

Planning & Zoning Minutes

July 5, 2012

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Thaine Robinson
Mary Ann Mounts Scott Ferguson
Cory Sorensen Marilyn Rasmussen
Richie Webb

City Staff and Others:

Bruce Sutherland – City Council Liaison
Val Christensen- Community Development Director
Craig Fisher – Community Development Intern
Elaine McFerrin – P&Z Coordinator

6:00 pm – Joint City Council and Planning & Zoning Commission - continued planning meeting

Attending: City Council: Christopher Mann, Sally Smith, Bruce Sutherland, Jerry Merrill, Donna Benfield, Jordan Busby. The Mayor was excused.

Planning & Zoning Commission: Thaine Robinson, Winston Dyer, Scott Ferguson, Cory Sorensen, Marilyn Rasmussen, Richie Webb, Mary Ann Mounts, Dan Hanna

Staff: Val Christensen, Natalie Schneider, Elaine McFerrin, intern Craig Fisher

Council President Mann said a name has been submitted by the Mayor for a vacancy on the Planning and Zoning Commission which needs approval from the City Council. The name is Mark Rudd.

Council Member Sutherland motioned to approve Mark Rudd as the new P&Z Commissioner. **Council Member Smith** seconded the motion. None opposed. **Motion carried.**

Preparing for 2030 and Beyond - A Vision for quality growth

Winston Dyer welcomed everyone.

Community Development Director Val Christensen briefly summarized the past planning meetings. There was discussion on growth and the need for densification. A presentation was given on redevelopment, infill and mixed use. Transportation and infrastructure were discussed.

What should be a priority? How should they be weighted?

Priority areas for infill and redevelopment:

1. Identify strong non-fragmented single family neighborhoods.
2. Identify underutilized & vacant properties
3. Transportation
4. Areas of recent significant investment
5. Distance from University, Employment centers, & existing significant commercial development

6. Proximity to Infrastructure
7. Historic
8. Proximity to existing community amenities
9. Non-compatible uses

What are we trying to identify with our map?

Val Christensen was directed to put together a list of what the map may need to show. The list will be brought to the P&Z Commissioners, who will prioritize and give weight to each point. The prioritized list would then be brought to the City Council.

7:00 pm – Planning & Zoning meeting

Chairman Dyer opened the meeting at 7:07 pm.

Roll Call of Planning and Zoning Commissioners:

Cory Sorensen, Richie Webb, Mary Ann Mounts, Dan Hanna, Winston Dyer, Thaine Robinson, Marilyn Rasmussen, Scott Ferguson

Gil Shirley and Jedd Walker were excused.

Presentation:

Nephi Allen, Planning & Zoning Commissioner – Recognition of Service

Council Member Sutherland recognized Nephi Allen for his years of service as a Planning & Zoning Commissioner. On behalf of the City, he presented Nephi with a plaque in appreciation of the work he has done as a Commissioner. The P&Z Commission is charged with some of the most difficult decisions. The Commission does a marvelous job. He thanked Nephi Allen for all his hard work and the time given.

Nephi Allen thanked everyone. It was great to work with all of the Commissioners.

Chairman Dyer said the Commission appreciates his great service. Rexburg is a better place because of his wisdom and guidance.

Minutes:

1. Planning and Zoning meeting - June 21, 2012

Marilyn Rasmussen motioned to approve the Planning & Zoning minutes of June 21, 2012.

Thaine Robinson seconded the motion.

Mary Ann Mounts abstained for having not been present.

None opposed. **Motion carried.**

Public Hearings:

Chairman Dyer stated there are 4 hearings tonight. The Commission wants to hear from all who want to give input. If someone has already mentioned your thoughts, please say you agree, without having to repeat those thoughts. The American way is that everyone has a voice.

The Chair explained the procedure for public hearings. The applicant or representative will present the proposal. The Commission may ask questions of the applicant and staff for clarification of the proposal. The public will also be given the opportunity to ask questions in order for them to better understand what is being presented. Public testimony will be taken. Staff evaluation will then be

given. The Commission will deliberate and come to a decision on the proposal. The Commission is a recommending body; the City Council will make the final decision.

1. 7:05 pm - Conditional Use Permit – Approximately 1150 North 9th East and 906 East Moody Highway – to allow a Home Business: cabinet shop

Chairman Dyer clarified that the subject property is in the designated Impact Area of the City. It is not in the City limits. The P&Z Commission will give their recommendation to the Madison County Commission instead of to the City Council.

Todd Steiner, 888 South 5th West, presented the proposal. He owns one piece of property - approximately 1150 North 9th East, which does not have any buildings on it. He is trying to acquire the East Moody Hwy property which would be his Plan A; there is an existing home and shop and barn on this property. If he cannot acquire the land, he would build his shop on the piece that he owns. An ordinance was passed to allow a home business in the Transitional Agriculture zones. The City's code was amended to allow up to 4 non-related employees in a home business in this zone; he has 2 employees. Size limitation of a building was removed. The Shirley property (906 East Moody Hwy) has a 5,000 square foot building. If he cannot acquire that property, he will build the shop behind his home on the property he owns (1150 N. 9th E.), and it will look like an antique barn.

Val Christensen said it was decided by City Council that a Conditional Use Permit request such as this one would be looked at on a case by case basis regarding size.

Chairman Dyer clarified that there is only one application, although two forms were included because of the additional piece of property that was added to the request.

Would Mr. Steiner be willing to accept a condition that indicates it is one or the other address but not both that would need the Conditional Use Permit?

Todd Steiner said yes. He would only be using one property for this request.

Chairman Dyer said staff is recommending a 40 foot side yard buffer of landscaping for the 1150 North 9th East property. Is the applicant agreeable to this?

Mr. Steiner said yes.

The Chair asked if anyone in the audience wished to ask clarifying questions. There were no questions.

Val Christensen reiterated that the Commission's recommendation would go to the Madison County Commission for a final decision rather than to the City Council.

Thaine Robinson asked if design standards come into play for the existing building.

Val Christensen said there are currently no design standards for single family uses. This is an accessory to a single family home.

Todd Steiner said he takes pride in what he does. Right now the existing building is old weathered wood. He would be restoring it.

Marilyn Rasmussen asked for clarification on the necessity of a 40 foot landscape buffer.

Val Christensen said a 40 foot buffer would help to buffer some of the noise of the business.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None
Neutral: None
Opposed: None
Written Input: None

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

Val Christensen clarified that his staff review is on the vacant ground, 1150 North 9th East. When Mr. Steiner added the second property, it was looked at as an existing use. Staff feels the request is compatible with the area.

Regarding the Fire Department review comment on the necessity of automatic sprinkling, he clarified that this is a building issue that addresses the 1150 N.9th E. property. The Commission does not need to address it in the planning motion.

The Shirley property (906 E. Moody Hwy) building would be a grandfathered use of an existing building and would not require a sprinkler system.

