

Planning & Zoning Minutes

March 1, 2012



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Dan Hanna
Scott Ferguson Cory Sorensen
Marilyn Rasmussen Jedd Walker

City Staff and Others:

Bruce Sutherland – City Council Liaison
Val Christensen – Community Development Director
Natalie Schneider – Compliance Officer
Scott Johnson – Economic Development Director
Craig Fisher – Community Development Intern
Elaine McFerrin- P&Z Coordinator

Chairman Winston Dyer opened the meeting at 7:03 pm. He welcomed everyone and thanked them for their interest in coming to this meeting.

Roll Call of Planning and Zoning Commissioners:

Cory Sorensen, Dan Hanna, Scott Ferguson, Winston Dyer, Thaine Robinson, Jedd Walker, Marilyn Rasmussen

Gil Shirley, Richie Webb, Nephi Allen and Mary Ann Mounts were excused.

Minutes:

1. Planning and Zoning meeting - February 16, 2012

Thaine Robinson motioned to approve the Planning & Zoning minutes of February 16, 2012.

Dan Hanna seconded the motion.

Marilyn Rasmussen and Winston Dyer abstained for having not been present.

None opposed. **Motion carried.**

Public Hearings:

Chairman Dyer explained the procedure that is followed for a public hearing. The applicant or a representative will present the proposal. The Commission and the public in attendance will be given the opportunity to ask clarifying questions to help them to understand what is being proposed. Public testimony will then be heard. Staff evaluation and recommendations will be given. The Commission will then deliberate the issue in order to come to a decision on the proposal. The P&Z Commission is an advisory body to the City Council and would make a recommendation to them. The City Council will make the final decision.

7:05 pm – Comprehensive Plan Map Amendment – Moderate-High Density Residential (52 North 3rd West) and Light Industrial (250 West Main) to Neighborhood Commercial/ Mixed Use

Cory Sorensen recused himself due to direct conflict of interest, as he is a member of Tru North Development, the applicant. Mr. Sorensen recused himself from the three hearings on tonight's agenda, the first two hearings because he is a member of applicant Tru North Development, and the Squires hearing because he lives in the block to the east of the proposal location.

Cory Sorensen, 154 South 3rd West, representing Tru North Development, presented the proposal. They are requesting a Comprehensive Plan land use map designation change for the subject property, which was shown on the overhead screen. One parcel is Wolfe Lighting on West Main. The other is the Case property on North 3rd West. They are including the Wolfe property in the request in order to infill more space within the City. They spoke with City staff about what would work and be the best option for this property. The Mixed Use Zone 2 would work well, but the Comprehensive Plan map change would be needed first in order to have that zone as an option, under the land use designation of Neighborhood Commercial/Mixed Use. The size of the subject property is 3.44 acres. The development would infill some space which has not been used for many years.

Chairman Dyer clarified for the audience that the City has 2 maps which are followed. The Comprehensive Plan land use designation map is the vision of where growth would be and with what kinds of growth – like a wish list. The Zoning map is actually what is allowed, what actually can or cannot be done on a piece of property; it is the City's regulations. This is a proposal to change the Comprehensive Plan map, with the next scheduled hearing addressing a zone change request for the same property. The zoning has to match with the Comprehensive Plan map. Not just any zone can be used within a Comprehensive Plan map designation.

In this proposal, the applicant is requesting to change the Comprehensive Plan map from Light Industrial and Moderate-High Residential to Neighborhood Commercial/Mixed Use in order for the applicant to then request a zone change to the Mixed Use 2 zone in the next hearing.

Chairman Dyer asked **Val Christensen** to explain for the benefit of the public the allowable zones and uses under the current Comprehensive Plan map and what would be allowed if the Comprehensive Plan map is changed.

Val Christensen stated that the Wolfe Lighting property at 250 West Main is designated on the Comprehensive Plan map as Light Industrial (LI), which allows the current use and others; that land use designation also allows the Technology and Office Zone. The current zoning for this property is Community Business Center and Light Industrial. Wolfe Lighting is an allowed use. The property in the proposal at 52 North 3rd West is designated as Moderate-High Residential, which would allow Medium Density Residential One and Two, and High Density Residential One and Two, without a Comprehensive Plan map change. The property is currently zoned Low Density Residential Two.

If the land use designation for the specified properties changes to Neighborhood Commercial/Mixed Use, the allowed zones are Neighborhood Commercial, Mixed Use One and Two, and Professional Office. The applicant is requesting the Mixed Use Two zone. It allows 30 units per acre in residential and requires as a minimum a 10% mix of either residential or commercial. With a Conditional Use Permit, there can be zero commercial.

Dan Hanna asked if other property owners to the west had been spoken with regarding joining in with the requested change.

Cory Sorensen said right now they are focusing on infill, but may in the future be interested in other property. They have not talked to all the property owners in the area. They are focusing on this one specified piece for the infill opportunity, which they felt made the best sense after speaking with City staff.

