

Planning & Zoning Minutes

March 15, 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
Dan Hanna Thaine Robinson
Mary Ann Mounts Marilyn Rasmussen
Cory Sorensen Gil Shirley
Scott Ferguson

City Staff and Others:

Val Christensen – Community Development Director
Natalie Schneider - Compliance Officer
Stephen Zollinger – City Attorney
Craig Fisher - Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Winston Dyer opened the meeting at 7:03 pm. The Commission recognizes City Staff and appreciates the applicants and the interested citizens who are here tonight.

Roll Call of Planning and Zoning Commissioners:

Gil Shirley, Mary Ann Mounts, Scott Ferguson, Winston Dyer, Thaine Robinson, Marilyn Rasmussen, Dan Hanna

Richie Webb, Jedd Walker, and Nephi Allen were excused.

Minutes:

1. Planning and Zoning meeting - March 1, 2012

Dan Hanna motioned to approve the Planning & Zoning minutes of March 1, 2012. **Marilyn Rasmussen** seconded the motion.

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

Cory Sorensen arrived at 7:06 pm.

Public Hearings:

Chairman Dyer explained the procedure that is followed for public hearing. The applicant or a representative will present the proposal. The Commission may then ask clarifying questions of the applicant and of staff. The audience will also be given the opportunity to ask any questions that may help them to understand the proposal. Public input will then be heard. Staff evaluation and recommendations will be given on the proposal. The Commission will then deliberate in order to reach a decision. The P&Z Commission is an appointed and recommending advisory body to the City Council, who will make the final decision.

7:05 pm – Rezone – Approximately 328 N. 2nd West - Light Industrial (LI)
to High Density Residential 2 (HDR2)

David Beck, 2860 West 5200 South, DP Beck LLC, owner and applicant. He presented the proposal. The property was purchased by Mr. Beck and his wife with the intent of developing it into married student housing, which is the reason for his rezone request. They recognize that the City owns the property to the east and that they will have to provide a barrier between the subject

property and the City property. There is a canal on the north which provides a visual barrier and a green space buffer from the Heavy Industrial to the north. They will work with the City to provide curb and gutter to the west and to the east. The request to rezone to High Density Residential 2 fits the City's Comprehensive Plan and would help develop this location.

Thaine Robinson asked the size of the proposed rezone.
The size is 2.25 acres.

Scott Ferguson asked the use of the City's property.

Mr. Beck stated the property is used for sand storage and road maintenance equipment.

The width of the right-of-way on the south that the City uses to access the City property is 99 feet.

The Zoning map (what is allowed on a property) was viewed.

Light Industrial is to the south, Low Density Residential 2 is to the west, High Industrial is to the north, and Light Industrial is to the east.

The Comprehensive Plan map (like a wish list of how the City envisions future growth) was then shown.

The subject property has a Comprehensive Plan map land use designation of Moderate-High Density Residential, which is also the land use designation to the west, south and east. The land use designation to the north is Open Space.

It was stated that there are no other multi-family developments around the subject property. There is multi-family housing to the southeast, close to Rexburg Rapids.

Chairman Dyer asked the citizens in the audience if they had questions to help them to understand the proposal. Any personal view about the proposal should be made at the time of public input for this hearing.

A man asked the intended number of apartments.

David Beck said the most would be between 45 and 50 apartment units.

Chairman Dyer clarified that this rezone proposal concerns land use – what can or what the land will be used for. Once zoning is established then a specific development proposal would come forward.

A woman asked the size of the easement along the canal.

Mr. Beck stated he did not have a specific size. The canal company would have to have enough access to maintain the canal. The north side would be available for their use.

Val Christensen stated there is a road easement along the north side of the canal.

A man asked the difference between a high density and medium density zone.

Chairman Dyer reiterated that the Comprehensive Plan map is like a broad master plan for the City. The Zoning map is more specific regarding actual allowed land use on a piece of ground.

Val Christensen clarified that the subject property has a Comprehensive Plan Map preferred land use designation of Moderate-High Density Residential, which allows a person to come in and ask for a choice of 4 zones with the following densities:

Medium Density Residential 1 - up to 16 units per acre
Medium Density Residential 2 – up to 20 units per acre
High Density Residential 1 – up to 30 units per acre
High Density Residential 2 – up to 42 units per acre

It was clarified that the requested zone of this proposal is High Density Residential 2, which allows up to 42 units per acre, even though this applicant stated there would be between 45 and 50 units. Room for parking and setbacks is also necessary.

Chairman Dyer asked if **Val Christensen** had any additional clarifying information.

Val Christensen reiterated that the City right-of-way to the south of the subject property would remain a continued use for the City to access its sand sheds on the east.

Chairman Dyer stated that public testimony would now be taken. Once public input begins there can be no back and forth discussion between those giving testimony and the Commission and the applicant. He opened public input.

In Favor: None

Neutral: None

Opposed:

Ronalee Flansburg, 304 East 1st North, Teton. She is representing her parents, the Hokansons, who live at 311 North 2nd West and are unable to be here tonight. She is a little puzzled as to the big jump in zones from Light Industrial all the way to the requested High Density Residential 2. Her parents have lived here since she was in high school, so she lived in that location for several years. She goes there daily. It is not a place for young families. There are cement trucks, dump trucks, and City trucks, plus there are several semis per day - delivering to the Tri-State Tire warehouse to the west- that use the road. As far as little children and safety, there is noise and a lot of trucks. There is a huge body of water just to the north of the property. Two children recently fell into the canal. One child drowned and the other child has not been able to recover from his injuries. It is really not a place for a bunch of young families to live.