There was discussion. It was reiterated the subject properties are in the City's Impact Area.

Scott Ferguson motioned to recommend to the *Madison County Commission* to approve a Conditional Use Permit for a home business - a cabinet shop, with two conditions: 1) Provide a 40 foot side yard landscape buffer of bushes and trees for the property at approximately 1150 N. 9th E if this property is used to build the cabinet shop; and
2) The Conditional Use Permit will be for one or the other of the subject properties in the Impact Area - approximately 1150 North 9th East *or* 906 East Moody Hwy- but not both of the properties.

Dan Hanna seconded the motion.

None opposed. **Motion carried.**

2. 7:20 pm – Comprehensive Plan Map Amendment –Moderate-High Density Residential and Light Industrial to Neighborhood Commercial/Mixed Use – Approximately 245 West 1st North

Cory Sorensen recused himself due to direct conflict of interest. He is presenting this request.

Cory Sorensen, 154 South 3rd West. He is representing Tru North Development. The property was shown on the overhead screen.

He pointed out parcels that several months ago had been changed to Neighborhood Commercial/Mixed Use. Tonight they are requesting additional properties be changed. One property owner on 1st North has withdrawn from being included in this request.

The plan is for full access on 1st North – 2 lanes in and out. The parcel on 3rd West does not come out all the way to the street.

He gave a brief presentation showing the property, although there will be two hearings, a Rezone request to follow this Comprehensive Plan Map Amendment request.

Mr. Sorensen said the reason they are here is that their plan has changed dramatically. They have taken all access off of 3rd West. There is a 60 to 80 foot park buffer planned on the frontage of the 3rd West parcel. There would be full 2-way access onto 1st North. The interior of the project is designed to slow traffic down, rather than being a straight shot through the property.

They feel that these changes have mitigated many of the concerns of the neighbors to the west. They have approached three of the neighbors and offered to include them in this Comprehensive Plan change request but they declined. A Comprehensive Plan change is being requested for the specified northern property so that this project is more cohesive.

Scott Ferguson asked if the park on 3rd West will be private or for the community.

Cory Sorensen said the park would be for not only the children in the neighborhood but for children who may be living in the apartment complex. They are not sure of density at this time. They will be limited by the necessary parking. Their plan is to have 15 to 20 percent three-bedroom units which would invite some families with children. The rest of the units would have one and two bedrooms.

Chair said tonight's hearing is on the north subject parcels. The applicant is asking for Neighborhood Commercial/ Mixed Use – the front piece has already been changed to this designation.

The **Chair** clarified the Commission needs to look at the best allowable land uses of this property for the community. The next hearing would look at the actual zoning.

Cory Sorensen said the Wolfe Lighting piece of their project more than meets the 10 percent commercial component.

Chairman Dyer asked the public for any clarification questions on this Comprehensive Plan Map Amendment change request.

How many feet back from 3rd West would the park be?
It would be about 65 to 70 feet back from the sidewalk.

How many apartments will there be initially and then in the future? How large will the structures be?
The Chair said these questions are difficult to answer at this time and would be more appropriate to be addressed at the rezone hearing.

What would be the height of the buildings?
Once the zone is established that would address a height regulation.

Where will accesses be?
Accesses will be on 1st North and on West Main.

What zones would the current Comprehensive Plan currently allow here?
Moderate –High Density Residential designation would allow HDR1 and 2 – 30 and 42 units per acre, and MDR1 and 2 – 20 and 16 units per acre. The Light Industrial designation would allow Light Industrial and Technology and Office. The Neighborhood Commercial/Mixed Use designation would allow MU1, MU2, and Professional Office. The MU1 density is 16 units per acre; MU2 density is 30 units per acre.

How high can building straight walls be? How high can the roof be?
Val Christensen clarified that currently in medium density it allows a 30 foot building straight wall. In high density a 55 foot straight wall is allowed. MU2 also allows a building height of 55 feet. Roof pitch is not specifically addressed as the City wanted to encourage the use of gables, dormers, etc. in building design.

Under the current Comprehensive Plan there is already the potential to have zones that would allow up to 55 feet in height.

What is the building height planned to be built?

Cory Sorensen said everything for this site is based on parking and feasibility. Design of buildings has not yet been done. It depends on what they can fit on the property. They only have a footprint showing roof lines at this time. The buildings may be 3 stories, possibly with 4 stories near the railroad tracks. Based on the parking, there may be 60 to 75 units.

Why would the City change their Comprehensive Plan which was done with forethought and outlook?

Chairman Dyer said the Comprehensive Plan is a dynamic document. There have been some tremendous changes in the community, starting with the University's announcement to be a 4-year college, which also affected commercial and residential growth pressures that has opened different areas of the community to development or infill. In the past by state law, a Comprehensive Plan change could only be requested every six months. Now a change can be requested at any time. The community has close to 1,000 new people each year, associated mostly with the University growth.

Why would the Commission consider the requests as an individual proposal rather than a single area of property?

The City continually encourages larger proposals instead of parcel by parcel.

It was clarified that the current Comprehensive Plan already allows the kinds of densities that are being considered. This particular change would allow a commercial component.

What is the acreage of this new change compared to the original change?

The original area changed was about 4 acres. About 20 percent, an acre, is being added.

What is the frontage footage on 1st North?

About 91 feet, 26 feet of which would be a driveway or street.

The Chairman reiterated that this hearing is to request a Comprehensive Plan Map change, which incorporates all kinds of different zones that can be use underneath it.

Richie Webb asked if the City staff had discussion on expanding the area of Neighborhood Commercial/ Mixed Use beyond what is being requested tonight.

Val Christensen said there was City staff discussion regarding property to the north. There was no discussion of property to the west.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed:

Frank Hadry, 23 North 3rd West. He is apologetic that they are here for the 3rd time, because there is not a lot of change from the earlier proposal. The only thing that has really changed is that there is

no access onto 3rd West, and there is extra acre with the possibility of building more apartments. The request was voted down in the earlier requests. Mr. Sorensen showed some pictures of the neighborhood tonight depicting a very dumpy neighborhood. That is the furthest thing from the truth to manipulate to make it seem that there is just extra land sitting there. He also said he talked with people on West 1st North. None are here to give their full support of the project. Traffic was and is a major issue. The photos did not show the caring, groomed properties of these neighbors. Access on Main Street was a major concern in the earlier requests and still is. The City Council had said that whatever is built here needs to be consistent with the neighborhood. There is nothing in this neighborhood that is remotely like this project. If they build something this massive, there is concern of a waterline mentioned at earlier meetings. He is also concerned with how many cars will be here and the traffic problems.

Please consider the feelings of the people on 3rd West. They realize something may to be built, but the people do not want this here. It is too massive.