An audience member clarified for the Commission the home uses to the west of Wolfe Lighting. There are a few renters and property owners who live in their homes.

The **Chairman** asked **Mr. Christensen** to describe what can be done in a Low Density Residential 2 zone, Medium Density Residential 1, Community Business Center, and the Light Industrial zone.

Medium Density Residential 1 – up to 4-plexes without a Conditional Use Permit, up to 16 units per acre;

Low Density Residential 2 - Single family homes minimum of 8000 square foot lot ; with 10,000 square foot lot and a Conditional Use Permit, can build a duplex;

Community Business Center – the City’s main commercial zone with many uses listed in the Development Code.

Light Industrial – light manufacturing, technology, many other uses listed in Development Code.

Chairman Dyer clarified that if this Comprehensive Plan Map Amendment request moved forward, then it would allow subsequent zoning changes.

Dan Hanna asked **Val Christensen** to explain how a zone change, if the Comprehensive Plan Map change moves forward, may affect property values and taxes.

Val Christensen said it is more about the use of the property.

The taxes should not be impacted; property values should not change unless the use changes.

Chairman Dyer asked the applicant if there were plans for a traffic study at this point or would that be part of the development proposal later on.

Cory Sorensen said the Public Works staff comment addresses that a traffic study would be necessary; they would complete it as required.

Chairman Dyer said the application indicates that existing land uses in the area are similar to the proposed use. He asked the applicant to address this issue.

Cory Sorensen said this proposal requests a change to the Comprehensive Map. If their request for the Neighborhood Commercial/ Mixed Use designation moves forward, it would extend that designation (currently on the south and to the east) onto this subject property offering better zoning options for infill.

Chairman Dyer asked if the public had any questions to help them to understand and clarify the proposal.

A man asked about property access – will it be off of Main Street or off of 3rd West, or both?

Cory Sorensen said the plan is for access on 3 sides. There would be an access on West Main. There would also be an access on 3rd West. There would be a one-way access out to 1st North through an easement owned by Wolfe Lighting.

A man asked if there would be enough parking for all the residents of the planned facility or would the residents have to park on 3rd West and in other parking lots.

Cory Sorensen clarified there will be enough parking. There would be two parking spaces per unit and 10% visitor parking. They would also maintain 55 spaces on the Wolfe Lighting parcel.

A woman asked for clarification regarding home values in the area.

Chairman Dyer referred the question to Commissioner Dan Hanna, who is employed at Alliance Title and would be knowledgeable about this issue. Dan Hanna called on a couple of realtors in the audience for their views.

Ted Whyte, a local realtor who was in the audience, said in his opinion that home values would not change negatively and may go up slightly.

Ryan Lerwill, another local realtor in the audience, felt property values would increase due to the density that would be allowed.

A woman asked the applicant to address the properties to the north. Why were owners of the properties to the north not contacted by the applicant?

Cory Sorensen said he has not contacted any homeowners directly. If they can do what is being requested tonight, then they would contact homeowners showing what is planned.

A man asked if the planned apartments would be mostly for the University or the general public.

Cory Sorensen said the idea was to attract more of the long term residents as well as newly married couples. Each of the two planned buildings would have 30 units, with 1, 2, and 3 bedrooms.

Chairman Dyer clarified that the question before the Commission is, shall the Comprehensive Plan be changed to the requested land use designation of Neighborhood Commercial/Mixed Use, which would allow the applicants to pursue a change in zones.

The Commission's decision tonight does not guarantee what is shown on the development site plan that has been shown tonight.

Proposals for the actual development will come forward and be reviewed.

A woman asked if subsidized or low income housing would be part of what is being planned.

Cory Sorensen said Tru North Development is not planning any subsidized or low income housing.

A woman asked if the applicant has purchased the specified properties.

Cory Sorensen clarified that Tru North Development is under contract on both pieces of specified property; they have not purchased the properties. They would be leasing the Wolfe Lighting property back to the current owner for a 10 year period.

Chairman Dyer said the experience has been that a developer would go forward with the purchase if the changes that are being requested are allowed.

The **Chair** asked if staff had any other comments to help the Commission to understand the proposal.

Val Christensen said several letters of written input have been received from the public. He has had phone calls asking if people can speak in addition to their submitted letters. He wished to clarify they can go with their submitted letter or they can speak, one or the other.

Chairman Dyer said it is every citizen's right to be able to express their opinion, unhindered and free of intimidation. He clarified that a person can speak tonight during public testimony for the hearing, or they may go with their submitted letters which would be read into the record. They could not do both as that would be an unfair advantage of giving input twice.

Thaine Robinson said if the Comprehensive Plan map Light Industrial land use designation is taken away from this area, he does not see it coming back. Are we prepared to lose it?