Jarom Hepworth, 273 North 3rd West. He operates the tire business warehouse to the west of the subject property. He is strongly opposed to this proposal. His reasons have to do with children. They are an industrial business which retreads tires. Several trucks deliver to them every week; some are tractors with 53-foot trailers and some are hauling triple trailers. He worries the most that children from the apartments will come to visit the warehouse. Quite often children from elsewhere in town come to the business and have caused problems such as throwing truck tires into the canal and breaking windows out of cars. He loves children, but he does not feel the area is a good place for them to be. His business does very rough work. There are lots of tires and moving forklifts. He does not want to have to worry about children being close by and wandering onto the business property when no one is present. He is sure there would be problems.

Brian Basinger 309 North 2nd West. He lives directly across the street from the subject property. Going to High Density Residential 2 and putting in 45 to 50 apartments does not fit in the area as currently constituted; his property is Low Density Residential 2. Personally, he has been working on fixing up their home. Many in the area are also doing so. He is concerned about putting high density apartments here, which he feels would have a negative effect on property values.

Terry Hepworth, 275 North.2nd West. She lives kitty corner to the property. She agrees with the neighbors who have just spoken. In addition, this property has quite a lot of animals – deer, moose, hawks, owls, skunks, and badgers.

Clyde Stucki, 212 West 3rd North. It has not yet been mentioned that there are a lot of City vehicles that come by and around the corner every day. Included are City loaders, City graders, and other heavy equipment.

Written Input: None

Rebuttal:

David Beck appreciates and recognizes the concerns expressed by citizens tonight. They do not want to cause an adverse effect on the community.

Regarding landscaping, the intent is to fully allow the space to the north to be a green space, a park-like setting, which they would maintain. It would act as a buffer from the north.

Regarding cement trucks, there currently is no access here for the trucks to get to Walters. As in any City street, there is the legitimate traffic pattern.

The safety of children is an important concern. There could be fencing or a playground area to mitigate the concern. There are other residences with children in the area. Having apartments here is not going to exponentially cause more children to be here. Many of the future residents may be young marrieds with no children. They want to possibly provide a smaller type of unit to address this issue. There would not be the typical married housing scenario.

Mr. Beck estimates that about 15 to 20 City vehicles a week access the City property. There would be curb and gutter to help with access, and green space could be provided as a buffer.

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

Val Christensen first reiterated that up to 42 units per acre is allowed in the requested High Density Residential 2 (HDR2) zone; please understand that it would allow or gives the potential to have about 90 units on the subject property. If the applicant is more interested in a lesser number of units, maybe he would consider a lesser zone.

The size of the rezone is 2.25 acres. The Comprehensive Plan map land use designation of the property is Moderate-High Density Residential. The HDR2 zone is the highest density zone allowed under that land use designation. The City Engineer stated in his staff review that there is a 6-inch water line which may need upgrading as it could limit the size and amount of buildings.

The Comprehensive Plan Map does support this request. If the Commission determines that all of the criteria are met and that the higher density residential zoning would not negatively impact the nearby residential neighborhoods, City Staff would request that the Commission move the rezone forward to City Council.

Marilyn Rasmussen asked if the developer or the City is responsible to upgrade the road.

Val Christensen stated that the developers would have their portion to upgrade; the lot has never been improved.

Mary Ann Mounts stated that high density apartments this close to a highly industrial area do not fit. She feels industrial use fits the property and the area. She was opposed to the Comprehensive Plan Map not having an Industrial land use designation here. She grew up near the area and feels that is what it should be.

Scott Ferguson said it is taking a chunk of Light Industrial and shaving off a corner. It could create a problem. As Mrs. Mounts stated this parcel as it is currently zoned, Light Industrial, fits the area.

Thaine Robinson said there are merits on both sides. The proposal fits the Comprehensive Plan and it fits the zoning. However, normally they do not abut a residential against an industrial use. There are usually zoning buffers in between that go away from the industrial to the residential.

Dan Hanna asked what an appropriate buffer is between residential and industrial.

Chairman Dyer said usually multi-family has been used as a step-down.

Dan Hanna said this is multi-family. It is next to a church and across the street from residential. There is a lot of industrial in that area. It is good to see roads improved and landscaping extended. It would clean up this end of town and bring some increased value to adjacent properties.

Cory Sorensen said there is a church to the south there already. Multi-family here would create a buffer from industrial, but he feels the requested zone is way too high a density. Even as Medium Density Residential 2 with that acreage, there would be enough room for 40-plus units, so why is HDR even being considered.

Chairman Dyer agrees with the comments of the neighbors in that it does not seem to be an appropriate mix for the surrounding land uses which admittedly are varied. It is tough to have single family residential butted up against heavy industrial. Everyone has learned to live with it and accommodate it.