Rebekka Hanson, 57 North 3rd West, which she stated is across the street from the vacant lot. This Comprehensive Plan change has been proposed in order for Mr. Sorensen to achieve his MU2 zoning request. This is the exact same request that was denied in April by the City Council and the P&Z Commission. If it was not a good idea then, it is not a good idea now. Therefore, there is no need to change the Comprehensive Plan map. If the map is changed, it makes this neighborhood more vulnerable to developers. Please deny this map change request, and leave this neighborhood in peace.

Ron Gibb 329 West 1st North. On the corner of 2nd West and 1st North, the traffic flow is currently very difficult and very unsafe. Turning left or right is difficult, and there are railroad tracks to cross. Adding cars on this street will make the situation worse. It would be almost impossible to get onto this main drag of traffic.

Sharon Christensen, 27 North 3rd West. Mr. Sorensen has said that this location is within walking distance of so many places- the park, the grocery store, the library, etc. –there are no sidewalks coming from the elevators on 1st North up to the railroad tracks, and no sidewalks that go from 1st North to Main Street near BMC West. This is a concern for her and it should be for the Commission.

Written Input:

Letter from Scott Campbell, opposed to the proposal – read by Chairman Dyer

Elaine McFerrin

From: Scott Campbell <scott.centgrn@gmail.com>
Sent: Thursday, July 05, 2012 4:49 PM
To: Elaine McFerrin
Subject: Zoning change #12 00272

Dear Commission,

I am the owner of Centennial Grain LLC in Rexburg. My property is located west of the railroad tracks, south of 1st north, and east of the property in question. Zoning regulations are in place for a reason. Residential and industrial zones should not be adjacent to each other. I would submit that any property adjacent to the railroad tracks is not appropriate for residential housing. Please consider some of the concerns I have which include: traffic, vandalism, theft, and that the industry is noisy and dusty.

Thank you for your consideration in this matter.

--

Scott Campbell
General Manager
Centennial Grain LLC
o.208-356-5531
c.208-589-4950

Rebuttal:

Cory Sorensen thanked those in the neighborhood for taking the time to come tonight. He wanted to clarify that the pictures he took focused only on the subject properties. They did not take any pictures of the homes because they are not buying them. They offered the property owners on the north to join in on this request. The decision was left up to them. He did not ask them to come to the meeting and be in support of this. They just offered this as an option. Richie Webb asked if they were looking at a broader size. They did; they approached every property owner on the north. He wanted to make a clarification - never was he planning to win a vote. The community is beautiful. They are trying to do a project that will benefit the investors and the community. They have tried to do all in their power to meet the needs of the community and to mitigate the effect of this development on existing homes and neighbors.

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

Val Christensen said the existing use allows the same type of density. This Comprehensive Plan map change request would clean things up in this location, if some of the more dilapidated Light Industrial property were cleaned up. Regarding compatibility, the requested land use designation is already on the south, with a similar use on the west.

Chairman Dyer said a statement in the Community Development staff report says staff finds that Neighborhood Commercial/Mix Use is the best land use designation for the subject area based on current use. He asked Mr. Christensen to explain why Neighborhood Commercial/Mixed Use rather than Moderate-High Density Residential?

Val Christensen said the property originally looked at was the Wolfe Lighting property. A Moderate-High Density Residential land use designation would have taken Wolfe Lighting out of compliance.

Dan Hanna asked that the issue of traffic be addressed.

The City Engineer has indicated that a traffic study would be required.

The **Chair** asked if a traffic study would be required with what the designation is right now and also with mixed use.

Val Christensen said it would be required one way or the other. The Comprehensive Plan is a planning tool. When it comes to apartments, Moderate-High Density Residential and Neighborhood Commercial/ Mixed Use are basically the same. He will address the issue more specifically during the zoning request.

Chairman Dyer clarified that the allowable density is already there in the Comprehensive Plan designation.

Val Christensen said Moderate- High land use designation allows a slightly higher density.

Scott Ferguson said if this issue is approached from an emotional point of view, we will be here for the next six years. He proposes this not be looked at emotionally. Something is going to happen here. The proposal tonight is to make it happen better. There are some challenges with this property. The block is half residential, half not residential. There is a blighted 4 acres in this block. He sees this request as a wonderful transition. This makes it better. There would be a park. There is wonderful residential, and railroad, and this property in between.

It does not do a lot of good to use terms that label or pit groups against each other. 'Manipulate' is too strong a word- pictures were taken to give a feel of the area.

Two years ago the City faced a similar issue where an apartment complex wanted to expand on 2nd East at the former Porter home property. Many residents were against it, but now almost every

resident in the area is saying the change is much better. What looks catastrophic at this point may be a big improvement.

Mary Ann Mounts does not think anyone would argue that the corner property on 2nd East is not an improvement. It is a big improvement. In addition, Mr. Sorensen is responsible for another improvement by the canal where he built a duplex, to the south of tonight's subject property. These decisions are difficult. Regarding this Comprehensive Plan Map change request, what can be built there now is equal or bigger than the requested designation change. When they get to the zoning request, that is when there are other concerns that should be addressed. The requested Neighborhood Commercial/ Mixed Use land use designation is a better buffer between industrial and single family homes.

Richie Webb said they are looking at adding 3 small pieces of land on the north to join the earlier land use designation change to Neighborhood Commercial/Mixed Use that the southern part of this project already has. It is more cohesive and gets the developer into a position for a better development.

Dan Hanna motioned to recommend to City Council approval of a Comprehensive Plan Map Amendment for the properties at approximately 245 West 1st North, to change from Moderate-High Density Residential and Light Industrial to Neighborhood Commercial/Mixed Use. **Mary Ann Mounts** seconded the motion.

None opposed. **Motion carried.**

3. 7:40 pm – Rezone - Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2 – Approximately 245 West 1st North

Cory Sorensen said this body has just recommended approval to change the Comprehensive Plan land use designation to Neighborhood Commercial/ Mixed Use for the subject property. Under that land use designation the zones of Neighborhood Business District (NBD), Professional Office (PO), Mixed Use 1(MU1) and Mixed Use 2 (MU2) are possible. MU1 requires more commercial. MU2 is 30 units per acre.

The request is to rezone to MU2 from Low Density Residential 2, Light Industrial and Community Business Center. Sometimes this body gives the option of going to a lower zoning, but they feel MU2 is best. Lower zoning is worse than MU2 because it has a higher commercial component. Another strip mall could be put in, but is that what the neighborhood wants?

The project would be limited by parking. They plan to have 65 to 70 units, which is not the allowed maximum. There already is the commercial component -Wolfe Lighting. The ordinance says there can be as many units as there is parking for. It is a great opportunity to clean up this area.

MDR1 could allow 90 units. Their plan is for less than that number.

Some properties just to the east of Wolfe Lighting are zoned Medium Density Residential with a Professional Overlay, which would allow someone to buy one of the homes and make it into some kind of an office. He sees this as a mixed use.