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Clint Galbraith, 3339 W. 6200 S. He stated he lives outside of town, but he owns a business close to the subject property. He is in favor of the proposal, because he is in favor generally of development and of progress and its value to the community. This seems to be a really good use for the property, to develop more housing in that area.

Roger Luthy, 16416 E. Ririe Hwy, representing BMC, 202 West Main. They are in favor of the requested change. They feel that the Light Industrial leaving the area would only enhance the land values and take away the potential for problem businesses in a residential area.

Neutral: None

Opposed:

Lynnette Pieper Hanson, 57 North 3rd West. She owns the home directly across from the vacant lot on 3rd West that is part of this proposal; it will impact them tremendously. She grew up on this street. Some residents are living in their retirement homes or ancestral homes. Some people, like herself, have come back to this neighborhood because they want to retire here. The whole area is really part of the oldest section of Rexburg and is part of its history. It is still one neighborhood. There are at least 3 very historical homes here. There are very few streets or blocks left in Rexburg that have any historical significance. For almost everyone on the block, those homes are very significant. They have been hoping for years that someone would build a single home on the empty lot. Many people have looked at the property; it has been very highly priced. She personally might even be able to deal with some apartments on the back part of the lot but not along that street front. From an historical standpoint, she is a Pieper. Her parents were very involved in the City. Her grandfather was the custodian for 30 years at the Rexburg Tabernacle, and he planted all the trees along the canal.

Most of the streets in Rexburg have lost most of their historical homes in the flood, or apartments are in between homes now. There are people who live here who give the neighborhood the personality and flavor of the founders and those who built the area. It would be nice if the City could put a memorial green space here to honor the founders. She is strongly against putting something like this proposed apartment here, especially on the front of the 3rd West property. She is for saving the historical neighborhoods in the area.

Bill Christensen, 27 North 3rd West. He has lived in his home since 1950; his grandfather built the home. He was a member of the group who fought against having a saloon where Wolfe Lighting is now. He is tickled to have Wolfe Lighting there instead. He is probably the oldest resident on this block. When he first heard that someone wanted to do something with that property, he thought, oh, wonderful, the weed patch will go. He has since changed his mind - he would rather have a weed patch than 60 apartments. He is also concerned about increased traffic on 3rd West.

He is opposed to a Comprehensive Plan map change to allow multiple use in this neighborhood. He would like it to remain how it is currently. He thanked the Commission.

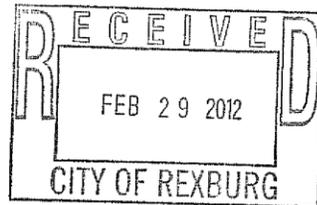
Written Input:

Letter from Martha Scott, opposed to the proposal - read by Chairman Dyer

Letter from Paul Watland of Watco Companies, opposed to the proposal - read by Chairman Dyer

Letter from Frank and Wendy Hadry – opposed to the proposal - read by Chairman Dyer

Rexburg City Clerk
35 North 1st East
Rexburg, ID 83440



29 Feb 2012

Martha J. Scott
37 North 3rd West
Rexburg, ID 83440

SUBJECT: Public Hearing To Amend the Comprehensive Plan Map and the Zoning Map
Request # 12 00044 and Request #12 00045

1. I am a resident of Rexburg City concerned about the proposed subject changes. My concerns are:

a. Has there been a formal traffic study made?

Up to now this has been a reasonably safe neighborhood for young families and their children. By the scope of this rezoning and the subsequent apartment complex, the motor traffic will increase significantly. Not only will there be more traffic on 3rd West, but the accessibility to Main street will cause more congestion and hazard, such as it has on Main Street with the Main Street Station apartments and the Cambridge apartments.

b. Has additional lighting been considered for 3rd West?

There is only one intermittently lit street light in the middle of this block. If no additional lighting is put in, it will be hazardous to any and all residents along the street because of the increased motor traffic. How is the City of Rexburg planning to eliminate this hazard? If the City of Rexburg sees the need to put in additional street lighting, will there be an increase in the "safety lighting fees" on the monthly utilities billing. The property owners will then be the ones being penalized by increased costs.

c. The Rezone Application shows an architect's drawing of the area the apartments will be built on; there is also a noted area that shows an additional 63 units on the Southwest corner of Block 30. How is this additional complex going to effect the traffic and lighting conditions as mentioned above?

d. What will happen to the single resident taxes? Will they increase or decrease with the zoning change?

Some of the residents are on a fixed retirement income and the cost to live in Rexburg has increased considerably over the last ten years. It makes it extremely difficult to meet our living needs when costs continue to go up. Has there been any consideration given to the to the plight of the elderly to stay in the homes they have lived in for so many years?

e. Item 4 of the Development Information indicates there are existing land uses in the general area similar to the proposed use. I disagree. How is commercial to the East and MDR1 to the West similar to MU2? Further, I don't believe this would be a "great transition" for the current residents in this block. It will benefit only the developer.

f. Will a complex of this proposed magnitude, and with the additional 63 units, be fully utilized? My concern is that there is so many apartment complexes being built in the South and West part of the city that there will be a glut of unutilized units. When this happens, the neighborhood usually degrades.

g. What measures have been considered by the City of Rexburg to ensure the citizens in the adjacent area against increased crime? We have already seen and increase in the crime rate in Rexburg. By admission, the police department is continually being challenged and stretched to the limit with the increased population.