The Commission has looked at emphasizing infill in areas closer to the University. The reason this was done was they recognized the tendency to find more economical ground further out. There has been concern about sprawl. The Commission was particularly concerned about a westward expansion. This request is a northward expansion. It does not look like it fits.

The Commission has had very serious discussions about the Light Industrial zone - it is hard to come by and tough to give up. This location might be a spot that may be very conducive to Light Industrial, which could provide employment opportunities for the community.

The Chair struggles with spot zoning requests, which this request appears to be. There is no other multifamily around it.

Dan Hanna asked if the Comprehensive Plan preferred land use map was wrong.

Chairman Dyer said as proposals come forward they are each looked at on a case by case basis. The impacts to the neighborhood and the community are closely looked at.

Dan Hanna said when he first looked at this request, he agreed with what has been said by other Commissioners. However with the Comprehensive Plan Map, the City has created the perception that a person could buy this property and apply for a zone change to high density. The Commission has a certain responsibility to stand with the Comprehensive Plan map.

Chairman Dyer said it is not a given.

Mary Ann Mounts motioned to recommend to City Council to **deny** a zone change from Light Industrial (LI) to High Density Residential 2 (HDR2) for the property located at approximately 328 North 2nd West for the reasons stated tonight (residential would be next to industrial, children attracted to adjacent industrial uses, industrial vehicle and City equipment traffic, concern for safety of children, too far from existing multi-family use, parcel conducive to light industrial use, and perceived spot zoning). **Scott Ferguson** seconded the motion.

Those in Favor:

Winston Dyer
Mary Ann Mounts
Thaine Robinson
Marilyn Rasmussen
Scott Ferguson
Cory Sorensen
Gil Shirley

Those Opposed:

Dan Hanna

Motion carried.

The City Council will make the final decision.

7:20 pm - Rezone – 415 and 437 West 6th South – High Density Residential 1 (HDR1)
to High Density Residential 2 (HDR2)

Judy Hobbs, Realty Quest, 117 West Main, representing the Scotts (415 West 6th South) and the Clays (437 West 6th South), owners of the subject properties. The Scotts are present here tonight. The original applicant Jeff Lyon withdrew his application for this rezone request on Monday, March 12th. He is no longer going to purchase the property, which is what they thought was going to happen. They were about six weeks in to due diligence with him on that process.

Judy Hobbs is representing the two property owners in moving forward with this rezone request. This property is a proper infill. It was rezoned to High Density Residential 1 (HDR1) about a year ago.

The Clays are not requesting a rezone of their personal home, but they are the co-applicant. The Clays' home would remain HDR1, but the excess ground, about one-third acre, is proposed to be HDR2, along with the Scotts' property.

Val Christensen said a lot split would be required to become a usable piece of ground. For the rezoning, they have done a survey of the property, which is sufficient.

Judy Hobbs pointed out the Northgate and Southgate developments on the east side of the subject property. These properties are zoned HDR2, and it shows how nice a complex can be put together. There is new housing or housing that is being constructed in this area near the University also.

Thaine Robinson asked what the previous zone was before becoming HDR1.

The property had been zoned MDR1.

Gil Shirley asked the condition of the road to the north of the property.

Judy Hobbs said that road was newly improved last year with the bridge and curb and gutter when Northgate and Southgate were constructed.

Carol Scott, property owner 415 W. 6th S. which is part of the rezone request. said no sidewalk has been put in yet in front of their home and the Clay home because there is an issue with the ditch.

Chairman Dyer asked if the audience had any clarifying questions for the applicant.

A man asked if single students or married students would be living in what is built.

Chairman Dyer said the rezone request is a land use decision, what will be allowed on this piece of ground. Development plans would come later.

Gil Shirley asked the allowed densities of HDR1 and HDR2.

Val Christensen clarified that HDR1 allows up to 30 units per acre and HDR2 allows up to 42 units per acre.

The rezone proposal is for 1.3 acres.

Judy Hobbs stated that any BYU-I approved housing would need to be east of South 4th West. Currently there is not a buyer for the subject properties or a proposal for the use of the property. This truly is just a rezone request to be able to market the property at the higher density. The location is close to the University. Higher density projects can be done very well. If we continue to do lower density projects we do not allow the developers to put enough units, profit, on the land.

Chairman Dyer asked if **Val Christensen** had any additional information for the Commission.

Val Christensen reiterated that the High Density Residential 2 zone allows 42 units per acre – 54 units would be the maximum for the subject property.

Chairman Dyer opened the public input portion of the hearing on this proposal. He noted that the comments from Mrs. Hobbs would in terms of input be accepted as “in favor” input.

In Favor: None

Neutral:

Kelly Jensen, 611 Belinda Lane. He is not against or for the HDR2 rezone request. He is concerned about increased traffic in the area. Traffic on 6th South has increased with the development of Northgate and Southgate Apartments. He has 3 young children. College students sometimes drive fast. Down the road, he has concerns for noise. Northgate and Southgate have parties outside, often with loud music. In previous summers, they sometimes cannot leave their windows open because of the loud music. He would defer more comment until in the future when it is known how the land will be used.