MU2 is the perfect buffering for the residential community from the industrial uses that are here.

The **Chairman** clarified that this hearing is for a proposed zone change that is for the entire 5-acre subject property.

Mary Ann Mounts said what makes these projects work or not work is how the project looks, such as the project Mr. Ferguson mentioned that is on South 2nd East. It is all about the buffering and the building. From her experience in serving on this board for many years, it is all about the aesthetics when the project is done, and if the neighborhood is happy with it. People come in and promise to improve the neighborhood, but in the end they don't. Her concern with this project and all others like it is this issue. Yes, you have great plans to improve it, but when you drive away, is the buffering there and is the building compatible with the neighborhood, etc ? When they are, the neighborhood is happy, even though they might think they will not be.

Mary Ann Mounts was excused from the meeting.

Cory Sorensen said the project would have two or three times the buffering required in the ordinance. The buildings will be beautiful.

Chairman Dyer asked Val Christensen to clarify for the audience what MU2 zoning would allow in terms of building heights and setbacks.

Val Christensen stated that MU2 allows a 55-foot height for buildings, zero setback of rear and sides similar to commercial, and it also allows zero setback to the street. Compared to the current 2 zones, MU2 does not have as many uses. The current highest density is the MDR1 zoning just to the west of the subject property, with 16 units per acre. MU2 allows 30 units per acre. This zoning also has a Professional Office Overlay which would allow offices. The real differences are the setbacks, the density, and the heights.

Marilyn Rasmussen asked the reason for zero setbacks here.

Val Christensen said zero setbacks are allowed in all of the City's commercial zones. The zero setbacks are not applicable where a commercial zone or mixed use zone is up against a residential zone. In that case, the setbacks would have to match the adjacent residential zone.

Chairman Dyer asked if the audience had any questions to clarify this rezone request for Mixed Use 2 zoning.

Is there anything to guarantee the neighbors that the developer will follow through with the presented plans?

Cory Sorensen said he is willing to condition the park and providing it.

Who would maintain the park?

Cory Sorensen said a property management company could be contracted to maintain it. There would also be an onsite manager at the planned complex.

The City does not maintain small parks.

Will the park area be fenced for the safety of the children? Could it be a fence with gates?

The **Chair** said there are regulations regarding fence height that would need to be adhered to.

Cory Sorensen felt fencing is a great idea. They are willing to condition the park as part of the zoning.

The **Chair** said the designated park area might not be conditioned as a specific use but as a setback or a buffer.

Would this condition carry over if the property were sold?
Yes, the condition would go with the property.

If the zoning is changed, how will that affect property values around it.
Several realtors who were present for hearings at a past P&Z meeting felt that property values would go up.

Marilyn Rasmussen said property values probably will change, but citizens have a right to work with the County Assessor on this issue. The values should not change a great deal as long as you are the main resident of the property.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed:

Rebekka Hanson, 52 North 3rd West. In March and April, 2012, Mr. Sorensen was asking for the exact same zone change to MU2, and the proposal was soundly defeated. Why is it coming up again just three months later? If it was not a good idea in April, it is not a good idea in July. The neighborhood concerns are the same. The impact to the neighborhood is the same if not greater now that there is additional land and additional property near the granaries. If anything, the neighbors are more opposed to this than before. Before there were two planned buildings; now there are three.

With all due respect to Mr. Ferguson, she is emotional about this issue. She personally feels that they are a neighborhood under siege. Mr. Sorensen has commented that this is not personal toward the residents, but this change would severely impact her personal quality of life forever. It is an extremely personal situation.

There are also practical concerns. The proposed development has the potential to increase traffic by 150 cars or more. This will seriously affect the quality of life on North 3rd West and on 1st North. It will substantially increase traffic heading to the south and downtown areas of the City. There are already serious congestion problems in the downtown area that need to be considered.

The intersection of 1st North and 2nd West over the railroad tracks, and intersection of 3rd West and Main Street are already extremely difficult to manage. Turning left out of the Wolfe Lighting parking lot will be virtually impossible. All the traffic will go out on 1st North over the railroad tracks.

Because of the problem crossing Main Street, everyone coming into the area from the west will go down 3rd West to get to the 1st North entrance. The addition of so many extra cars will create a nightmare of congestion. Residents back out of their driveways on 3rd West and on 1st North, and this is a serious safety concern.

The safety issues of walking and that there are no sidewalks have already been mentioned.

Children in the neighborhood use the sidewalks on both sides of North 3rd West and on 1st North. There are children playing and riding bikes. It is a serious safety issue. Do the children have to cease their outdoor activities to satisfy desires of the developers? A school bus picks up several children on this block. An increase in traffic increases the possibility of harm to the children.

There are a number of handicapped, blind, and elderly residents. For them to visit someone in the neighborhood is a safety challenge. Increased traffic would increase the risk of harm to these residents.

There are safety concerns for the residents of this proposed development. Putting units right next to the railroad and right next to the granary is a serious problem. There are chemicals in the air from treating grain with insecticide. There are also wildlife, ducks in particular, who eat the treated grain, and die in the road, and the City has to come and pick up the carcasses. There are a large number of heavy-duty trucks that move the grain. How will the City protect the children?

The railroad also is a significant safety issue. A 4-story building would be right up against the tracks. The railroad is not going anywhere.

There are concerns about crime, with such a concentrated development project, which will bring many more visitors in the area. There been shootings in apartments not too far from this area.

Graffiti, theft, and destruction of property are concerns.

There are serious doubts about the capability of the drainage system in the neighborhood. The storm drains are not adequate.

Property values will go down. There is hardly a neighborhood in this town that does not have an apartment in the middle of it, particularly in the older neighborhoods. Residential areas are supposed to work in gradations of density. Putting a high-rise development in the middle of a residential area destroys the quality of the neighborhood and drives out the long-term residents, which is what is happening in Rexburg. Rexburg prides itself on being America's hometown Family Community, but you cannot have a Family Community if all the long-term families are driven out. They leave not by choice but because of the destruction of the quality of life, the destruction of their property, and the safety issues for their children. If the long-term residents are continually driven to outlying areas, there will be a time when Rexburg will not be able to sustain the growth of the University. The long-term residents are needed to provide the infrastructure that the short term transient community cannot.

Please think of how this level of development is affecting the local residents. With so much land that is available in the area for development, why are they continuing to destroy our historic downtown areas?

They realize that change is going to happen, but who is this economic development for? Is it only to benefit the developers and the short-term student residents? Housing and decent, peaceful neighborhoods are needed for everyone in the community, including single family homes and homes for the elderly.

We are the Citizens of Rexburg. We are here seven days a week, twelve months a year. We work, we pay taxes, we vote, we volunteer, and we do everything we can to contribute to the quality of life of the City that we are deeply committed to.