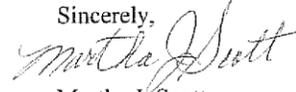
h. Mr Cory Sorensen, who submitted the application for rezoning, is a member of the City of Rexburg Planning and Zoning Commission. Isn't this a direct conflict of interest!

i. Is this considered "spot" zoning? If so, it is for the benefit only of the property developer/owner, rather than the public at large.

j. I would like to suggest that the MU1 zoning level be considered in lieu of MU2 in order to keep some property integrity in this neighborhood.

2. Thank you for considering my concerns.

Sincerely,



Martha J. Scott

e-mail : mjnscott@yahoo.com



February 29, 2012

STATEMENT OF CONCERN TO REXBURG PLANNING & ZONING COMMISSION

RE: Public Hearings for rezoning requests #12 00044, #12 00045, #12 0046
March 1, 2012
Rexburg City Hall

As Property Manager for Watco Companies, LLC West Region, I would like to express the concerns of Eastern Idaho Railroad regarding the requests for rezoning property within the City of Rexburg.

When property that abuts or is in close proximity to the property of Eastern Idaho Railroad is rezoned from Industrial to a use that includes Residential, we are concerned because of the negative impact this could have on our ability to serve our customers in and along the railroad right-of-way. As more residents move closer to the railroad, our industrial customers are more and more limited or restricted from the areas they may wish to locate.

In addition, as the number of residents and citizens in close proximity expands, the possibility of encroachment on to the railroad right-of-way by the public also increases which creates a safety concern for Eastern Idaho Railroad.

For these reasons, Eastern Idaho Railroad respectfully objects to the proposed zoning changes.

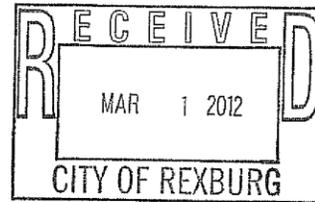
Thank you,


Paul Watland
Property Manager -- West Region

Watco Companies, LLC.
Property Manager - West Region
420 Hansen Street South - Twin Falls Idaho 83301
Office 208.734.4644 · Fax 208.734.9679

February 29, 2012

Frank and Wendy Hadry
23 North 3rd West
Rexburg, ID 83440
(208) 356-7286



To the City of Rexburg
Planning and Zoning Department
Attn: Winston Dyer

We are writing this letter in reference to the proposed 3-story apartment complex across the street from our house.

We have resided at 23 North 3rd West for the past 15 years and lived at 77 North 3rd West before that for several years. We have enjoyed this neighborhood and the people in it for about 20 years now. We have become very close to our neighbors and have formed friendships of trust and respect. Many of these neighbors have lived here for many, many more years than we have. This is not a transient neighborhood, people have raised their families here and wish to enjoy the rest of their lives surrounded by people they know and love.

Some of the concerns that we have, and in no particular order, are:

1. That this apartment complex will decrease the property value of our house. We have easily put \$50,000 into our property through the last 15 years in hopes of making our property value higher.
2. The increased traffic flow on Third West and the streets surrounding it are a concern. We already have a great deal of traffic coming from Main Street. There is already a certain degree of noise coming from Main Street and the railroad tracks. Most likely the residents at this proposed apartment complex will be younger in age, which typically they drive faster, drive more frequent and certainly also listen to music louder. It is also highly reasonable to realize that the amount of pedestrians walking past our home is going to increase.
3. The safety of our family in this neighborhood is a concern for us. We recently have had an issue around the corner from us at a complex. The street was blocked off for several hours in the evening by the police department because there was a hostage situation. People were not allowed to get into their own homes until the matter was resolved because of the potential danger. We feel like the more people that are living in the neighborhood will inevitably increase problems.
4. We are private people who don't wish to have a large amount of strangers living, driving and walking past our house while children are out playing or while we are out working in our yard. We don't care to have a large amount of people being so

close in proximity that they know when we are home, when we are not home, and what our daily schedule is. We feel like our privacy would drop immensely and our sense of security would be completely devastated.

We would hope that you would put yourselves in our shoes and think about how you would feel if the zoning in your neighborhood was being changed and someone was allowed to build a large 3-story apartment complex across the street from your beloved home, causing you to feel like your dreams of a close-knit neighborhood were being taken away from you.

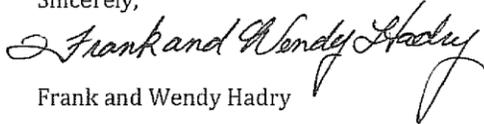
We believe that this may just be the first stage of the reconstruction of our neighborhood. Is this the beginning of more buildings to come?