Opposed: None

Written Input: None

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

Val Christensen said the uses for the requested HDR2 zone are the same as are currently allowed in HDR1. This zone change would only change the density. It is a request for 1.3 acres. The smaller parcel (Clay) to the west will be split when development occurs. A survey was done to identify the area of the exact zoning. The City Engineer did not express any concerns Staff does not feel the requested change will have a serious effect on area. Other than a right-of-way it is adjacent to the same zoning on the east

Chairman Dyer asked if the property on the south of the requested rezone was considered to be included in the request.

Val Christensen said as the Wagon Wheel property is fully developed, it was not looked at as something to include. There have been discussions with the Wagon Wheel development in the past, and they are very happy as they are. They continue to upgrade the property as is necessary.

Marilyn Rasmussen said she understands the concern expressed about noise but she feels the proposal is a really good fit for the area.

Mary Ann Mounts concurred. She added that the City has a noise ordinance to control the noise – citizens can notify the City about problems that need to be addressed.

Chairman Dyer said in addition to the noise ordinance, there are specific conditions in the Development Code about noise impact.

The **Chair** said the PEZ (Pedestrian Emphasis Zone) zone was extended with the idea of densification. There are great pedestrian amenities. The proposal is adjacent to high density residential and surrounded by multi-family type developments. The request appears to be consistent with what is going on in that area.

Thaine Robinson motioned to recommend to City Council approval of a zone change from High Density Residential 1 (HDR1) to High Density Residential 2 (HDR2) for the property located at 415 and 437 West 6th South. **Mary Ann Mounts** seconded the motion.

None opposed. **Motion carried.**

Break called.

Unfinished/Old Business: None

New Business:

1. Preliminary Plat – West 2000 South Church Subdivision

Kurt Roland, Eagle Rock Engineering, 310 North 2nd East, presented the proposal. The preliminary plat was viewed. The location of the plat is on West 2000 South approximately 1500 feet west of South 12th West. The size of the parcel is approximately 5 acres. There will be a road on the west side of the church, which the developer would build.

The sewer will be run from the high school to the church site.

They will run the water from the John Deere business location on the east to the church site. There is an easement that is not part of the plat.

Chairman Dyer reminded the Commissioners that at the plat stage, they are looking for impacts on the infrastructure, road connectivity, and ingress/ egress, master planning of the area, etc.

A plat carves out a piece of property for future use.

If they are extending sewer and water, it opens the area for eventual development. The Chair asked if the applicant has discussed with the City Engineer the sizing of the infrastructure to make sure it is sufficient.

Kurt Roland said they have spoken with staff. They will be putting in a 10-inch sewer main. There will be a 12-inch water main. They will finish the roads on the east and south sides of the church. The church is a 1-lot parcel.

Cory Sorensen asked if there will be a road which goes all the way to the high school.

Kurt Roland said that is how it is master planned.

Stephen Zollinger clarified that the City intentionally does not want a direct access public road through the high school or Burton school property that ties in with the residential neighborhoods; they do not want it to become a thoroughfare.

Kurt Roland said the subdivision road location was moved slightly to the west per City staff recommendation. They are lining up with one of the parking lots, which he pointed out.

Chairman Dyer asked **Val Christensen** for any additional information.

Val Christensen said both the preliminary and final plats for the West 2000 South Church Subdivision are before the Commission tonight. The City is in the process of creating new language for a short plat process where both the preliminary and final plats move forward together. The City has always allowed applicants to do the preliminary and final plats simultaneously, where it is appropriate.

Chairman Dyer said there is no staff comment from the City Engineer. He asked if there is a master plan the City has seen for the entire property as to how everything fits together including location of roads, connectivity, etc.

Val Christensen said there is not a master plan. This is for a church which staff feels fits well in the area with the zoning and the Comprehensive Plan designation that are present. The only proposed road location that has been looked at is the road that is currently proposed to go in for the church. The City Engineer is good with the proposed road's location.

The **Chair** said the Commission's charge is planning, which would take in more than just this proposal.

Stephen Zollinger said that all elements that have been proposed for construction in connection with this proposal fit within what City staff considers to be the appropriate development. The future roads have not been planned, but the City Engineer and the Assistant City Engineer are adamant that this is where the first north-south road should bisect the larger parcels. This development will not thwart any future plans.

Regarding infrastructure, the developer is working through the process with the City Engineer.

Scott Ferguson motioned to recommend approval to City Council of the Preliminary Plat for the West 2000 South Church Subdivision. **Mary Ann Mounts** seconded the motion.

None opposed. **Motion carried.**

2. Final Plat - West 2000 South Church subdivision

Kurt Roland, Eagle Rock Engineering, 310 North 2nd East, presented the proposal for this final plat, which was viewed on the overhead screen. It is approximately a 5 acre lot, and it shows the proposed road which would be built on the west side of the property.

Stephen Zollinger stated that action on this plat should be subject to Public Works and Engineering approval of the plat, since this is being fast-platted.

Irrigation for the property will come from City water.

Scott Ferguson motioned to recommend approval to City Council of the Final Plat for the West 2000 South Church Subdivision to include that the plat shall meet Public Works and Engineering review approval. **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

3.Preliminary Plat – Tamana Fields Division No. 1

Sean Onyon, VCBO Architects, 524 S. 600 E., Salt Lake City, representing the property owners, the Fujimotos. The location of the project is on the north side of University Blvd. just east of the South Yellowstone Hwy. The size is approximately 11 acres that will be divided into 9 lots for development. Previously, at the time that the master plan for the property was presented to the City, engineer Kurt Roland worked with the City Engineer regarding the location of several cross streets. The location of the street that would cross University Blvd. and continue further south has been worked out with the City Engineer.