Ms. Hanson quoted from the City Zoning ordinance, "... New construction should be designed and constructed in a manner to be harmonious with the existing character of neighborhood..., should not create a nuisance or safety hazard for the neighboring properties in terms of excessive noise, vibration, traffic, and interference with pedestrian traffic... It should not result in destruction, loss, or damage of an historic feature of significance to the community of Rexburg, and should not generate traffic in excess of the capacity of public streets or access points ...".

The definition of 'nuisance' under the State of Idaho statutes includes: "...A nuisance is something that interferes with the comfortable enjoyment of life or property...".

Ms. Hanson quoted from the Comprehensive 2020 Plan 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 is to ensure that these qualities are maintained, preserved, and enhanced....”

We are already failing on the promise of this statement.

There is an Old-Town Pocatello, an Old-Town Blackfoot, and an Old-Town Idaho Falls, all of which generate significant revenue and tourist dollars for those communities. We will never have an Old-Town Rexburg because much is gone or has apartment buildings in the middle of it.

What the flood did not take the developers now are. However, we are still here. Do you realize that these two streets are part of the original plat of Rexburg? We are over 130 years old. Seventy-five percent of our homes survived the flood. Four or five houses date from the 1920s. As owners, we are here because we have chosen to be here. We like our neighborhood as it stands now.

The P&Z Commission voted 5 to 2 against this proposed plan on April 5th, with Commission members expressing concern that this project was too big for this neighborhood and would have a large negative impact on the quality of life. Chairman Dyer at that time said if the project is passed, where will the zoning changes end? This would open the door to multi-family projects going further than Main Street. This body also discussed the MU1 zone but eventually decided it was also inappropriate because of the greater commercial impact.

The City Council also debated these issues and denied the zone change. They were concerned with the sheer magnitude of the proposal and felt it was inappropriate for the area.

We are not against development. We do not enjoy the weed patch any more than anyone else in the City. Give us some single family homes, a duplex or two, or even townhouses or a retirement community, something that is in keeping with the current nature and character of the neighborhood. Please preserve the dignity of our community, the sanctity of our homes, and our peaceful streets, and let us maintain our community feel. Please do not destroy the quality of our lives by allowing this zone change to happen.

Beverly Whiting, 624 Taurus. She agrees with Miss Hanson. Mr. Sorensen mentioned cost and investing not being realistic. The seller and buyer are negotiating prices based on what they hope they will get. Why not set the zoning in neighborhoods to best serve Rexburg?

Martha Scott, 37 North 3rd West. She agrees with those who spoke before her. They have had several neighborhood meetings and discussions. These are not only Rebekka Hanson’s concerns – she spoke for the neighborhood. They feel it is an overwhelming development for the neighborhood.

Frank Hadry, 23 North 3rd West. He was not trying to disparage Mr. Sorensen when he commented on the photos. Mr. Sorensen is a good man, and he did not mean to offend him. Pictures of the entire neighborhood would have let the Commission see more clearly. He agrees that Ms. Hanson spoke on behalf of the entire neighborhood. Traffic is a major issue.

Gary Taylor, 63 North 3rd West. He agrees with his neighbors. The project is too big.

Written Input:

Letter from Scott Campbell, opposed to the proposal – read by Chairman Dyer (also read during the Tru North Development Comprehensive Plan Amendment hearing).

Rebuttal:

Cory Sorensen said the quality of life was mentioned. They have not torn down any home. The home that they could have bought and torn down, they decided not to buy but to negotiate the purchase of just the back half of the parcel, to help maintain the quality of the neighborhood. They are trying to buffer and have the park. Secondly, it was brought up that there is so much land on the outskirts. Part of the quality of life enjoyed in Rexburg is low costs. Traffic from the outskirts come through the neighborhoods to get to campus or downtown.

They have tried to maintain a community within the planned complex in their design. They do not envision many cars coming out on Main. The placement of the structures would be the best possible. There are intersection concerns. It is on the City's to-do list. This development would help to kick the City into action.

Infill keeps the students closer to the amenities that they use. It is less taxes to maintain roads instead of building out roads that would be added costs. We love our high school, but there are costs associated with sprawling out on the outskirts – new roads, sewer lines, etc.

We need to grow our communities with wisdom. The smart thing to do is infill rather than sprawl.

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

Val Christensen reiterated that this request is to rezone from Community Business Center, Low Density Residential 2, and Light Industrial to Mixed Use 2. The request conforms with the earlier Comprehensive Plan Map Amendment recommended change to Neighborhood Commercial/Mixed Use. The City Engineer has asked that a traffic study be done for this area prior to site plan approval. There will be costs associated with utilities for which the developer will be responsible. Regarding current storm drainage problems on the streets, this project will not be allowed to put any additional storm drainage into the street; it will be kept on site, through infiltrators or drainage basins. That is part of the City's regulations regarding any new development in this area.

Staff does not feel there are any health nuisances. The Medicine Shop across the street is the closest new development. In the meeting several months ago regarding this land, City staff did give the direction that if the developer were to come back to revisit this request, there should be no access on to 3rd West, as per the request of the owners of the homes here. They were also told that if a significant exit were put on the north, staff would be more comfortable with the project.

If the Commission can determine that this rezone request does not have negative impact on the community or the neighborhood, staff asks that the zone change be recommended for approval.

Chairman Dyer said the traffic study, the utility costs, and the drainage considerations were mentioned. For clarification, does staff see these as part of a zoning decision or later as part of a development proposal?

Val Christensen said he sees them as part of a development proposal.

Richie Webb said that Rebekka Hanson in her testimony mentioned that the air from the granary and treated grain were affecting wildlife. Does this need to be looked at more closely?

Val Christensen said he relies on the City Engineer and staff. If there are any health issues, it would have to be mitigated. The City nuisance ordinance would not allow it.

Richie Webb asked if the City was looking at solutions to improve the pedestrian nature of the area if there was development here.

There are no sidewalks on 1st North and 2nd West.

Val Christensen said the developers would need to do their own sidewalks.

An LID would need to be done.

It was clarified that the City Council vote in April 2012 when the earlier rezone request was denied was 5 to 1.

The **Chairman** said the citizens here tonight want to know why this request is here again. What is different and what has changed. Please reiterate.

Val Christensen said any citizen has the right to come forward with another proposal, especially when they have made changes, and go through the hearing process again. Staff felt the developers made significant changes. A main concern of citizens in the earlier meetings was traffic and the access to 3rd West. When that was mitigated, it was big change in the view of City staff. There is vacant ground and different zones. The City has not seen any interest in building single family homes here. The main reason is that people are not going to build single family homes next to a Light Industrial zone and next to a railroad. Now, this applicant would buffer the homes there with this ground.

Marilyn Rasmussen said one of her major concerns several months ago when the request was before them was the access and exit to the property. Her other major concern was the buffer on 3rd West. Both have been corrected. The property needs to be upgraded somehow. Most of the concerns tonight are in the design standards of the development. It appears the developer is willing to address those.