Some may think that our neighborhood is not one of the most desirable locations in Rexburg. In fact, when we describe where we live to others, we affectionately tell them that we live in the "Historical Section" of Rexburg. That is because this neighborhood does have history to it. It would be a shame to change the whole look, feel, and dynamic of this wonderful place that so many of us have for years called home.

We apologize for not being able to attend the meeting but we had previous plans that we were not easily able to get out of. We hope that you know that we are taking this matter seriously and have strong feelings about it.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Frank and Wendy Hadry". The signature is written in black ink and is positioned above the printed name.

Frank and Wendy Hadry

Rebuttal:

Cory Sorensen clarified regarding the project's site plan that the total number of units they are planning is 63 apartment units (one written input letter inferred there was an additional 63 units planned in the southwest corner).

Chairman Dyer closed the public input portion and asked for the staff evaluation and recommendations for this proposal.

Val Christensen went over his staff report to change the specified property to Neighborhood Commercial/Mixed Use. With the Wolfe Lighting property joining in as part of this request, staff felt the requested change made sense due to that same land use designation to the south. Public Works staff comments indicate that a detailed traffic study would be required if the development goes forward.

Jedd Walker asked about the possibility of extension of Moderate-High Density Residential to the east.

Mr. Christensen said such an extension would be taking it over the top of a commercial entity. Staff felt an extension of the Neighborhood Commercial/Mixed Use land use designation would be cleaner.

Thaine Robinson asked staff's view of losing Light Industrial land designation here.

Mr. Christensen said with the commercial business of Wolfe Lighting taking up the vast majority of the Light Industrial designation here and with that land use designation's proximity to the residential, staff did not feel it was as valuable to leave it as Light Industrial.

Jedd Walker said the historic nature of the neighborhood has been brought up a couple of times tonight. He asked if there was an historic preservation commission, or districts, or registered homes, as per the Department of the Interior's requirements, in Rexburg.

Val Christensen said there are some registered historical buildings in Rexburg; he does not know of any in the subject area.

Mr. Walker asked if some of the homes in the neighborhood might qualify under the Department of the Interior's requirements.

It was stated that there are homes dating from 1920 in this subject area.

Chairman Dyer stated he works with this issue in his profession. Any properties that are over 50 years of age and that have contributed significantly to the character of the community or by their unique nature, are part of the requirements which are looked at for historical buildings.

Jedd Walker asked the current zoning allowed on the subject properties of this Comprehensive Plan amendment request.

Val Christensen clarified that the current zoning of the properties are Low Density Residential 2 (52 North 3rd West), and Community Business Center and Light Industrial (250 West Main). The density for Low Density Residential 2 is single family homes, with a minimum lot size of 8000 square feet; a duplex is allowed with 10,000 square feet and a Conditional Use Permit.

Chairman Dyer asked if there was discussion by City staff with the applicant regarding encouraging them to contact neighbors to possibly join in this request so it would be more of the block rather than a couple pieces of property.

There was not.

Chairman Dyer said there has been thorough questions/and answers for clarity of this issue. The question before the Commission for this hearing is shall these two specified properties have their current Comprehensive Plan Map land use designations changed to Neighborhood Commercial/Mixed Use. The Commission always has to look down the road to potentially where this may lead in subsequent zoning request. As planners, the Commissioners are charged with examining the potential impacts on the neighborhood and the community.

Scott Ferguson said as a body the Commission has been slow to change the Comprehensive Plan map for development. A couple of months ago there was discussion about infill being used for married housing/family dwellings. Before changing the Comprehensive Plan map he would want to make sure the change is warranted.

Thaine Robinson stated the Commission spent a great deal of time six or seven years ago working on the Comprehensive Plan, trying to decide about the railroad corridor and how it affected the City of Rexburg. The thought was to place the Light Industrial land use designation next to the railroad corridor when residential was close by, not as a buffer but because next to the railroad is not a desirable place to put a residence. Things do change, but if the City loses Light Industrial it will never be gained back. To be viable as a community, there is a need for some Light Industrial somewhere.

Dan Hanna said that more than twenty years ago, he lived across from the subject vacant property on North 3rd West for several years. A number of developers have looked at that property as to how to best develop it. The homes in the area are getting older. This proposal is a good opportunity to increase the tax base, to infill, and to provide new development and construction in an area that he feels warrants it. No one has looked at the property for industrial use. Any industrial use within that area may be more problematic to the neighborhood than what this current proposal allows.

Jedd Walker said he does not see a single family residence being built on the vacant 3rd West lot. If the property is to be developed, his concern is what is the best and most appropriate use to put there?

Marilyn Rasmussen said if the Comprehensive Plan map land use designation is changed for the property in this proposal, it will affect the neighborhood. The Commission would want to be sure the residential neighborhood is being protected.

