to be a developer-driven proposal.

**Scott Ferguson** said the motion is not out of developer-driven thinking. Some lines were drawn when the PEZ ordinance was put together, and they made sense at the time. Eighteen months later, some pretty good arguments have been made to reconsider it. Because there has not been any tearing down of buildings to rebuild, it makes total sense to look at the moratorium again.

**Chairman Dyer** said the reason that redevelopment has not happened is economics. No one can get any money to do anything.

**Dan Hanna** said everything is developer-driven, because of a demand. Somebody wants something -services, buildings, facilities – driven by the market. They are responding as a City as to how they want to address BYU-P's need for more housing for more students. This fits in what they should be doing as planners.

**Nephi Allen** reiterated that he feels the PEZ Zone is an experiment. There is still room to build high density and to build houses. He was a champion for not having a moratorium when this first started but feels differently now. It is too soon to change the experiment – keep the moratorium.

**Richie Webb** said the motion opens the door for City Council to look and talk about the moratorium issue, not necessarily to make a decision to change it.

**Chairman Dyer** said he is really struggling. This project is too big a development on too small a piece of land, and they have talked about it several different times. They have not been able to get it to where they were really comfortable with it. He feels that this Commission is being forced into a corner for this particular development. That is not the way they should plan.

**Scott Ferguson** said he does not want to not look at the moratorium because this particular project does not fit that parcel of land. He wants to examine the moratorium issue because he thinks that issue makes sense. The development proposal is a separate issue.

Val Christensen said he has had several inquiries on the PEZ boundary being changed.

Scott Johnson said it is a difficult time to make a decision because of the growth of the University that is continuing, and because of the economics. He has not been approached about anything to come on the north side of PEZ Area 1, other than the Hemming Project. They have been approached about high density development outside of both areas.

A vote was called for.

**Those In Favor:**

Dan Hanna  
Gil Shirley  
Cory Sorensen  
Scott Ferguson  
Richie Webb

**Those Opposed:**

Ted Hill  
Thaine Robinson  
Winston Dyer  
Nephi Allen  
Jedd Walker

**The Motion did not carry.**

**Gil Shirley** thought 5 years was a long time to not change anything.

**Jedd Walker** felt it will take longer than just 18 months to see if the PEZ really works. It will take a length of time just to secure the land. He does not feel it has been tested in the area that they want it to occur.

**Dan Hanna** said that PEZ Area 1 is driving property values so high that projects cannot be done. It is daunting. This is the first time where someone has come in and torn down a building to rebuild with a housing complex. Trent Birch should be commended.

**Chairman Dyer** asked if any of the Commissioners had another motion to present. There was not another motion.

**Chairman Dyer** asked Councilman Erickson to convey to City Council the concerns of the P&Z Commission and their detailed, thorough discussion of both sides of this issue tonight, ending with a motion that did not carry. Councilman Erickson said he would do so.

### **Compliance:**

Compliance Officer Natalie Schneider gave an update on several compliance issues.

The Chicken Teriyaki business banner has been removed. The business is moving forward with the remodel of the Hogi Yogi location.

Raspberry Gardens Apartments on West 2<sup>nd</sup> South has submitted a sign permit application. They will submit a site plan. The sign that is present on the property is a temporary sign, to be replaced with the permanent sign.

World Gym is in compliance regarding the size of the advertisement on the front of their building.

The Subway store that is located on North 2<sup>nd</sup> East will be submitting a temporary sign permit application, in reference to their banner and the time limitation that it is allowed to be up.

Cars for sale in McDonald's lot – the problem continues to be addressed. Management was contacted and the owner, who lives in California, was sent a letter. Management was under the impression that Albertson's owned the parking lot.

The Karaoke sign bus that was parked near University and South Yellowstone Hwy has been removed, and 2 vehicles that were for sale on the same property will be removed.

Banners at One Stop Auto will be taken down. They are out of business.

Bell-Black Insurance is completing a temporary sign permit. They were not aware that a permit was needed.

Bunkhouse Apartments - there is a graffiti problem that is being addressed. They are moving forward with painting the wall.

The BBQ bus on the Bell Black Insurance lot is being moved. The owner will need preapproval before he sets up at another location and will also need a vendor's license.

5<sup>th</sup> West and University – this location was on the agenda of the Traffic Safety Board. There is a cross walk at that location, it is not lit, and there are no colored flags for pedestrians to use when crossing the street. Flags are going to be provided at the location. Weeds in that area will be taken down. The County, which takes care of the east side, and the City, which takes care of the west side, will work together.

Bridge along 7<sup>th</sup> South – vehicles have been parking on the bridge. "No Parking" signs will be put there.

The **Chair** noted for the record that they realized the Compliance Officer was out of town because there was a proliferation of signs everywhere. He thanked her for all her work.

Natalie Schneider will look into the following compliance concerns:

**Richie Webb** said an old Craigo's sign at its former location is still up.

**Thaine Robinson** said Main Street Jewelers did a pretty job of renovating the front of their building, but they have covered it up with a plastic sign that is up year round.

Rex Erickson said the City may have the option of doing away with the old Craigo's sign, as it has been abandoned for over a year. He suggested checking with the City Attorney.

**Ted Hill** said there is a problem with the sidewalk/retaining wall on property between JB's Restaurant and Cajun Bob's. It dips down and is a liability issue. He has seen a couple of people fall.

**Report on Projects:** None

**Tabled Requests:** None.

**Building Permit Application Report:** None

**Heads Up:**

November 4 - Rezone -Targhee Professional Offices LLC - LDR2 and LDR1/Professional Overlay to Mixed Use 2

The meeting was adjourned at 10: 08 pm.