Thaine Robinson said this is a land use issue tonight more than a building issue. This would change LDR2, CBC, and Light Industrial to MU2. Light Industrial is a dramatic change. One of his concerns at the earlier meeting was losing Light Industrial. He does not see Light Industrial expanding here. There would need to be an excellent buffer between the buildings and the Light Industrial (railroad, granary) if there is a development here.

The applicant mentioned cost. Mr. Robinson wanted to assure the public that the Commission never makes a decision based on the developer's wallet. The Commission is trying to do what is best for the City. He is encouraged by the design shown here tonight, but there is no guarantee that it will happen.

Long-term residents and the college residents were mentioned. The college is fifty percent of the City's population. They need to find a place for some of the college people to live. He does not like to see "them" and "us" – they are who we are.

Scott Ferguson does not want Ms. Hanson to think he was attacking her; he is not.

She had said that this would be sticking a high rise structure in the middle of a neighborhood. He does not agree. It is a block that is half residential, vacant land, and commercial. The design has not been determined. Logically and clearly, what is the best thing to do? It does not do any good to get worked up.

One thousand students are coming every year. It should be looked at as a blessing. About 250 of the one thousand are married students. They are not an intrusion. They are part of Rexburg.

The proposed zone change is a good change. A saloon used to be there.

The decision tonight is whatever is best for this community. It is worth looking at unemotionally.

Chairman Dyer took executive privilege and clarified for Ms. Hanson that Mr. Ferguson is speaking situationally and not personally.

The **Chair** felt her presentation was brilliantly articulate. It was well thought out and thought provoking. It is the very thing the Commission needs and wants.

Richie Webb agreed with the Chair on the comments that were made. He has been on the Commission about five years and has not heard better oration.

Once a zone change occurs, the developer has the right to be able to build to the maximum density.

Looking from a perspective of a zone change, a Mixed Use transition is the best tool the City has for this piece of ground. It is the best zone in this situation for the neighborhood on both sides.

Dan Hanna would have liked to see the whole block rezoned.

Possible conditions on the rezone were discussed.

Val Christensen suggested that a condition could address having only surface parking and no parking structure.

Dan Hanna motioned to recommend to City Council approval of a rezone for the property at approximately 245 West 1st North, from Low Density Residential 2, Light Industrial, and Community Business Center to Mixed Use 2, to include three conditions:

1) There shall be surface parking only - no parking structure; **2)** No access onto 3rd West; and **3)** There shall be a landscaped area along the frontage of the subject property on 3rd West with a depth of not less than fifty (50) feet. **Marilyn Rasmussen** seconded the motion.

Dan Hanna amended the motion and **Marilyn Rasmussen** seconded the amended motion to include a fourth condition:

4) Thirty-six month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time.

None opposed. **Motion carried.**

Break was called.

4. 8:00 pm – Rezone – Light Industrial and Medium Density Residential 2 to High Density Residential 1 – Approximately 424 West 2nd South

Cory Sorensen recused himself due to direct conflict of interest. He will be presenting the proposal. **Cory Sorensen**, 154 South 3rd West, representing Tru North Development and Teton River Ranch, LLC. A rezone was before the Commission in March 2012 for the east half of the property, which was rezoned from Light Industrial to Medium Density Residential 2.

The rezone proposal tonight is requesting High Density Residential 1 is for the whole block, approximately 10 acres.

They are trying to maintain green space. As part of this project they would be required to extend 1st South half –way through the block and would put in a bridge across the 4th West canal. City staff does not want the road extended all the way through at this time because of the elementary school on 5th West.

A plan was shown with 260 units which is the maximum allowed on 10 acres with a Planned Unit Development (PUD) in the MDR2 zone. The applicants felt if they could go to 4-story buildings rather than the 3-story buildings of the earlier rezone, there would be more green space, and it would open and clean the area up and be more visually attractive.

There would be no access onto 5th West – the 5th West access from the earlier proposal has been eliminated. It is a serious safety issue.

Their plan has a north access and a south access to the proposed development.

A buffering strip with a dirt mound (berm) and trees is the plan for the 5th West side of the property; there would be a park-like feeling as one goes down 5th West. The trees would block the higher buildings behind them. There would be pedestrian access so that children who live in the apartments can walk to the school.

The City will maintain the City green space on the northwest.

Currently there are large industrial vehicles that come to the area. From a community standpoint, cars are far safer.

Why the High Density? It opens the area up. There would be an increase to about 280 units possible instead of 260 in MDR2. It provides a good buffer for the neighborhood. It is more appealing and safer.

Cory Sorensen said they are lacking an Affidavit of Legal Interest from Mike Ferguson, who owns the property on the southwest corner of the subject block. Currently the property is used as an auto repair shop. Mr. Sorensen has an offer in to Mr. Ferguson, who is out of town but has said he is willing to talk with them.

Density and heights were reviewed by **Val Christensen**.

MDR2 - 20 units per acre; building height 30 feet; 20 foot setback

HDR1 - 30 units per acre; building height 55 feet; 10 foot setback

Setbacks are the same except for parking.

Currently part of the property is zoned Light Industrial.

A Planned Unit Development (PUD) could be considered through another public hearing to ask for clustering and density bonuses. Density bonuses would allow an increase in density if the developer meets certain requirements, such as energy, solar, landscaping, water savings, etc.

Chairman Dyer asked Mr. Sorensen if they plan to doing a PUD.

Cory Sorensen said HDR1 gives extra building height and 4-story buildings. Under HDR1 he does not think a PUD would be needed.

Chairman Dyer asked **Mr. Sorensen** if the MDR2 zone is something the applicant would consider.

Cory Sorensen said yes.

The Chair opened the floor to clarification questions from the public.

The two buildings shown on the proposed plan on 2nd South face this resident's home. What are they?

The developer said the buildings will be 3-story apartments. There will not be any retail shops. The developer said they had thought of doing retail with residences above it but that could not be done in the requested HDR1 zone.

A resident has traffic and parking and access concerns. The access to the property on West 2nd South would be right across from his home. 2nd South is a racing strip. There are parking problems here.

The City Engineer's review of this proposal indicates a traffic study would be required before a final site plan is approved, and access to and from the site would need to be looked at closely due to the property location and the volume of traffic.

The canal is very dangerous. What safety measures will be taken?
The canal would be well-buffered and fenced on the project's side of the canal.

There is nothing close to the requested HDR1 zone in the area. Why would they jump to this zone?
The property on the east side of the subject block was recently approved for MDR2 zoning. The applicant sees Light Industrial as more negative than residential. They do not view the request as a jump. This is a 10 acre site within 3 blocks of the University. It is a great infill area to densify to use for residential.

Will the sidewalks on 2nd South be maintained?
The developer will work with the City on completing the sidewalks all around the project.