Chairman Dyer said that protection came through the way the area was comprehensively planned when the Commission went through a very exhaustive effort to redo the Comprehensive Plan map and document and subsequent zoning that is allowed under each land use designation.

Dan Hanna expressed frustration that there was not further discussion to include more of the block. He would encourage staff to encourage future developments to consider the bigger picture.

Chairman Dyer said he was involved along with Mr. Robinson in the effort to assemble the Comprehensive Plan about six years ago. Surveys were sent out to citizens of Rexburg and also conducted in person, to get important community input on what the community wants. He is a little

troubled. The Comprehensive Plan's purpose is to show potential developers what the City sees as being planned and anticipated for a given area. It is recognized that there are growth and development pressures. He would hope that developers would look at other areas where the Comprehensive Plan and subsequently zoning allows what they are looking at developing.

Dan Hanna said virtually 50% of the proposal is consistent with the Comprehensive Plan. The only area in question is that of the Light Industrial here. There have been years for people to look at the area as Light Industrial, and no one has come forward up to this time.

Marilyn Rasmussen felt the Light Industrial land use designation should not be changed.

Scott Ferguson expressed that losing a small piece of Light Industrial here may not be that consequential given the need for multi-family housing.

Dan Hanna motioned to recommend to City Council approval of a Comprehensive Plan Map Amendment land use designation change for the properties at 52 North 3rd West and 250 West Main, from Moderate-High Density Residential (52 North 3rd West) and Light Industrial (250 West Main) to Neighborhood Commercial/Mixed Use. **Jedd Walker** seconded the motion.

Those in Favor:

Dan Hanna
Jedd Walker
Scott Ferguson

Those Opposed:

Marilyn Rasmussen
Thaine Robinson
Winston Dyer

Split vote. The motion did not carry.

Chairman Dyer stated the Commission has no recommendation to send up to City Council. The proposal will now go before the City Council for a decision.

7:20 pm - Rezone – Low Density Residential 2 (52 North 3rd West) and Community Business Center and Light Industrial (250 West Main) to Mixed Use 2

Chairman Dyer said the Commission could table this rezone proposal, which was dependent upon the Comprehensive Plan Amendment proposal that was just heard, until City Council hears the Comprehensive Plan Amendment proposal. He asked for **Cory Sorensen's** direction.

Cory Sorensen said tabling the rezone proposal would be fine.

They are open to possibly using Medium Density Residential 2 on the 52 North 3rd West parcel.

Chairman Dyer said the Commission appreciates knowing this information. He would suggest to take this input from Mr. Sorensen and go toward a motion to table the rezone request, because when the rezone is picked back up off the table, the Commission has this input from the applicant. By tabling, the Commission would be preserving the application.

It is wisest to understand what the City Council is going to say before moving forward on the rezone request.

Scott Ferguson motioned to table the Tru North Development rezone request in order to have the City Council's decision on the just heard Comprehensive Plan Amendment request. **Thaine Robinson** seconded the motion.

None opposed. **Motion carried.**

Chairman Dyer thanked the citizens in attendance for their interest in their community, their input, and their support.

Break called.

7:40 pm - Rezone - Approximately 424 West 2nd South – Light Industrial (LI) to
Medium Density Residential 2 (MDR2)

Kent Buie, 358 S. Rio Grande, Salt Lake City, UT, representing Teton River Ranch LLC, the applicant. They are a development firm out of Salt Lake City and have been involved in real estate and developing for over 30 years. They are very interested in this area and this market. Rexburg is blessed to have such a strong driver of the economy here, in BYU-Idaho's commitment to this community. The property in this rezone request is not in the Pedestrian Emphasis Zone (PEZ) but the University is projecting growth; more apartments are needed. There is a strong case for more development. The site of this rezone request is very unique. It is one of the larger infill sites in the City. Access to the site is extremely good. They are interested in good circulation as well. A bridge possibly would cross the canal; they have had preliminary discussions with City Engineer John Millar on this issue.

The surrounding uses are residential, multi and single family, mobile homes, and industrial. The rezone request is for a 4-acre piece. They have an interest in acquiring the rest of the Squires property. The property would be planned properly; it would be under one ownership. They are requesting a zone change to Medium Density Residential Two (MDR2) from Light Industrial (LI). They are interested in the whole block with exception of the piece owned by Michael Ferguson at 195 South 5th West. The development may possibly be a Planned Unit Development (PUD). The proximity to campus is positive. They plan to do a Master Plan of the development. The development would be for married students, married couples with young families, and others in the community.

Chairman Dyer asked if they were aware that the City has a major storm drain line that would need to be preserved.

Kent Buie said they are aware of the storm drain line.

Chairman Dyer asked why the applicant did not request to rezone the entire piece owned by the Squires on this block, rather than just a piece in this rezone request.

Mr. Buie said that is the way they are buying the land. They will come back later on the rest of the property. They have options to buy each piece.