Thaine Robinson stated he likes this project. The only thing he is concerned about is the number of roadways that are leading on to University Blvd. If it turns into a 4-lane road and there are 4 roads crossing, there could be the potential of 4 traffic lights along there. If there is any way that the number of road could be cut down, or if the developer would agree to pay for the traffic lights so the citizens of Rexburg do not have to that would be good.

Sean Onyon pointed out the cross street that was on the plat. The others are actually curb cuts into the development. The City Engineer asked that they be lined up but they would not be cross streets.

A 24' by 36' copy of the plat was provided for the Commission to examine.

Stephen Zollinger said the Engineering and Public Works Departments have reviewed the infrastructure of the plat.

A limited number of accesses are part of the purchase agreement. The property will be managed as it develops.

Val Christensen said the Commission is looking at a preliminary plat followed by a final plat in the same evening as requested by the applicant. The City Engineer felt this would be satisfactory.

Mr. Christensen stated in his review that parking on the east as configured does not meet setback requirements and is too close to the right-of-way. This issue would be reviewed fully before issuance of a building permit.

Marilyn Rasmussen asked if the lot sizes are set or will they change.

Stephen Zollinger stated that footprints are not part of the plat. The lot lines are what is being looked at tonight, and they are fixed. These are the lots they are requesting.

Val Christensen stated that the applicant has done what the City asked them to do – they have come in with a much smaller portion of the entire project.

Chairman Dyer stated this is a fairly large and complex development even though it has been carved out of a larger whole. Normally this would not be taken as a short plat (preliminary and final plats presented at the same time). In this case, the City has been deeply involved in working with this plat.

Val Christensen stated he has spoken with the City Engineer, who was comfortable with moving the preliminary and final plats forward together.

Chairman Dyer stated that the Commission would like to have input on the short plat process before it is finalized.

The **Chair** wanted the record to show that the Commission does not normally want to take this complexity and this many lots in the same night as a final plat and do not want this to take precedent.

Mary Ann Mounts stated that the Plat application includes *Items for Consideration* list that may be beneficial to have in the final plat motion after this Preliminary Plat is completed.

Mary Ann Mounts motioned to recommend approval to City Council of the Preliminary Plat for Tamana Fields Division No.1 on University Blvd. **Scott Ferguson** seconded the motion.

None opposed. **Motion carried.**

4. Final Plat – Tamana Fields Division No. 1

Sean Onyon, project architect, VCBO Architects of Salt Lake City, representing the applicants. He had no additional information on this final plat to add to what was presented during the Preliminary Plat presentation tonight.

Val Christensen clarified that it was determined by staff that if the Engineering Department felt the final plat for Tamana Fields Division No. 1 was ready to address, then Planning & Zoning staff would address it at the same meeting as the preliminary plat.

The Fire Department comment regarding the minimum radius of 30' for fire lanes could be part of the City Engineer's requirements at the time of site plan review.

Stephen Zollinger said this plat was master planned and laid out. The City Engineering Department would oppose any other additional north-south accesses through this property other than what is shown. These are the accesses that were agreed upon. He clarified that the Commission is taking 2 actions in one night; the only reason not to do that would be the first action resulted in significant questions as it relates to the second action. Given that the motion on the preliminary plat was not in any way to affect the polygons and the orientation it would make sense to go to the second action, the final plat motion, because it is an affirmation of the first action.

Mary Ann Mounts motioned to recommend approval to City Council of the Final Plat for Tamana Fields Division No.1 to include that the *Items for Consideration* list (see below) that is part of the Plat Application is addressed by staff, and that the staff reviews by the Planning Department and Fire Department are addressed. **Dan Hanna** seconded the motion.

None Opposed. **Motion carried.**

ITEMS FOR CONSIDERATION

1. Probable impact of the proposed project on the environment effect on:
 - a. Public safety and convenience
 - b. Fire, police, and ambulance services
 - c. Recreation
 - d. Schools
 - e. Displacement or relocation of people
 - f. Land values
 - g. Local and long-distance travel, i.e., highway and local road impact
 - h. Behavior of wildlife species
 - i. Water quality and effect on underground water supply
 - j. Noise pollution
 - k. Air pollution
 - l. Method proposed to dispose of storm drainage waters
 - m. Extent of increased city road maintenance, including snow removal
 - n. Flood plain – methods proposed to alleviate effect of 100-year flood; effect on adjacent properties.
 - o. Provisions for housing for persons of low and moderate income
 - p. Harmony with the character of surrounding developments

2. Probable adverse environmental effects which cannot be avoided
 - a. Traffic Use
 - b. Rights-of-way required
 - c. Pollution effect on existing environment

3. Relationship between local short-term uses of man's economic environment and the long-term productivity.
 - a. Existing vs. proposed tax base
 - b. Costs to City if proposal approved (annual)

4. Measures taken to minimize harmful effects on environment
 - a. Effects of construction activities
 - b. Erosion control
 - c. Stream pollution prevention
 - d. Borrow-pit rehabilitation
 - e. Fencing
 - f. Buffer zones
 - g. Replacement of parklands or farmlands

5. Is this plat plan harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan?

Thank you.