How many parking spaces would be provided?
About 525 parking spaces are required for 280 units.

Cory Sorensen is a P&Z Commissioner. How can he represent this developer?
Cory Sorensen is a citizen who was appointed to the Commission. He has the right to recuse himself from the Commission if there is a conflict of interest on an issue. He has done that.
Val Christensen said the City wants to have some people on the Commission who are familiar with the issues.
Mr. Christensen clarified that he is City staff.

Will the area to the north that is a park area remain there?
The area is a City right-of-way. It will remain and be maintained by the City. The road would be completed half-way by the developer. The City does not want the road going to 5th West because of the school. It would be green space (grassy area), not a park.

How will the complex affect the schools?
Almost 60 percent of the apartments would be one-bedroom units. There would be about 15 percent three-bedroom units.

Will there be a public hearing at development phase?
There would likely not be a hearing with formal input. A development of this size could come to the Commission.

Regarding schools, if there are 3-bedroom complexes with children going to Rexburg schools, how would that affect tax support for the schools?
The owner of the property would pay the appropriate taxes. The developer would also pay impact fees that are paid to the City to help pay for water, sewer, police, etc.

Could HDR1 zoning have 5 stories?
It could.

If the HDR1 zoning is approved, is it more likely that other properties for sale in the area could request this level of zoning?
It is more likely.

There are twin homes and town homes near Pioneer Road. Why not here?
The Chairman said it is a business decision.

It has been said there would be a buffer with a hill. Why? It is a pile of dirt.
This would be to buffer with the impact of the parking lot and larger buildings to help maintain the residential look and feel of the neighborhood.

What is the maximum number of apartments that could go here under MDR2.
200 apartments - MDR2; 300 apartments - HDR1; MDR2 with a PUD – 260 apartments.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Jerry Merrill, 571 Taurus Drive. He is testifying as a citizen of the neighborhood rather than as a City Councilman. His business is across the street from the subject property. He wanted to point out some positives, and he does have some concerns. He was under the impression that the project would be 4-stories toward the back, with less stories in the front. However, he can see the point of the bigger buildings. A berm of grass with trees is a positive. He shares concern about traffic, but he has driven passed married student housing complexes early in the morning and is amazed that there is hardly any traffic.

Infill is a good idea. Safety wise, the complexes would mostly be occupied by BYU-I married students – they are usually responsible, good neighbors. The only negative is the shock of 4-story buildings in the area. 3- stories versus 4- stories is not a lot of difference if it is done right. Please pay attention to the concerns of the neighborhood because they are real concerns.

Larry Snow, 433 West 2nd South. He is in favor of this request. If the college was not here, there would not be professors or teachers or jobs here. This college is a plus for this community. It is why the community is growing. It is not going to stop growing. If students were not here there would not be some jobs. He has a job because of growth and has raised his family here. He is a mechanic for Walters Ready Mix; the trucks are what pour concrete here. A concern is that 2nd South has very fast traffic. He has pulled cars out of his front yard and lost a picket fence and mailbox. He hopes this development will slow traffic down. 5th West is well-maintained as far as speed. He would like to see a minimum speed on 2nd South. He hopes the development would be attractive and appealing.

Pat Scheese, 381 West 1st South. Her only concern is that there is lots of traffic in the area. There are lots of children playing, riding bikes, and mothers with strollers walking in the area. It needs to be safe. She feels the zone change is a good idea.

Neutral: None

Opposed:

Beverly Whiting, 624 Taurus

She gave the Chairman a Neighborhood Petition from the Starlight and Henderson neighborhoods (total of 95 signatures), which was against the HDR1 requested zone change. They desire that the zoning remain the same or be changed to MDR1. The Chair asked that the petition be added to the official record of this Public Hearing.

This zone request would put LDR zoning next to HDR. There would not be the MDR as a buffer. She would prefer LDR or MDR here. It is understood there is a need for growth. There is a major recession. Builders will be desperate to find a place to build. We as a City can dictate how and where they build, because of the growth that is projected. It is not a matter of not loving the students. A 4-

story building here does not fit. She requests the zoning remain the same or be changed to MDR1. It would be more consistent with the area.

Charlie Jones, 553 Park Street. Going to HDR1 from MDR2, the buffer is not there for the homes. He feels that MDR2 zoning with a 30 foot building height limit would be better.

Carrie Shiley, 511 Park Street. She has lived here 17 years. She has seen the change in traffic patterns when Park Street became a thru street. Semis are not the problem. It is the cars. Going to HDR1, there is not a guarantee that they would put in student housing. Traffic flow is a concern. The safety of children is a concern. They rely on the flashing traffic light to be their protection. Many drivers do not understand the concept of the flashing light. Children will also walk in the street in winter because of frozen sidewalks. 4- Story buildings are too tall. If it graduated from 2 to 3 story buildings, that would be better. The City should be in control and not let the builders be in control of what is done.

Tom Rane, 281 Mark. It was stated that 4-story buildings would enable the project to have more green space. Less units could also have more space because of the existing zoning established in the area.

Tyler Watson, 354 Oak Trail Dr. - Mr. Sorensen has said he is willing to stipulate a number of conditions on the HDR1 zoning. It seems obvious that is why there are zoning differentials and gradations. To make an adjustment somewhere in the middle of those seems contrary to the purpose of zoning, which is to plan out and structure a community. While he agrees that the property is a perfect place for college students to be, and he does not like the industrial there, to make an exception or contingencies on High Residential to mitigate concerns seems contrary to the zoning practice.

Jennifer Sitton, 626 Cook. Her concerns are homeowner concerns. Her husband is retired from the Air Force. Parents do not want their daughter renting an apartment that looks down into a backyard. They looked at a lot of homes. People do not want to buy a home and be looking at a 4-story apartment building. People do not want to put life savings into a home near apartments. The PUD concept seems shady. She is also concerned about the canal. She has seen 4 accidents on 4th West because of the low visibility.

Dallin Hansen, 285 Seagull Drive. Changing the zoning from Light Industrial would be positive for the neighborhood. It really is about population density. Zoning will limit that population density and determine the height of the building and will directly impact safety of the street and traffic. He likes the idea of not having access on 5th West. Other streets are also a concern. He is against changing to HDR1.

Traci Rane, 281 Mark. Mr. Ferguson is not on board yet with this proposal. His business tenant did not know this was happening. It is a land use issue tonight, so there is no guarantee that this development would happen. There is no guarantee that there will not be an access on 5th West or that it will not have an impact on the schools. The parking issue is a big concern. She observed that there were not even 200 cars in the Broulim's and it was totally full. This development could have 2 ½ times as many parking spaces. Traffic is a concern. Not everyone is on board. She agrees a change from LI is not a bad idea. Going to High Density is way too big. There is no graduation of zones.