Val Christensen said when the applicant came in for discussion on the rezone staff understood that the Squires business was going to remain on the other property.

The specific area of the rezone, shown on a map (survey) which was included with the application, was pointed out. The submitted legal description matches the request.

Kent Buie stated that the property is substantially vacant.

Chairman Dyer said he would rather see the entire Squires property on the block considered for rezone. He wondered about a having sunset clause as a condition of the zone change, where the zoning if changed would revert back to the original zone if the development did not move forward in a certain period of time.

The **Chair** asked if the audience had any questions for clarification of the proposal. There were no questions from the audience.

The **Chair** asked **Val Christensen** if there was any additional information to help the Commission to understand the proposal.

Val Christensen stated that the City wants to keep the right-of-way to the north of the subject property. It could possibly be an open, landscaped space, but the City would not relinquish the right-of-way.

The Squires business on the block is a previously existing non-conforming use.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Tom Squires, P.O.Box 1387, Idaho Falls, an owner of the subject property.

The property was resurveyed so that there are 2 parcels. The parcels are owned by 2 entities - Squires Brick and Squires Family LLC. He feels it is a very workable situation. The properties can stand on their own and sell separately. They are recorded at the County. The current Squires business property, as long as it would be there, would be able to stand on its own. They have done the work to try and separate these properties so they could sell them independently. The brickyard could stay there, if they so desired. The parcel that is not part of this rezone request tonight may follow in another rezone request should this request go favorably.

The parcel presented tonight is a legal parcel of its own.

Ted Whyte, 369 Eagle Court. As a realtor, he has been involved in this sale and getting the surveys done. The Squires property has been split into 2 parcels, as was previously stated, so that the back parcel could be sold for development. Until this back part is completed, it was felt there was potential jeopardy to the Squires family brick business.

There has been discussion tonight about the need and desire for industrial space. This has been a long-standing industrial spot in town, but it is also losing need and desire here. Getting trucks in and out on 5th West, and with a school across the street, add impact. It is one of those areas that is going to be transformed with time, proper zoning, and planning or master planning, and it will be much better. This development would be done in phases for budgetary and zoning purposes, and accommodating the needs for the Squires to continue to operate their business that is there.

They have tried to be methodical from a zoning standpoint, a development standpoint, and current land use standpoint. There is a necessity for apartments.

Clint Galbraith, 3239 West 6200 South. He stated that he owns Interwest Cabinet, a short distance from this property. He is in favor of this proposal and also generally is in favor of development as well as when someone wants to invest in this community. We need to do anything we can to assist with that; need to be cooperative and invite that type of investment.

Neutral: None

Opposed: None

Written Input:

Letter from Michael Ferguson, neutral to the proposal, read by Chairman Dyer

Letter from Paul Watland of Watco Companies, LLC, opposed to the proposal – read earlier during Comprehensive Plan Map Amendment hearing.

REZONING OF PROPERTY 424 W.2ND S.

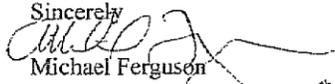
February 29, 2012

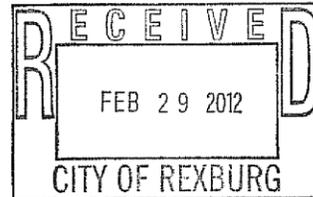
To Whom It May Concern:

I am Michael D. Ferguson owner of the property west of the property to be rezoned from light industrial to medium density residential. The address is 195 S. 5th W. I am not opposed to having the property rezoned as long as it does not affect the current zoning on the property I own which is light industrial. If the zoning changes on the property I own then know I am opposed to the rezoning.

Thank you.

Sincerely


Michael Ferguson
Owner of property at 195 S. 5th W.



Rebuttal:

The applicant declined the opportunity for rebuttal.

Chairman Dyer closed the public input portion and asked for the staff evaluation and recommendations.

Val Christensen clarified for the record that the reason the rezone request was not for all of the Squires property was that it was understood that Squires Brick wanted to maintain their use as a brickyard. If the zone was changed, the use would be grandfathered, but the business would not be able to add another building or other structure in the future.

The size of the requested rezone is 4.2 acres. The proposal is in conformance with the Comprehensive Plan. The property is designated as Moderate-High Density Residential on the Comprehensive Plan Map. He clarified that the request is to change the zone from Light Industrial to Medium Density Residential 2, which is allowed under the Comprehensive Plan land use designation.

The City Engineer felt the infrastructure was adequate. A traffic study will be required because of the size of the development. City right-of-way unanswered at this time. There have been recent changes close by. The old Barrick property on South 5th West was rezoned to Medium Density Residential 2, the same request as this proposal. Just across the railroad tracks and east of the Barrick property, there was another rezone recently, to High Density Residential 2.

Staff feels the presented rezone proposal is a good fit and would recommend it move forward for approval.

Medium Density Residential 2 zoning would allow 20 units per acre.