*Final/Preliminary Plat Application Document
City of Rexburg*

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests:

1. Rezone – Low Density Residential 2 (52 North 3rd West) and Community Business Center and Light Industrial (250 West Main) to Mixed Use 2 –Tru North Development

Cory Sorensen recused himself due to direct conflict of interest – he is a member of Tru North Development, and he will be presenting the rezone proposal.

Chairman Dyer asked **Val Christensen** to review what had occurred with the Comprehensive Plan Map Amendment proposal that was requested by this same applicant.

Val Christensen stated that the Tru North Development Comprehensive Plan Map amendment application to change the specified properties to the Neighborhood Commercial/Mixed Use land use designation had a split vote at the March 1, 2012 P&Z meeting. It went to City Council with no recommendation. The request to change the Comprehensive Plan land use designation from Light Industrial and Moderate-High Density Residential to Neighborhood Commercial/Mixed Use was approved by the City Council at the March 7, 2012 meeting.

Chairman Dyer said the Tru North Development Rezone request would need to be taken off the table in order to proceed, now that the City Council has accepted the proposed Comprehensive Plan change. Zoning decides what uses can be made on the property.

Stephen Zollinger stated that he recommended to the City Council that they schedule a full public hearing at the City Council level to allow the neighbors another chance to give public input. The public hearing is not normally done at the Council level, but it was felt in this case to be important to allow the neighborhood this additional opportunity for input. There was discussion with the audience to clarify any questions on this issue.

Scott Ferguson motioned to pick the Rezone request for Tru North Development up off the table. **Mary Ann Mounts** seconded the motion. None opposed. **Motion carried.**

Chairman Dyer asked Tru North Development applicant representative Cory Sorensen if he wished his Comprehensive Plan Amendment presentation and hearing information to stand or if he wished to give more information on the requested zone change.

Cory Sorensen, 160 South 3rd West, representing Tru North Development, wanted to present more information on this rezone request to change the zoning from Low Density Residential 2, Community Business Center, and Light Industrial, to the Mixed Use 2 zone. The property has had the Comprehensive Plan land use designation changed to Neighborhood Commercial/Mixed Use as per the approval of the City Council.

They originally were interested only in the North 3rd West property. They joined with the Wolfe property owner, with the intention to improve this area. They have worked with staff. The Mixed Use 2 zoning they are requesting would allow up to 30 units per acre.

There was concern that their plans have changed. All they have done as a development team is come up with an idea to address neighbors' expressed concerns, such as traffic and preservation of the neighborhood. It allows for access on 3rd West as well as maintaining the current access on West Main Street and an access of 1st North – 3 accesses to the property.

The apartments would be similar to the Cambridge development on Main. There would be 60 units. **Mr. Sorensen** spoke with 3 of the neighbors today. Having a park as a buffer was one of the expressed ideas which would push the apartments further back. He realizes this request is a land use issue. Tru North Development would like to schedule a meeting with neighbors in the future to discuss options and to work out the best possible proposal to really clean up this area and benefit all parties.

Chairman Dyer asked when the City Council approved the Comprehensive Plan change, what were they seeing about the property.

Stephen Zollinger said City Council did not believe that this was a meaningful industrial parcel. They felt the move to Mixed Use 2 to be a possibility since they saw it as possibly going residential and/or commercial on the Main Street side, not Light Industrial.

Mr. Sorensen said that it was also stated that the Comprehensive Plan map Moderate-High Density Residential land use designation actually allows for more density than the Neighborhood Commercial/Mixed Use land use designation.

Mr. Zollinger said the City Council avoided discussion of the zoning. They are waiting for this rezone proposal.

Val Christensen clarified that 30 units per acre are allowed by right. That needs to be considered and not a particular plan for the land.

The size of the rezone request is 3.4 acres.

The **Chairman** asked if the audience had questions to clarify the rezone proposal.

Shaun Clark in the audience stated that Mr. Sorensen has said he is actually asking for less density than what is actually allowed. Please clarify what is allowed on the LDR2 property now as it exists.

Stephen Zollinger clarified that before the approved Comprehensive Plan change, the applicant had a legal right to ask for up to 42 units per acre. The Comprehensive Plan change reduced the number of units that could be requested – up to 30 units.

The LDR2 lot as presently zoned could have 1 unit for every 5,000 square feet or twin homes or duplexes with a Conditional Use Permit. Each LDR2 lot requires an 8,000 square foot minimum. The subject piece could have nine or ten units.

The homes on the southwest have a professional overlay.

The Comprehensive Plan Map and the Zoning Map for the subject area were shown and discussed.

Chairman Dyer opened the public input portion of this hearing.

In Favor: None

Neutral: None

Opposed:

Rebekka Hanson, 57 North 3rd West. She lives directly across the street from the subject vacant lot. She is speaking for herself and on behalf of many of the neighborhood residents. With the property to possibly change from LDR2 to Mixed Use 2, their understanding is that there could be

55 foot buildings with 30 units per acre. There are a number of concerns. There needs to be a serious assessment of water and sewage lines. They have issues every spring and winter with flooding in their neighborhood. Is the sewage system sufficient? Does sewer and water need updating, and if so, does it come out of their tax dollars?