Dacia Alba, 272 Pollard. She opposes the HDR1, not the students or apartments. She agrees with everyone that a Low Density should not have a High Density right next to it. She is concerned about added cars. 5th West to the South is to have a new development which will add 100 cars. Whatever is approved, there should be a condition that no access is onto 5th West. It is a safety concern, with many children who walk to school.

Written Input:

Letter from Becky Godfrey, opposed to the proposal – read by Chairman Dyer

Letter from Kelly McCandless, opposed to the proposal – read by Chairman Dyer

Elaine McFerrin

Subject: Brickyard Rezone - clarification

From: Becky G [mailto:cystamper@hotmail.com]

Sent: Tuesday, July 03, 2012 9:27 PM

To: Elaine McFerrin; Blair Kay

Subject: RE: Brickyard Rezone - clarification

Dear Zoning Commission,

This email is in regards to the request for a change in zoning for lot 1,2,3, and 4 in Block 44 of Rexburg, or what is referred to as "the brickyard rezone."

We face difficult challenges as Rexburg continues to grow. It will take careful, thoughtful, and painstaking planning to allow both students and residents to live in affordable housing and to commute to their schools and to work on safe streets. I respect the time and money that has gone into the planning of the proposed development, but I believe that placing a major development in "the brickyard", which exists amidst numerous single family neighborhoods, Kennedy Elementary School, and Porter Park, all off which are brimming with young children, is not a good idea. I am concerned that rezoning it to HDR1 to accommodate the proposed development of 280 units and 525 parking spaces would be creating a hazardous driving, walking, and biking situation, not just for those going to Kennedy Elementary School, but for those going to BYU-I.

Please consider the safety of the families and students that live by the brickyard and do not approve the zoning change to HDR1. Please consider changing the zoning to MD1 to curtail numerous other proposals along the same street.

Thank you for your time and consideration in this matter.

Sincerely,

Becky Godfrey
296 Mark Drive

Elaine McFerrin

From: Kelly McCandless <krmccandless@gmail.com>
Sent: Thursday, July 05, 2012 4:51 PM
To: Elaine McFerrin
Subject: RE: Approx 425 W 2nd South Rezone

Planning and Zoning Board

I live at 223 Jill Drive Rexburg, ID and I would like to express my opposition to the re-zoning proposed at the Squires Brick Property.

I've been on the record before with similar sentiments regarding the lack of any need for drastic re-zoning efforts in the city. I'm not opposed to the idea that with growth comes change, but I feel strongly that we've not experienced enough growth to warrant such a drastic change in localized zoning, especially for greater densities required by apartment complexes.

Concisely - this property isn't located in a place commensurate to and favorably for such a project given the neighborhood and surroundings.

I believe there was wisdom and foresight in the comprehensive plan and current zoning maps we all are required to develop within and under currently. We spent a considerable amount of money and community volunteers, like yourselves, spent considerable time in the development of such visionary constraints that would prevent this project from being located on this property. The plan/s in place show where sustained and progressed growth should occur and quite honestly where it makes the most sense.

I can feel for the developers, as having experience there myself, in finding such a large undeveloped tract and realizing that with a re-zone a great project could be hatched. I recognize to replicate this parcel where zoning would currently allow might take a great deal of work and resources. Nonetheless, it's in those currently zoned locales within the city that such growth should currently and for the foreseeable future occur.

Thank you for your service.

Respectfully,

Kelly McCandless
223 Jill Drive
Rexburg, ID 83440

Rebuttal:

Cory Sorensen expressed his gratitude to the Commission and the neighbors. Regarding the comment on Mike Ferguson's tenant not knowing about this possible change – the owner may not want to mention anything to his tenant until it is a sure thing. Secondly, this Commission approved the Jared Sommer project located south of this rezone request on South 5th West. It is a similar project. There is residential and industrial there. Mr. Sommer had wanted HDR2 on the project. It was approved for MDR2. Mr. Sorensen would ask that if HDR1 is not going to be approved, please give them the same consideration.

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

Val Christensen went over his analysis. The City Engineer would require traffic study.

Staff would ask that if the rezone is conditioned, there should not be a 5th West exit.

There are not a lot of vacant lots in Rexburg that are undeveloped or underutilized as much as this block. From a planning standpoint, this is underutilized property. There is not a lot of land like this with its proximity to the University.

This is a whole City block. The concerned neighborhood is a street away. It is not their backyards or side yards. There would be about a 116-foot buffer from the street. A four story building that is over one hundred feet from the right-of-way will look shorter than a three-story building. A berm with trees would be a good buffer. Staff would like to see the Commission do what it takes to get as much usable space as possible and as much density as possible while doing so, if there is proper mitigation. When looking at the infrastructure and tax base, the more there is sprawl, the more taxes there are.

Staff recommends if the Commission can mitigate and determine that all criteria are met, it is requested that the zoning change be move forward.

The Chairman said the question before the Commission is should this rezone request to change from LI and MDR2 to HDR1 for the property located at approximately West 2nd South be approved, approved with conditions, denied, or modified to a zone of lesser impact?

Scott Ferguson said a piece of land is for sale. Half the block is already MDR2. It is in the neighborhood's best interest to consider HDR1 because it will be better and prettier. On this particular block, he does not see it as to the requested zone.

Chairman Dyer is torn because he hears both sides of the issue. He sees positive growth potential for the community but also struggles with putting high density next to low density.

Dan Hanna said he is excited about the approach the applicant is taking. This is a great block and a great development for where it is at and what it is.

Richie Webb said this parcel is the size of Porter Park. He does not like the idea of seeing 20 plus buildings because it would not present well if they do not go to higher zoning. Saying that, he realizes this is a land use decision. He feels undecided.

Thaine Robinson felt this change would be a tremendous boost to the City and the area. The risk is that this design will or will not happen.

Dan Hanna motioned to recommend to City Council approval of a rezone for the property located at approximately 424 West 2nd south to change from Light Industrial (LI) and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1), *to include five conditions:*

1. There shall be surface parking only - no parking structure; **2.** No access onto 5th West; **3.** Buildings will not exceed 40 feet in height; **4.** Maximize landscape around the perimeter of the property; and **5.** Thirty-six (36) month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that time period of time. **Scott Ferguson** seconded the motion.

Dan Hanna amended the motion to change the condition “buildings not to exceed 40 feet in height” to “**buildings not to exceed four stories**”. **Scott Ferguson** seconded the amended motion.

Those in Favor:

Scott Ferguson
Thaine Robinson
Winston Dyer
Richie Webb
Dan Hanna

Those Opposed:

Marilyn Rasmussen

Motion carried.

Unfinished/Old Business: None

New Business: None

Compliance: None

Non controversial Items Added to the Agenda:

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

August 2 – Rezone – 340 and 330 North 12th West - RR1 and TAG1 to MDR1

The Commission made the decision to cancel the July 19th P&Z meeting, as there are no agenda items.

The meeting was adjourned at 1:15 am.