The applicant has discussed with staff the possibility of doing a Planned Unit Development, which would include looking at some density bonuses. Such a proposal would have to come before the Commission and City Council for approval.

Thaine Robinson said when the rezone request is for property that is across the street from a school and a block away from a park, it makes more sense for infill to have residential rather than to expand or try to attract Light Industrial. He clarified that he is more protective of Light Industrial next to the railroad tracks, and this property is really not next to the railroad tracks. There is a canal as well as another road and residential residents in between the subject property and the railroad tracks.

Jedd Walker stated that he feels the current zoning of Light Industrial on the property is not appropriate, as the property is surrounded by residential. There is not an easy way in and an easy way out. There is a school close by. It is not a good location for Light Industrial.

He feels the proposal is a perfect use for the property.

Scott Ferguson said he does not see any difference between the Light Industrial in this hearing and the Light Industrial in the previous hearing. The distinction of a railroad being close by in his opinion makes no difference.

Dan Hanna said he concurs with Mr. Ferguson.

Thaine Robinson said one of the primary directives of the Commission is to protect the welfare and safety of the community. Each area and request is looked at differently. For the benefit of the community and the safety of the community, he stands on his earlier stated opinion.

Chairman Dyer stated his concerns. The Commission works very hard to avoid spot zoning. If the property is going to be developed, doing a larger piece makes more sense and would be more conducive to the neighborhood. Given that the request depends on land sales and recorded subdivisions of the property, the Commission might want to consider a rezone with conditions. If this property gets rezoned and the other property discussed does not move forward for rezone in a certain amount of time, then a sunset clause would make it revert back to the zoning it had been.

Val Christensen said from staff's standpoint, staff is not looking for a condition on this rezone request.

Dan Hanna motioned to recommend to City Council approval of a zone change from Light Industrial (LI) to Medium Density Residential 2 (MDR2) for the property located at approximately 424 West 2nd South. **Jedd Walker** seconded the motion.

Those in Favor:
Marilyn Rasmussen
Dan Hanna
Scott Ferguson
Thaine Robinson
Jedd Walker

Those Opposed:
Winston Dyer

Motion carried.

Cory Sorensen rejoined the Commission on the dais.

Unfinished/Old Business: None

New Business:

1. Update Sign Ordinance No. 1027 by adding Mixed Use 1(MU1)and Mixed Use 2 (MU2).

Val Christensen presented the issue. The City's Sign Ordinance does not address Mixed Use 1 and Mixed Use 2 zones; he is bringing the matter to the Commission for input.

MU1

Staff recommends follow sign regulations for apartment complexes – small signs.

A wall sign could be kept lower and smaller.

No pole signs.

There could be signs on the commercial part of MU1 and keep residential without signage.

Commercial part of the development could have signs but no signs on the residential part of the development.

MU2

Staff recommends follow commercial property requirements except no pole signs.

Sign could be put up higher on the building.

Sign could be put up within a certain proximity of the commercial.

No pole signs.

On residential - follow residential rules (a percentage).

Sign should be in a certain proximity to the commercial part of the property.

Val Christensen will write up a draft document and bring it back to the Commission for review and further discussion.

2. Staff Recommendation to Increase Interchange sign heights to 10 feet above grade

Natalie Schneider presented the issue. The proposal, for right along the corridor, is for a 10 foot sign height increase above grade, which would actually increase the current sign height by 6 feet. Basically it would be targeted to inform commuters coming through the area; they would perhaps get pulled off the highway and into town when seeing the signs informing them of a business such as a restaurant or gas station in Rexburg.

All sign ordinance requirements would still need to be met.

Val Christensen said staff would need some kind of recommendation on this issue from the P&Z Commission whether or not they agree with it, for the Ready Team to take to City Council.

Chairman Dyer asked Bruce Sutherland for his input.

Mr. Sutherland felt it would be appropriate for a recommendation to come from the P&Z Commission for the City Council, as the Commission is charged with making the Sign Ordinance comply with the Zoning Ordinance in the best possible way, so that there is consistency.

Scott Ferguson recommended to City Council to give consideration to increasing the interchange sign heights to 10 feet above grade as described by staff tonight. **Jedd Walker** seconded the motion.

Those in Favor

Cory Sorensen
Scott Ferguson
Jedd Walker

Those Opposed

Dan Hanna
Thaine Robinson
Marilyn Rasmussen
Winston Dyer

A recommendation was not supported.

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

March 15th – 1. Rezone – Approximately 328 N. 2nd West - Light Industrial (LI)
to High Density Residential 2 (HDR2)

- 2. Rezone – 415 and 437 West 6th South – High Density Residential 1 (HDR1)
to High Density Residential 2 (HDR2)

March 29th - Joint P&Z Commission meeting (Rexburg, Madison County, Sugar City, Teton,
Newdale) – Rexburg is hosting

The meeting was adjourned at 11:15 pm.