They are very concerned with traffic, with the additional hundred plus cars that could potentially be coming in and out of the area. With another access on 3rd West as mentioned, all that does is increase traffic on 3rd West. It complicates the matter even more so.

It was mentioned in the City Council meeting that this neighborhood is in close proximity to the college. It was stated the distance was about 3 blocks. That is not so. No one walks to campus or to Broulim's. There is too much traffic on Main Street. The way they are boxed in with the railroad, it makes it very unsafe to walk along 1st North and crossing over the tracks near the curve. There is not adequate view. Trying to cross across Main at 3rd West is very dangerous. The speed limit goes to 35 mile per hour just west of the railroad track. There is not a crosswalk or light. There are concerns that there will never be a light here. When the light turns red it would back up traffic on Main and on South 3rd West, which makes it difficult to put a light at their corner.

Most driveways on 3rd West are about 60 feet or less in length, and the residents back out. It is difficult to see who is coming. They have serious concerns for the children in the neighborhood. There are approximately seven basketball hoops just between Main and 1st North, which indicates the high level of families here. Children often ride bikes and push scooters and play. With this much increased traffic, are their children expected to cease their outdoor activities for the benefit of this development? There currently is a school bus that stops in front of the vacant lot to pick up children on that street and from surrounding streets twice a day, which creates another potential traffic hazard and potential danger of these children getting hit by cars.

The Comprehensive Plan discussion mentioned trying to get the railroad cars to not be in that area, which is a main impetus as to why they made a Comprehensive Plan designation here. The railroad is not governed by City law, but by rules that date to the early 1800's. It takes a federal commission and Congress to change those rules. The railroad cars will be there regardless of the zone. If that many apartment units are put here, for families and children that creates a very serious danger. The granaries will still be here, with trucks coming in and out. Is there a plan for a place for the children to play, because getting to Porter Park to play is difficult.

They are concerned with the rising crime they have seen with apartment buildings around town and some close to them. Shootings have happened. Visitors will also be coming in and out. They do not know if graffiti may appear.

They are a very close knit community who watch out for each other. There are two blind residents on their street and a number of elderly people. It is already very difficult for them to traverse the street as it is.

They are very concerned their about property and home values going down. At the last meeting, someone mentioned that the values would actually go up. She is a reference librarian – there are studies that patently disprove this - the values will go down. If someone is looking for a single family home, which is what all of theirs are on that street, they do not want to be living next to an apartment building. They would have a much more difficult time if they wanted to sell their properties. It was discussed at a past meeting that there is disinterest for the subject vacant lot. That is not true. As a resident who lives just across the street she can verify that there is a high amount of

interest. The current property owners, who now reside in Hyrum, Utah, have purposely placed the price so high to specifically prevent this very situation. It is a difficult thing for the neighborhood.

Rexburg's 2020 Comprehensive Plan states that Rexburg is America's Family Community. She read its Community Vision statement:

"Residents of Rexburg have chosen to live here because they enjoy the current quality of life, aesthetics, recreational opportunities, mix of land uses, and patterns of development that the City provides. The primary vision of the City of Rexburg Comprehensive Plan is to ensure that these qualities are maintained, preserved, and enhanced."

City zoning regulations state that new construction should be designed and constructed in a way that is harmonious with the existing character of the neighborhood.

They are a family community on this street. It is one of the very few neighborhoods in the City that has been largely untouched by the flood. 75% percent of the homes on the street are 50 years old or older.

They as a neighborhood feel that this rezone proposal violates the objective of both the City of Rexburg and the Zoning Commission.

They as a neighborhood wanted to propose that the subject vacant lot on 3rd West would be an ideal place for a Daughters of Utah Pioneers museum. It could be surrounded by an arboretum little park with fountains, trees, benches and paved walkways. There could be paving stones commemorating all their ancestors and the founders of the City. It would be a tremendous cultural and educational addition to the City. In pursuit of this venture, they as a neighborhood have already identified a number of grants that they may apply for, and they have acquired the services of a BYU professor who specializes in grant acquisition.

They strongly urge the Commission to take their concerns and their proposal into account when making their decision on this rezone request. She thanked the Commission.

Shaun Clark, 22 North 3rd West. He will never sell his home to someone who he knows will change it to an office or apartments because this is a neighborhood. It should stay that way and not be ruined by a doctor's office or lawyer's office, or a huge apartment complex.

Sharon Christensen, 27 North 3rd West. She has lived in her home since 1954. She is concerned about the traffic. Mr. Sorensen said at one time that there would be a crash gate that would end from Wolf Lighting. Tonight he is saying that there would be an access— she would like this issue clarified. He also said there would be a 17 foot easement at the north. That means that apartment complex traffic would be coming and going onto 1st North. Please take these concerns into consideration.

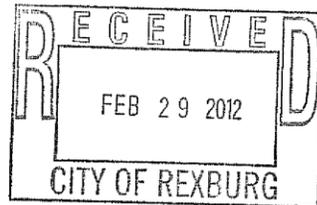
Written Input: summarized by Chairman Dyer, entered into the record in their entirety.

Letter from Martha Scott, opposed to the proposal

Letter from Paul Watland of Watco Companies, opposed to the proposal

Letter from Frank and Wendy Hadry, opposed to the proposal

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.

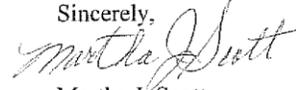
h. Mr Cory Sorensen, who submitted the application for rezoning, is a member of the City of Rexburg Planning and Zoning Commission. Isn't this a direct conflict of interest!

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.

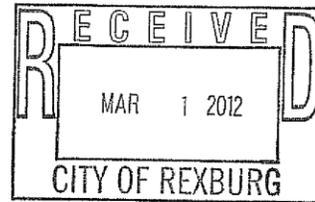
Thank you,


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.

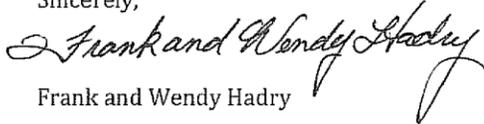
We believe that this may just be the first stage of the reconstruction of our neighborhood. Is this the beginning of more buildings to come?

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 to the right of the typed name.

Frank and Wendy Hadry

Rebuttal:

Cory Sorensen said as communities grow, there are growing pains. Everyone goes through it.

He has only been married 11 years. They have moved 3 times and just moved to a home that abuts the railroad. There have been some mistakes that have happened in the community. Pioneer Road has thousands of apartments. A lot of the traffic goes through other neighborhoods to get to a destination. It is smart growth to infill before developing further out. It is cheaper for the community. There is already infrastructure, although it may need to be upgraded. A minimum of 200 apartments are needed per year. That figure comes from City staff and the University. It was brought up that there is a problem crossing Main Street. That is an issue the City needs to address. There needs to be an environment created where the citizens feel safe walking. He reiterated that it is smart growth to infill before developing on the outskirts.

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

Val Christensen reviewed his staff report. This rezone request if approved would allow 30 units per acre of residential on this 3.44 acre parcel. The applicants are requesting to rezone to MU2 which allows a mixture of residential and commercial. The Wolfe Lighting store currently there would meet the requirements of the commercial for an MU2 development. Staff felt it made more sense to go with MU2 than to HDR. Water and sewer requirements can be met. The City Engineer has met with the applicant as far as utilities. Water and sewer can be met as per the City Engineer. As far as recent changes in the area, the Medicine Shoppe is being built on the corner of Main and 2nd West.

The Comprehensive Plan designation has been changed now to Neighborhood Commercial/Mixed Use and is consistent with this zoning request. Staff's recommendation is that the rezone request be moved forward for approval.

Dan Hanna asked what would happen to the condition of 3rd West if more utilities are brought in, in the future.

Val Christensen said the City Engineer would address the issue.

Mary Ann Mounts stated this is one of those times when she would like the impact to be tied to a project. She wishes there was a way for an exit to be from Wolfe Lighting onto Main and not onto 3rd West.

Chairman Dyer said the approved Comprehensive Plan change drives this issue. Apparently, the City Council has indicated by their action that they want this neighborhood to transition from residential.

Thaine Robinson said the impression he got when attending the City Council, was that Council felt the area was not good as light industrial. The Council did seem to struggle with what the intended use was going to be and also struggled with trying to protect the neighborhood. They seemed to feel that an infill would be an improvement to what was already there.

Dan Hanna agreed with Mr. Robinson. There was some concern for building height and density. The whole area has been identified for increased density and infill.

Mary Ann Mounts said it is too big a project if it is going to exit out on to 3rd West. It is too much for the neighborhood. She is going to go with protecting the neighborhood.

Thaine Robinson said if the zone is changed, a developer would have the right to have buildings that are 55 feet in height and 103 units on this property. The Commission needs to consider the potential impact.

Chairman Dyer has given their thoughts on what they think the neighborhood should be in their approval of the Comprehensive Plan change. If we start, where does it end? They have set up already for some multi-family on Main Street, and that would make sense. This request could open the door to multi-family going further north than Main Street.

Scott Ferguson said the north expansion issue could be addressed further down the road in terms of impact. He sees this more as an infill question. He does not think the project is too big.

Gil Shirley said he would be more in favor of MU1 than MU2 for this rezone request.

Stephen Zollinger said he is not comfortable with the issue of the lesser zone MU1 instead of MU2 because MU1 grants a greater commercial opportunity than MU2.

The **Chair** reiterated it is the charge of the Commission to look at impacts.

Dan Hanna motioned to recommend to City Council approval of a rezone for the specified properties to change from Low Density Residential 2 (52 North 3rd West), and Community Business Center and Light Industrial (250 West Main), to Mixed Use 2. **Scott Ferguson** seconded the motion.

Those in Favor:

Dan Hanna
Scott Ferguson

Those Opposed:

Mary Ann Mounts
Gil Shirley
Winston Dyer
Marilyn Rasmussen
Thaine Robinson

Motion did not carry.

This rezone will go to City Council. There will be an additional public hearing at the City Council to allow the public the opportunity to give input.

The City Council will make the final decision.

Building Permit Application Report: None

Heads Up:

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

The meeting was adjourned at 11:25 pm.